

E36 Whistleblowing Procedure



St Francis of Assisi Catholic Academy Trust

Signed off by: Trust Board

Date from: November 2023

Review Date: November 2024

*(This is a Hertfordshire County Council Policy adopted for use by the
St Francis of Assisi Catholic Academy Trust)*

Contents

1. Introduction.....	2
2. Scope	2
3. What is whistleblowing?	2
4. Protections for whistle-blowers.....	3
5. Obligations for the whistleblower.....	3
6. Confidentiality	3
7. The Trust’s commitment.....	3
8. Obligations for the Trust.....	4
9. Whistleblowing procedure	4
9.1. Stage 1 – Disclosure	4
9.2. Stage 2 – Investigation	4
9.3. Step 3 – Report to Directors	4
9.4. Step 4 – Escalation.....	4
10. Data Protection.....	5
11. Contacts.....	5

1. Introduction

The aim of this Policy is to encourage employees and others who have serious concerns about any aspect of the Trust to voice those concerns and feel secure in doing so.

It is important that any fraud, misconduct or wrongdoing is reported and properly dealt with. The Trust encourages all individuals to raise any concerns they may have about the conduct of others or the way in which the Trust is run.

The Trust is committed to the principles of honesty and integrity. A culture of openness and accountability is critical to ensuring these values are authentically lived by.

This policy applies to all employees, workers, agency staff, contractors, service providers, volunteers, directors, and any other officers of the Trust.

This policy does not form part of any employee's contract of employment and it may be amended at any time.

2. Scope

If your concern relates to how you have been treated this should be raised under the grievance policies.

The whistleblowing policy will not replace any existing policies or procedures. If misconduct is discovered as a result of any investigation under this policy the Trust's disciplinary policy will be used.

The Trust encourages individuals to disclose any concerns they may have regardless of whether they are covered by this or another policy.

3. What is whistleblowing?

Whistleblowing means the reporting of information which relates to actual or suspected wrongdoing related to a "qualifying disclosure".

A qualifying disclosure is one made in the public interest by a worker who has a reasonable belief that:

- a criminal offence
- a miscarriage of justice
- an act creating risk to health and safety
- an act causing damage to the environment
- a breach of any other legal obligation
- concealment of any of the above

is being, has been, or is likely to be, committed.

It is not necessary for a whistle-blower to have proof of such an act for the protections of this policy to apply; they must only have a reasonable belief.

Potential whistle-blowers should have reasonable grounds for believing the information they are disclosing is accurate.

Where a disclosure fails to show that one of the six categories of wrongdoing has been or is likely to be occur, it cannot amount to a qualifying disclosure for the purposes of the whistleblowing legislation.

Potential whistle-blowers are encouraged to seek support from a senior manager, HR within the Trust, or their trade union representative if they are unsure whether to make a disclosure or to access support in making a disclosure, regardless of whether it is qualifying or not.

4. Protections for whistle-blowers

This policy has been written to take account of the Public Interest Disclosure Act 1998 and other relevant legislations, which protects workers making disclosures.

A whistle-blower who makes a qualifying disclosure has the right not to be dismissed, subjected to any other detrimental detriment, or victimised, because they have made a disclosure.

Victimisation of a whistle-blower for raising a qualifying disclosure will be a disciplinary offence. The Trust will not dismiss anyone on the basis that they have made an appropriate lawful disclosure in accordance with the law and this policy.

Whistle-blowers may seek support and advice from organisations such as the whistle blowing charity Protect (<https://protect-advice.org.uk> / 020 3117 2520) or ACAS (www.acas.org.uk).

5. Obligations for the whistle-blower

An instruction to cover up wrongdoing is in itself a disciplinary offence. A whistle-blower who is told not to raise or pursue any concern, even by a person in authority, should not agree to remain silent.

Whistleblowing to an external agency without first using the procedure below may be considered a breach of the Trust's Code of Conduct.

It is not appropriate to whistle blow to the media in any circumstances and may be considered gross misconduct.

Maliciously making a false allegation is a disciplinary offence.

6. Confidentiality

The Trust encourages individuals to voice their concerns openly. If anyone wishes to raise concerns confidentially, the Trust will make every effort to keep their identity secret.

The Trust will consult with the whistle-blower before divulging their identity to any party, including an investigator.

The Trust does not encourage anonymous disclosures as this may make it harder to establish the credibility of an allegation and may make investigation difficult or impossible. Anonymous concerns will be taken seriously and investigated as far as is possible under this policy.

7. The Trust's commitment

Any matter raised under this policy and procedure will be investigated thoroughly, promptly and confidentially.

Whilst the Trust will aim to keep the employee informed of the progress of the investigation and likely timescales, sometimes the requirement for confidentiality will prevent full information about the investigation and any consequential disciplinary action from being disclosed.

8. Obligations for the Trust

It is a requirement under the Academies Trust Handbook that academy trusts must have procedures for whistle-blowing, and directors must agree the whistleblowing procedure. The trust will appoint at least one director and one member of staff who other staff can contact to report concerns, and must ensure all staff are aware of the process and how concerns will be managed.

The Academies Financial Handbook sets out a requirement that the board of directors must notify the Education and Skills Funding Agency (ESFA) as soon as possible, of any instances of fraud, theft and/or irregularity exceeding £5k individually, or £5k cumulatively in any financial year. Unusual or systematic fraud, regardless of value, must also be reported.

9. Whistleblowing procedure

9.1. Stage 1 – Disclosure

The whistle-blower should initially raise their concern to their line manager. They may do this orally or in writing.

If the concern relates to the line manager or any person to whom they report (other than the Headteacher) the whistle-blower should raise the issue with the Headteacher.

If the concern relates to the Headteacher, the whistle-blower should raise this with the Director or employee named at the end of this policy.

If the concern is about the Chair of Governors, any individual governor or the whole local governing body should be addressed should be addressed to Fr Peter Harris, Chair of Directors, via the trust office at info@stfrancistrust.net. Please mark them as Private and Confidential.

If the concern is about the CFO, COO or any other member of the Executive Team the concern should be addressed to the CEO, Andrew Celano at a.celano@stfrancistrust.net

If the concern is about the Chief Executive Officer (CEO) or a Director of the Trust, should be addressed to Fr Peter Harris, Chair of Directors, via the trust office at chair@stfrancistrust.net. Please mark them as Private and Confidential.

9.2. Stage 2 – Investigation

The Trust will arrange an investigation into the concerns raised. This will take place as soon as is reasonably practicable.

The investigation may involve the whistle-blower and other individuals involved meeting with the investigator and giving a written statement.

At any investigatory meetings the whistle-blower is entitled to be accompanied by a recognised trade union representative or a work colleague.

9.3. Step 3 – Report to Directors

The investigator will report to the board of directors before any further action is taken. The board will decide on potential outcomes including, but not limited to:

- invoking the Trust's disciplinary process, or other relevant policy
- referral to the police, government department or regulatory agency
- no further action

On conclusion of any investigation, the whistle-blower will, as far as is practicable and where it is reasonable

to do so, be told the outcome of the investigation and what the Trust has done, or proposes to do, about it. If no action is to be taken, the reason for this will be explained.

9.4. Step 4 – Escalation.

If, on conclusion of stages 1, 2 and 3 the whistle-blower reasonably believes that the appropriate action has not been taken, they should report the matter to the proper authority. The legislation sets out a number of bodies to which qualifying disclosures may be made.

These include:

- the Financial Conduct Authority
- the Health and Safety Executive
- the Environment Agency
- Her Majesty's Chief Inspector of Children's services and skills
- the Secretary of State for Education
- the Office of Qualifications and Examinations Regulator.

A full list can be obtained from the charity, Protect or the BEIS (Department for Business, Energy and Industrial Strategy) website. Alternatively, an employee may contact their professional association or trade union representative for guidance.

10. Data Protection

When an individual makes a disclosure, the Trust will process any personal data collected in accordance with its data protection policy. Data collected from the point at which the individual makes the report is held securely and accessed by, and disclosed to, individuals only for the purposes of dealing with the disclosure.

11. Contacts

The trust's appointed director for this purpose is: **Fr Peter Harris, Chair**,
Chair@stfrancistrust.net

The trust's appointed member of staff for this purpose is: **Andrew Celano, CEO**,
a.celano@stfrancistrust.net

Or the independent whistleblowing charity **Protect**: Helpline

[020 3117 2520](tel:02031172520)

E-mail: whistle@protect-advice.org.uk