Whistleblowing Policy

Last Update: October 2018 (version 3.0)

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Document Control

Changes History

Version	Date	Amended by	Recipients	Purpose
1.0	23.11.16	Human Resources	All Plymouth CAST staff	New Policy
2.0	20.04.17	Human Resources	All Plymouth CAST staff	Changes in Board
3.0	Sept2018	Raymond Friel, CEO	All Plymouth CAST staff	Changes to Scheme of Delegation

Approvals

This policy requires the following approvals:

Board	Chair	CEO	Date Approved	Version	Date for Review
*			Final Version 26 October 2018	3.0	September 2019

National/Local Policy

☐ This policy must be localised by Academies

☒ This policy must not be changed, it is a CAST/National Policy (only change logo, contact details and any yellow highlights)

Position with the Unions

Does the policy require consultation with the National Unions under our recognition agreement? ☒ Yes ☐ No If yes, the policy status is: ☐ Consulted and Approved ☐ Consulted and Not Approved ☒ Awaiting Consultation

Distribution

This draft document has been distributed to:

Position	**Date**	**Version**
Joint Unions	7 Sept 2018	3.0 (draft)
Board	14 Sept 2018	3.0 (draft)

1. Vision and Values

Plymouth CAST is a multi-academy trust of Catholic schools which is part of the mission of the Catholic Church dedicated to human flourishing and the building of a kingdom of peace, truth and justice. The Trust is to be conducted in all aspects in accordance with canon law and the teachings of the Roman Catholic Church and at all times to serve as a witness to the Catholic faith in Our Lord Jesus Christ.

Our vision and values are derived from our identity as a Catholic Trust. Central to our vision is the dignity of the human person, especially the most vulnerable. Our academies are dedicated to providing an education and formation where all our pupils and young people flourish in a safe, nurturing, enriching environment. All governors in our academies are expected to be familiar with the vision, mission, values and principles of the Trust and not in any way to undermine them. They should support and promote the vision and conduct themselves at all times in school and on school business according to the vision and principles of the Trust

2. Introduction

2.1 Plymouth CAST expects all its employees to recognise their obligations to each school within the Multi-Academy Trust, the public, pupils and other employees and to provide consistently high standards of education and performance at all times and in accordance with Plymouth CAST's vision, mission and principles.

2.2 As an employee of Plymouth CAST, you may be the first to realise that there may be something seriously wrong within the organisation. However, you may not wish to express your concerns because you feel that speaking up would be disloyal to colleagues or the organisation. You may also fear harassment or victimisation, and think it may be easier to ignore the concern rather than report it.

2.3 Plymouth CAST is committed to the highest standards of openness, probity and accountability. In line with that commitment, we encourage employees, who have serious concerns about any aspect of the Multi-Academy Trust's work, to come forward and voice those concerns.

3. Purpose

3.1 The purpose of this policy is to provide a means of making serious allegations about standards, conduct, financial irregularity or possible unlawful action in a way that will ensure confidentiality and protect those making such allegations in the reasonable belief that it is in the public interest to do so from being victimised, discriminated against or disadvantaged.

3.2 The Public Interest Disclosure Act 1998 gives protection to individuals, casual workers, agency workers and contractors who make a qualifying disclosure when they reasonably believe it is in the public interest for them to do so. A qualifying disclosure is described in 4.1 below.

3.3 This whistleblowing policy sets out the means for employees and workers to raise legitimate concerns and the protections provided to them in doing so.

4. Scope

4.1 This policy applies to all school based employees and employees based in the central team directly employed by Plymouth CAST.

4.2 The policy also applies to governors, volunteers, contractors, consultants, temporary employees and agency workers. Where the wording in this policy refers to 'employee' this can be substituted to include the categories of person mentioned.

4.3 This policy covers the actions of third parties such as suppliers, service providers, and clients, as well as our staff. Should you have concerns about a third party, you are encouraged to raise them with us before approaching anyone else.

5. Types of Whistleblowing Concerns?

5.1 A qualifying disclosure, under the Public Interest Disclosure Act 1998, which gives protection to the person raising the concern against dismissal and detrimental treatment by their employer, include:

- any activity you suspect is criminal
- any activity you suspect puts health and safety at risk
- any activity you suspect may damage the environment
- any activity you suspect is a miscarriage of justice
- any activity you suspect is an act of bribery and corruption
- any failure to comply with legal, financial or regulatory obligations
- any failure to meet professional requirements e.g. Teachers and Headteachers Standards
- sexual, physical or verbal abuse, or bullying, intimidation
- abuse of authority
- any attempt to conceal one or more of these activities.

5.2 This policy does not cover anything to do with an employee personally. Other policies such as the Grievance Policy and Procedure or Bullying and Harassment Policy will normally cover most personal concerns.

5.3 Employees can speak to their line manager, Education and Standards Manager, HR or Trade Union Representative if they are not sure whether something they have become aware of is covered by this or another policy.

6. Equal Opportunities

6.1 The whistleblowing policy must always be applied fairly and in accordance with employment law and Plymouth CAST Equal Opportunities Policy.

7. Responsibilities

7.1 At individual Academy level, the day to day operation of each Plymouth CAST school is the responsibility of the Headteacher with support and challenge from the Local Governing Board and this is discharged through each school's Senior Management Team. It is important that pupils, staff, parents and local stakeholders recognise and support this. However, ultimate accountability for Plymouth CAST as a whole multi-Academy Trust rests with the Plymouth CAST Board. Therefore any decisions that have an impact on resources, such as staffing, structures, or compliance must be referred to the Plymouth CAST Board if they exceed delegated authority. This is essential to ensure that the legal obligations of Plymouth CAST are met and that the Trust maintains robust systems and processes that deliver effective governance.

7.2 It is the Education and Standards Manager's responsibility to work closely with the Headteacher, school management team and Local Governing Board to ensure everyone concerned has a full and accurate picture of each school's strengths and any areas for improvement. Education and Standards Managers will work with schools to identify strategies for improvement, with support, where appropriate, from within the Plymouth CAST network.

7.3 It is the role of Plymouth CAST HR to provide clear HR policies and procedures and where appropriate guidance, to support schools in the delivery of consistent and high standards of performance within a dignified working environment, in which all employees can take pride and enjoyment in their work.

7.4 Management and employee representatives who may be involved in whistleblowing matters should be trained and competent for the task. They should be familiar with the provisions of the Whistleblowing Policy, and know how to conduct or represent at investigations and hearings.

7.5 Advice must be sought by managers from Plymouth CAST HR regarding matters which are thought to invoke whistleblowing proceedings.

8. How to raise a whistleblowing concern (refer to section 4.3 if you are not sure if your concern is covered by this or another policy)

8.1 In most cases, an employee should start by raising their concerns with their line manager orally or in writing, who will make initial enquiries and refer to Plymouth CAST HR.

8.2 If you would prefer not to go to your manager, or you believe your manager is involved in the concern, or your manager fails to address all your concerns, you should write to:

- The Headteacher or Executive Headteacher (in a school setting); or
- The Chair of the Governing Board (in a school setting); or

- The CEO of Plymouth CAST
- Ultimately, very serious concerns of malpractice may be referred to the Vice-Chair of the Board of Directors
- All referrals made will be treated in the strictest of confidence and every effort taken to maintain the anonymity of the individual who has made the allegation of wrongdoing.

8.3 If an employee does not know who to approach, they should, in the first instance, talk to their trade union representative or Plymouth CAST HR for advice and guidance on how matters can be pursued.

8.4 Concerns are best raised in writing, stating that concerns are being raised under this policy with a full explanation of what those concerns are. Include all the key facts, dates, and the names of the people involved where possible. Although an employee is not expected to substantially prove an allegation, they will need to demonstrate that there are sufficient grounds of concern.

9. How concerns may be investigated

9.1 In order to protect individuals (and a specific school or the Multi-Academy Trust), initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations that fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.

9.2 <u>Safeguarding Concerns</u>

9.2.1 Where concerns raise issues of safeguarding, the matter will be referred to the Local Authority Designated Officer (LADO) who will advise what the best course of action will be.

9.3 In all cases, the best course of action could include:

- The case is best investigated internally
- The matter be referred to the Police
- The concern will form the subject of an independent inquiry
- The concern will be referred to an external auditor
- Or any combination of the above

9.4 Where concerns are referred, the employee will be advised of this. Plymouth CAST shall take no further action in respect of the complaint, until the investigation by the Police, or external organisation the complaint has been referred to, has been completed.

9.5 Some concerns may be resolved by an agreed action without the need for an investigation. This should be recorded.

10. Addressing your concerns

10.1 Any person who is informed by an individual of potential wrongdoing or serious concern will acknowledge receipt within one working day in term time and within five working days in term time will identify and communicate the best way to investigate the situation with an indicative timeline. In doing so, every possible step will be taken to maintain the anonymity of the individual who has made the allegation of wrongdoing.

10.2 You will be invited to a meeting to discuss your concerns, and you are entitled to be accompanied at this and any subsequent meetings by a colleague or trade union representative. If you bring a companion, you must both agree to keep your disclosures confidential before and after the meeting and during any investigation that may follow. You do not have to attend any meetings if you feel that your whistleblowing disclosure is sufficient to raise a matter of concern.

10.3 After the initial disclosure and possibly a meeting, we will investigate your concerns as deemed appropriate. We may ask you to attend further meetings. To investigate properly, we may involve specialists with particular knowledge or experience of the issues you have raised.

10.4 You will be kept informed about how our investigations are progressing and how long they are likely to take. Sometimes, however, we may be unable to give you details about the investigation (or any action it leads to) as we need to protect confidentiality. We understand this may be frustrating and give you concerns about whether we have actually done anything, and if this happens we will do our best to explain why we are acting in the way we are.

10.5 Employee concerns will be addressed fairly, but we cannot guarantee the outcome of our investigations will be the one you want. If you are not satisfied with how we have conducted the investigations, you can take the matter to another person of more senior authority for further consideration.

10.6 Most concerns are raised in good faith, but occasionally someone makes a false allegation out of malice or because they believe they have something to gain. Anyone who makes a false accusation that is frivolous or vexatious will face action under our disciplinary policy and may be dismissed for misconduct, or even gross misconduct.

11. Confidentiality and anonymity

11.1 There is a significant difference between wanting to keep your concerns confidential and making a disclosure anonymously. We encourage whistleblowers to put their names to an allegation wherever possible as anonymous allegations may be difficult to substantiate or prove. In exercising discretion to accept an anonymous allegation the factors to be taken into account will include: the seriousness of the issue raised, the credibility of the allegation and whether the allegation can realistically be investigated from factors or sources other than the complaint.

11.2 Employees are always encouraged to raise concerns openly, and if you prefer to do so in confidence we will do all that we can to ensure your identity remains hidden. We may want to

disclose your identity to people involved in the investigation, but will always discuss this with you first.

11.3 Individuals are protected from reprisals under this policy but if you are still worried we encourage you to discuss this with us and we will explore how far we can go in keeping your concerns confidential.

11.4 Where you are not confident about raising matters locally or in very serious cases, you can raise the matter with the Board directly at Whistleblowing@plymouthcast.org.uk .

12. How we protect whistleblowers

12.1 Any individual who takes action under the Public Interest Disclosure Act 1998 will be protected from suffering any detriment in relation to the allegations that are made, including victimisation by the organisation or by colleagues.

12.2 If the individual does not follow the procedure set out, which encompasses the requirements of the Public Interest Disclosure Act 1998, the protection against detriment will not apply. Disclosing information in an inappropriate way (e.g. contacting the media) could result in disciplinary action being taken against the individual, which could include dismissal.

12.3 If you raise a concern in good faith under this policy, we will support you fully even if we find through our investigations that you made a mistake. However, if you feel you have been treated detrimentally as a result of raising a concern, you must tell us at once. First inform your manager or trade union representative and, if the matter remains unresolved, you must follow the formal process in our grievance procedure.

12.4 All whistleblowers are afforded the same protection. You must not threaten, victimise or harass others who have raised concerns. You will face disciplinary action if we find that you have.

12.5 You can seek further advice on whistleblowing, protecting confidentiality, and being protected from reprisals from the independent charity Public Concern at Work, which offers a confidential helpline on 020 7404 6609; www.pcaw.org.uk.

13. Taking your concerns outside Plymouth CAST

13.1 This policy outlines the process for raising, investigating, and resolving wrongdoing within the workplace. It should be rarely necessary for anyone outside of Plymouth CAST to become involved when a whistleblowing allegation is made.

13.2 However, if after raising your concerns within Plymouth CAST you are not satisfied with the response, you are entitled to contact a relevant external body to express the concerns. In doing this you should:

- have a reasonable belief that the allegation is based on correct facts
- make the disclosure to a relevant body (i.e. a regulatory body such as Ofsted, the Health and Safety Executive or the Financial Conduct Authority)

- have a reasonable belief it is in the public interest to make the disclosure.

13.3 If you do wish to take the matter outside of Plymouth CAST, you need to ensure that you do not disclose confidential information or that disclosure would be privileged. This can be checked with Public Concern at Work who will also advise on ways to proceed and direct you towards the appropriate regulator for the type of issue you want to raise.

14. Outside Support

- You can contact the School's Local Authority Designated Officer (LADO) specifically for safeguarding issues.
- Public Concern at Work (Independent Charity):Tel: 020 7404 6609 www.pcaw.org.uk/
- The Government has produced a document "Blowing the Whistle to a Prescribed Person – List of Prescribed people and Bodies". It lists the appropriate organisations to handle whistleblowing complaints and should be referred to for up-to-date advice and guidance about who to contact:- https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/404330/bis-15-43-blowing-the-whistle-to-a-prescribed-person-list-of-prescribed.pdf
- OFSTED: www.ofsted.gov.uk/contact-us/whistleblower-hotline

15. Contacting the media

15.1 The media is not a relevant external body. Alerting the media to a concern — particularly before or during an internal investigation — is almost never justified or appropriate in any situation. We strongly discourage you from doing so, and will treat any contact with the press as a serious disciplinary issue justifying dismissal unless exceptional circumstances exist. We would normally expect you to have taken all reasonable steps to deal with the matter internally or with an external regulator, and to have taken full advice from a lawyer or Public Concern at Work before being justified in approaching the press.

16. Monitoring

16.1 A register will record the name and status (e.g. employee) of the whistleblower, the date the allegation was received, the nature of the allegation, details of the person who received the allegation, whether the investigation is to be investigated and if so by whom, the outcome of the investigation, any other relevant details.

16.2 The register will be confidential and only available for inspection by the Board of Directors. The CEO will report annually to the Board on the operation of the policy and procedure and on the whistleblowing allegations made during the period covered by the report in a way which does not identify whistleblowers.

17. Review

The content of this policy may be subject to revision from time to time following consultation with the recognised trade unions.