



APPROVED BY: TRUST BOARD

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# WHISTLEBLOWING POLICY



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## 1. Introduction

**St Thomas Catholic Academies Trust – ‘The Glory of God is a Human Being fully alive!’**

In St Thomas Catholic Academies Trust (STCAT), human flourishing and the uniqueness of every individual are at the heart of our educational enterprise. We operate out of two basic principles of Catholic Social Teaching: solidarity (a family of schools, supporting, challenging, and inspiring one another) and subsidiarity (an organisation in which decisions are taken at the lowest possible level).

The Board of Directors are ultimately accountable for the performance and probity of the Trust as a whole, as well as for the nurturing of its Catholic Life. We are very aware that we hold public money in trust and are responsible for the well-being and development of young people who have been entrusted to our care by their parents or carers. Thus, trust and honesty are crucial to the success of STCAT. We take as our yardsticks the Gospel values of truth, love and justice, and the Nolan Principles for Public Life.

If any employee (or a LAC member or Director) has clear and direct information that STCAT is falling short of these ideals, they have the right – and duty – to share it with the appropriate people.

Therefore, this Whistleblowing Policy sets out the definitions and procedures related to whistleblowing for members of STCAT. It includes the means for employees to raise legitimate, serious, concerns about the organisation, and the protections provided to those who do so.

## 2. What is Whistleblowing?

Whistleblowing is the disclosure of information which, in the reasonable belief of the whistleblower, is made in the public interest.

Whistleblowing disclosures tend to show that one or more of the following has occurred, is occurring, or is likely to occur:

- a criminal offence (this may include, for example, types of financial impropriety such as fraud)
- a breach of a legal obligation
- a miscarriage of justice
- danger to the health or safety of an individual
- damage to the environment
- deliberate covering up of wrongdoing in the above categories

## 3. What does not count as whistleblowing under this policy?

Any kinds of concerns or complaints that are covered in other policies are NOT to be confused with whistleblowing. For example:

- Individual safeguarding issues should be dealt with under the Trust’s Safeguarding Policy.
- Any personal sense by an employee of unfair or inappropriate treatment by another employee – or as a result of the procedures of the organisation as a whole – should be dealt with under the Trust’s Grievance Procedure.
- Any parent concern or concern felt by stakeholders such as contractors, should be dealt with under the school’s Complaints Policy.

## 4. How to ‘Blow the Whistle’ – Who to tell

There is a management, leadership, and accountability structure: in each school, within STCAT as a whole, and beyond it. An employee should begin by sharing their concern, along with supporting

information, with one of the following, at the lowest appropriate 'level' depending on your own situation within the organisation – and on the level of seriousness of the matter:

- Your line manager
- A member of the Senior Leadership Team
- The Headteacher
- The Strategic Executive Leader (SEL) of STCAT
- The Chair of the school's Local Academy Committee
- The Chair of the Board of Directors
- The Diocese
- ESFA (Education and Skills Funding Agency)

Whoever you approach, the individual may not automatically undertake their own investigation but may refer the matter to a more appropriate person in this 'chain'. External agencies may then be involved, e.g. police.

Whistleblowing disclosures are best made in writing and investigations are most easily followed up if the whistleblower gives their name. Prior to putting the information in writing, the whistleblower may prefer to raise the matter directly with the most appropriate person in the above list.

No disclosure should be made to the Diocese or to ESFA before it has reached the Chair of Directors – unless the information might reasonably be believed to be seriously critical of the Chair of the Board of Directors personally.

## 5. Protection for a Whistleblower

- Employment Law protects a whistleblower from unfair or retaliatory dismissal by their employer, or detriment such as punitive action by the employer.
- The Public Interest Disclosure Act (PIDA) offers protection to an employee who makes a disclosure to an appropriate person or body beyond their employer (eg in this case ESFA in the list above), provided that the information and any allegations are substantially true.
- Within STCAT and/or the Diocese the whistleblower's name will be kept confidential if they so wish – as long as such confidentiality does not hinder the investigation or adversely affect its outcome.

## 6. Anonymous Whistleblowing

Anonymous disclosures will be considered but the anonymity itself may prevent follow-up or impede the progress of any investigation.

An anonymous whistleblower may lose their legal rights to protection, as anonymity could make it more difficult to prove that any ensuing detriment is caused directly by the disclosure of information.

## 7. What happens next when you 'Blow the Whistle'

An investigation will be undertaken and the whistleblower may be asked for further information. The whistleblower does not have the right to be given information about the investigation itself or to be consulted about it. Such dialogue could compromise the whistleblower's confidentiality (or anonymity) and might undermine the legitimacy of any formal investigation. Others need confidentiality, too.

If the whistleblower later has reasonable grounds for believing that the matter has been covered up, they may refer both the original matter and the cover-up to a higher authority in the above list, culminating in ESFA.

Such 'passing up' must not by-pass the Chair of Directors or the Diocese unless either is reasonably believed to be involved in the wrong-doing or in covering up such wrong-doing.

In accordance with Diocesan Protocols, the Chair of Directors will immediately inform the Diocese of any concern that may have a detrimental impact – on either an individual school or STCAT as a whole – in the following areas:

- Catholic character, ethos and mission
- Religious Education
- Collective Worship
- Admissions
- Relationship and Sex Education
- Denominational Inspections

The Board will be advised of the outcome once a whistleblowing investigation has been completed.

## **8. Involvement of the Press and Media (including social media)**

Whistleblowing by its very nature involves issues of public interest. In serious instances, such as crimes, publicity may follow.

However, N.B.: direct contact with the press or media (including social media) as a means of 'blowing the whistle' is completely inappropriate and will almost certainly complicate any proper investigation. No press or media outlet counts as 'an appropriate' recipient of a public interest disclosure. After the Trust and the Diocese, the appropriate recipient is ESFA (see Appendix).

Any employee who uses the press or media (including social media) to make disclosures may:

- lose their legal protection as an employee
- be guilty of a breach of trust with their employer and may be subject to disciplinary proceedings up to and including dismissal

## **9. Malicious and False Allegations**

Where allegations are found to be baseless, but it is reasonable to believe that they were made in good faith, no action will be taken against the mistaken 'whistleblower'.

Where allegations are found to have been completely without foundation or intentionally exaggerated (e.g. out of malice or for personal gain), disciplinary action will be taken against the employee who made the claims.

## **10. Whistleblowing by Local Academy Committee (LAC) Governors or Directors**

### **LAC Governors:**

If any LAC governor has reasonable grounds for believing that they should make a public interest disclosure about the workings of STCAT, they should first report it to the Chair of the LAC.

If the Chair of the LAC believes that an investigation is appropriate, the Chair of the Board of Directors should be informed.

If the Chair of the LAC is the subject of the disclosure, or the whistleblower has reason to believe the disclosure has been ignored, the Chair of the Board of Directors should be informed.

If the Chair of the LAC has reasonable grounds to believe that the Chair of Directors is involved in the wrong-doing, or has ignored a disclosure, they should inform the Diocese.

**Directors:**

If any Director has a public interest disclosure to make, they should make it to the Chair of the Board of Directors.

If a disclosure reaches the Chair of the Board of Directors, having been appropriately passed up, the Chair will inform the Diocese of the matter, and keep them updated on the investigation.

If the Chair of the Board of Directors is the subject of the disclosure, or if the whistleblower has reason to believe that the Chair of the Board of Directors is involved in the wrong-doing, or has not dealt appropriately with an allegation, they should report it to the Diocese.

## **11. Last Resort Disclosures**

Most serious disclosures, for which evidence is produced or is found through investigation, will be dealt with by referring it to the employer – that is, the Board of Directors. Any appropriate agencies can be called upon at this level either to determine the outcome or to determine the appropriate response.

If a public interest disclosure is made to the Diocese – having been appropriately passed up beyond the Chair of Directors – a Diocesan investigator will be appointed to take responsibility for investigating.

If the diocesan investigation uncovers serious wrongdoing, either the matter will be dealt with through reference to the appropriate agency e.g. the police, or the whole matter can be referred to the Education and Skills Funding Agency (ESFA).

If a whistleblower, or anyone involved in an investigation of a disclosure, has reasonable grounds to believe that neither the Board of Directors nor the Diocese has dealt appropriately with the disclosure – they have a duty to disclose the matter to ESFA. They will be protected if the allegations are substantially true.

## **12. How ESFA handles whistleblowing disclosures (from GOV.UK Sept 2019)**

Anyone can complain or make a disclosure to ESFA about an education provider (although it is only employees who can be protected by law though PIDA).

How to complain or make a disclosure to ESFA about an academy trust – please see: <https://www.gov.uk/guidance/how-esfa-handles-whistleblowing-disclosures>

See Appendix for more details.

### 13. Equalities Monitoring

<p>To what extent does this policy have any implications for people of relevant protected characteristics (RPC) as outlined below?</p> <ul style="list-style-type: none"> <li>• Age</li> <li>• Disability</li> <li>• Gender reassignment</li> <li>• Marriage and civil partnership</li> <li>• Pregnancy and maternity</li> <li>• Religion or belief</li> <li>• Sex</li> <li>• Sexual orientation</li> </ul> <p>(Equality Act, 2010)</p>	<p><b>Assessment:</b> No extent. Everyone is entitled to whistleblow.</p>
<p>Will this policy advantage or disadvantage any particular group?</p>	<p>No.</p>
<p>How will this policy, if relevant, promote equality of opportunity across our Trust?</p>	<p>This policy is intended to support everyone, irrespective of any protected characteristics.</p>
<p>Success criteria and monitoring</p>	<p><b>Success criteria:</b> All disclosures are dealt with in accordance with the policy, irrespective of where they are raised.</p> <p><b>Monitoring:</b> The Board will be made aware of any whistleblowing disclosures.</p>

## Appendix 1: Details are taken from the ESFA website:

**Guidance:** [How ESFA handles whistleblowing disclosures](#)

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### Introduction

Whistleblowing is the disclosure of information which, in the reasonable belief of the whistleblower, is made in the public interest. Whistleblowing disclosures tend to show that one or more of the following has occurred, is occurring or is likely to occur:

- a criminal offence (this may include, for example, types of financial impropriety such as fraud)
- a breach of a legal obligation
- a miscarriage of justice
- danger to the health or safety of any individual
- damage to the environment
- deliberate covering up of wrongdoing in the above categories

Your employer is required to have appropriate whistleblowing procedures in place that ensure that concerns are handled properly and fairly.

Under the [Public Interest Disclosure Act \(PIDA\)](#), you may be protected if you are a [worker](#) raising a concern in the public interest that falls into one of the categories listed above.

Anyone can complain or make a disclosure to ESFA about an education provider. However, PIDA protects workers who make a disclosure to a [prescribed person or body](#) where the worker reasonably believes that:

- the disclosure falls within the remit of the prescribed person or body
- the information and any allegations are substantially true

This means in certain circumstances, specifically where the disclosure is a public interest concern (as per the definition above), the same protections may apply as they would if whistleblowing directly to their employer. This means you would be protected from [dismissal](#) or [detriment](#) (unfair action taken by your employer, including punitive action) as a result of making a disclosure.

If you are unsure whether the Public Interest Disclosure Act will protect you, you can contact [Protect – Speak Up Stop Harm](#) (tel: **020 3117 2520**).

### ***How to make a disclosure to ESFA***

To complain or make a disclosure about an academy trust or free school, please use the [contact form](#) on the website.

To complain or make a disclosure about a post-16 education or training provider, please email [ESFA's Customer Service Team](#) or send a letter to:

Customer Service Team  
Education and Skills Funding Agency  
Cheylesmore House  
Quinton Road  
Coventry CV1 2WT

### ***Confidentiality***

Unless we are under a legal obligation to do so, we will not share your personal details with any third party without first obtaining your consent. We also owe a duty of confidentiality to others and may not be able to share details of the investigation with you.

### ***Anonymity***

You can disclose information anonymously. You should bear in mind that this may make it harder for you to benefit from the protections of PIDA. This is because an anonymous disclosure may make it difficult to show that any detriment you may experience has occurred because you have made a disclosure. Making an anonymous disclosure may also make it harder for ESFA to conduct an investigation.

### ***How ESFA handles whistleblowing disclosures***

Once we receive the disclosure, we will send an acknowledgement and confirm that we will not contact you unless we need further information for any investigation we may carry out.

It is our policy not to enter into a dialogue with whistleblowers once we have started a formal investigation. This is to ensure we protect the whistleblower's confidentiality and, where relevant, anonymity. It also ensures that we do nothing that could potentially undermine the legitimacy of the outcome of any investigation we may carry out.

We will gather information and, depending on the nature of the disclosure, we may refer the case to another organisation (for example, Ofsted or the police). Where allegations are well founded, we will look to hold individuals and organisations to account. Our follow up actions can include:

- publishing an investigation report in line with our [investigation publishing policy](#)
- referring to the police for consideration of criminal sanctions
- referring to regulatory bodies including the Charity Commission and Insolvency Service
- recovery of funds and contract termination

### ***How long we'll keep your information***

We will only keep your information for as long as necessary after which point we will securely destroy it.

There are circumstances where we need to keep your information indefinitely for research and statistical purposes. We have measures to safeguard this information.