



Christ Centred, Child Centred, Catholic Educational Excellence

Whistleblowing (Raising Concerns) Policy

Scope

The policy and procedure set out in this document applies to all employees of The Diocese of Westminster Academy Trust (DoWAT) including Central Team, teaching, support, fixed-term, part-time, full-time, permanent and temporary staff, all members of Boards, Committees and other bodies, paid and voluntary, giving advice and support to DoWAT and any of its Academies. This policy will apply to those whose contract with DoWAT is as a result of a transfer of undertakings (TUPE) to DoWAT where it is considered that any contractual TUPE Whistleblowing Policy is no longer fit for purpose due to contextual or legislative changes occurring since the date of transfer.

Where this policy refers to 'School' or 'Head Teacher' within the Central Team this should be interpreted to refer to the department where a member of staff works and their Head of Department/line manager.

Our Gospel values of peace, kindness and courage are key to our purpose and underpin all that we do.

1. Introduction

- 1.1 Whistleblowing describes the act of reporting or disclosing information which relates to suspected serious wrongdoing or dangers in the workplace and is made in the public interest.
- 1.2 This policy enables employees and other persons working for DoWAT or on our premises, together with suppliers and those providing services under a contract with DoWAT, to confidentially voice concerns over suspected malpractice or wrongdoing.
- 1.3 This policy aims to:
 - a) Develop and maintain a working environment in which everyone feels able and encouraged to speak up about concerns they may have in relation to any of the circumstances detailed in section 2.1;
 - b) Provide avenues for individuals to raise concerns and receive appropriate feedback and responses;
 - c) Establish a fair and impartial investigative procedure;
 - d) Ensure that individuals will be protected from any reprisals or victimisation as a result of raising their concerns;
 - e) Ensure that the activities of DoWAT, its officers and employees, whilst confidential in terms of commercial operations, are not subject to cover-up where any of the circumstances referred to in section 2.1 arise.



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- 1.4 DoWAT seeks to conduct itself with honesty and integrity at all times and accordingly promotes a culture of openness, cooperation and accountability. Everyone has a role to play in ensuring the success of this policy, which should be followed to report any suspected danger or wrongdoing as soon as possible. All managers and leaders should set an appropriate standard and proactively promote awareness of this policy and ensure that concerns are taken seriously.
- 1.5 For matters of personal interest and those which do not impact the wider public, please refer to the DoWAT Grievance Procedure.

2. Policy

- 2.1 It is the duty of every individual to speak up about genuine concerns in relation to:
 - a) Criminal activity;
 - b) Negligence by any person or outside body;
 - c) Breach of a legal, contractual obligation or statutory code;
 - d) Miscarriage of justice;
 - e) Danger to health and safety or the environment and danger at work;
 - f) Breach of DoWAT, Central Team, School or Academy procedures;
 - g) Financial or operational malpractice, fraud or corruption;
 - h) Improper conduct under DoWAT policies and procedures;
 - i) The dissemination of radical or extreme opinions which are contrary to the Mission, Vision and Values Statements of DoWAT or any of its Schools or Academies;
 - j) Concerns regarding modern slavery or human trafficking;
 - k) Exam/assessment malpractice;
 - l) Poor or unsafe safeguarding practice (if appropriate, individuals should refer to their school's Safeguarding Policy);
 - m) The cover-up of any of these in the workplace; *and*
 - n) Any other serious concern relating to appropriate standards of public life, including abuses of power.
- 2.2 DoWAT is committed to ensuring that any concerns of this nature are taken seriously and investigated. A disclosure to DoWAT will be protected if the individual:
 - a) Has an honest and reasonable suspicion that any of the circumstances listed at 2.1 above has occurred, is occurring or is likely to occur; *and*
 - b) Has reasonable belief that the disclosure is made in the public interest.
- 2.3 Individuals who raise concerns reasonably, responsibly and in the appropriate manner will not be penalised in any way and will be protected from harassment and victimisation. This will still apply if an individual raises a concern based on information given to them in confidence.
- 2.4 DoWAT encourages the open reporting of concerns, without fear of reprisals, under this policy. Disclosures made anonymously are often difficult to investigate and prevent DoWAT from



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responding to and updating the individual who raised the concern regarding any action taken or outcome. That said, anonymous disclosures are preferable to silence about serious wrongdoing or danger, and will still be appropriately investigated if sufficient specific information is provided to enable this to happen.

- 2.5 Any individual who approaches the media before following due process as set out in this policy is unlikely to be protected by whistleblowing law.

3. Procedure

- 3.1 **Stage 1:** Any individual who has reasonable concerns in relation to those matters listed at 2.1 above should initially take them to the Head Teacher or Central Team line manager. If they do not feel that this is the appropriate person, or their concern is in relation to the Head Teacher or Central Team line manager, they should approach another senior manager or go direct to any of the following:

- a) Chief Executive;
- b) Another member of the Executive Team (i.e. the Director of Secondary Improvement, the Director of Primary Improvement, the Director of Operations or the Chief Financial Officer);
- c) The Company Secretary;
- d) The Chair of the Local Governing Body (or another governor if the Chair is unavailable);
- e) The Chair of the Trust Board if no other person would be appropriate.

- 3.2 The individual listed in point 3.1 to whom the concern has been raised will establish and record the basis of the concerns and establish what further actions are required. The individual raising the concern will be advised in writing of the outcome of the investigation as soon as possible, normally within 10 working days of the date of their disclosure. Where a longer period is needed for investigation, the member of staff will be informed in writing the reason for the delay and an estimated timescale. Any information provided about the investigation must be treated as confidential. In some cases, the need for confidentiality may prevent DoWAT from providing specific details of the investigation and/or outcomes.

- 3.3 **Stage 2:** If an individual is not satisfied with the response received and any subsequent action taken, they should put their concerns in writing, within ten days of receiving the written investigation outcome, to the Chair of the Trust Board who will arrange any further investigation as appropriate. The Chair will send a written response to the individual concerned, normally within 10 working days.

- 3.4 The Chief Executive will be informed of all reported disclosures and the actions being taken, unless it is inappropriate to do so.

- 3.5 In the case of disclosures on alleged fraud and corruption, the Chief Financial Officer will be informed immediately and subsequently coordinate the investigation of the alleged malpractice. Please refer to the DoWAT Financial Handbook (fraud policy) for more details.



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- 3.6 DoWAT will provide appropriate training to those individuals likely to receive a whistleblowing disclosure on how to manage such a matter. Guidance on Whistleblowing will be made available to all staff.
- 3.7 Individuals are encouraged to seek advice from their trade union/professional association before making a disclosure. An individual may choose to make a disclosure to DoWAT via their trade union representative to preserve their anonymity. Both the employee making the disclosure and the trade union representative will be protected from any reprisals or victimisation as a result of raising the concern.
- 3.8 It is recognised that for some individuals, raising a concern under this procedure may be a daunting and difficult experience. An individual may choose to be accompanied or represented by a colleague or by their Trade Union representative at any stage of this procedure.
- 3.9 All reported incidents will be investigated.
- 3.10 All reports will be dealt with in confidence, in accordance with DoWAT's usual confidentiality in relation to possible disciplinary matters (see DoWAT Disciplinary Procedure). However, whilst confidentiality will be maintained as far as possible, in some circumstances, the law may require the identity of the whistle-blower to be made known.
- 3.11 The use of this policy to further private disputes or make unfounded allegations for malicious or vexatious reasons may result in disciplinary action being taken against that individual.
- 3.12 A flowchart of the process to be followed can be found in Appendix 1.

4. Guiding Principles

- 4.1 To ensure that this policy is adhered to, and to assure all to whom this policy applies that their concerns will be taken seriously, DoWAT will:
 - a) Not tolerate the harassment or victimisation of an individual for raising a concern and will take appropriate action in order to protect them. Employees can go to an employment tribunal if they believe they have been treated unfairly as a result of making a disclosure;
 - b) Treat victimisation of whistle blowers as a serious matter, which will be managed in accordance with the Disciplinary Procedure;
 - c) Not attempt to conceal evidence of poor or unacceptable practice;
 - d) Take disciplinary action where an employee wilfully or negligently destroys or conceals evidence of breach of this policy (this clause should not be read as preventing corrective action from taking place in accordance with good practice);
 - e) Ensure confidentiality clauses in employment contracts do not restrict, forbid or penalise whistle blowing.

5. The Legal Position

- 5.1 The European Convention on Human Rights was incorporated into UK law by the Human Rights Act 1998, and the Public Interest Disclosure Act 1998 (PIDA) which reflects article 10 of the Convention in providing the right to freedom of expression. The PIDA came into force on 2 July 1999 and offers



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a framework of protection against victimisation or dismissal for workers who blow the whistle on criminal behaviour or other wrongdoing. Further provisions were introduced by the Enterprise and Regulatory Reform Act 2013.

- 5.2 Keeping Children Safe in Education (DfE) applies a statutory duty for schools to provide a mechanism in which individuals are able to raise concerns about poor or unsafe practice and potential failures in a school's safeguarding regime and that such concerns will be taken seriously by the senior leadership team.

6. Independent Advice and Further Reading

- 6.1 Individuals who feel unsure about whether or how to raise a concern or want confidential advice can contact the independent charity Protect on 020 3117 2520 or email whistle@protect-advice.org.uk. Their lawyers can give free confidential advice on how to raise a concern about serious malpractice at work.
- 6.2 Free information and advice can also be obtained from the Advice, Conciliation and Arbitration Service (ACAS) – Telephone: 0300 1231 100.
- 6.3 Additional information is available at www.gov.uk/whistleblowing, within 'Keeping Children Safe in Education' (DfE).
- 6.4 Where schools have access to an Employee Assistance Programme, employees can obtain free and confidential information, support and counselling on a wide range of work, personal and family issues. Details will be available in the school.
- 6.5 On the receipt of any concern, it is the responsibility of DoWAT to ensure that the appropriate external body, such as a regulator, is informed. However, if you choose to do this yourself, the following link provides a list of prescribed persons and bodies who you can make a disclosure to, along with a brief description about the matters you can report to each prescribed body. Disclosure to a prescribed person will still be protected under whistleblowing law. [Whistleblowing: list of prescribed people and bodies - GOV.UK \(www.gov.uk\)](https://www.gov.uk/whistleblowing/list-of-prescribed-people-and-bodies)

7. Review and Monitoring

- 7.1 This policy will be reviewed on a regular basis to ensure consistency, fairness and effectiveness, and to reflect any changes in employment legislation.
- 7.2 DoWAT will monitor and review the outcomes and impact of this policy, including equality monitoring, on an annual basis.



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Appendix 1 – Flowchart of Whistleblowing Reporting Process

