

ROMERO
CATHOLIC ACADEMY TRUST

Whistleblowing Policy

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1. INTRODUCTION

As the employer of staff, the Romero Catholic Academy Trust recognises the statutory responsibilities related to employment. Day to day management of staff is delegated to the Chief Executive Officer, Headteachers and line managers in each school. Throughout this document reference is made to the responsibilities held by the Local Governing Body/Headteacher for operational purposes, however ultimate responsibility rests with the Trust.

This policy has been introduced to enable employees, and other persons working for the Trust on school or Trust premises, together with suppliers and those providing services under a contract with the Trust or a school, to confidentially voice serious concerns over malpractice and wrongdoing within the Trust or school.

Often it can be an employee who is the first to realise that there may be something wrong within their organisation. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the school; or they may fear harassment, victimisation or other reprisals. In these circumstances, it may be easier to ignore the concern rather than report what may be just a suspicion of malpractice.

This policy takes into account the requirements of the Diocesan Protocols for academies within the trusteeship of the Diocese of Salford including:

- The Directors and Governors are under a legal duty to conduct the business of the Trust/School in accordance with the Diocesan Trust Deed.
- Trust Deeds state that the Romero CAT is provided 'for the advancement of the Catholic religion', and the provisions of Canon education law, Romero CAT is regulated by its Trust Deed.
- Ensuring the seven principles of public life ("the Nolan Principles") namely, Selflessness; Integrity; Objectivity; Accountability; Openness; Honesty and Leadership are followed when conducting matters in relation to Romero CAT.

Those within Romero Catholic Academy Trust who have responsibilities defined within this policy will carry out their duties with regard to the Trust's Equality Statement and commitment to abide by the Equality Act 2010:

- Accepting our legal duty to ban unfair treatment and achieve equal opportunities in the classroom, the workplace and in wider society.
- We have regard for our duty to: Eliminate unlawful discrimination, harassment and victimisation, advance equal opportunity and foster good relations.

2. AIMS

This policy aims to:

- Encourage individuals affected to report suspected wrongdoing as soon as possible in the knowledge that their concerns will be taken seriously and investigated, and that their confidentiality will be respected
- Let all staff in the trust know how to raise concerns about potential wrongdoing in or by the trust
- Set clear procedures for how the trust will respond to such concerns
- Let all staff know the protection available to them if they raise a whistle-blowing concern
- Assure staff that they will not be victimised for raising a legitimate concern through the steps set out in the policy, even if they turn out to be mistaken (though vexatious or malicious concerns may be considered a disciplinary issue)

This policy applies to all employees, directors and local governors of Romero Catholic Academy Trust, including casual, agency staff, self-employed workers and volunteers of the Trust. It also applies to suppliers and those providing services under a contract to the Trust or a school. For ease of reference the term "employee" is used throughout this policy to cover all these categories of personnel.

This policy does not form part of any employee's contract of employment and may be amended at any time. The policy applies to all employees or other workers who provide services to the trust in any capacity, including self-employed consultants or contractors who provide services on a personal basis and agency workers.

3. LEGISLATION

The requirement to have clear whistle-blowing procedures in place is set out in the Academy Trust Handbook.

This policy has been written in line with the above document, as well as government guidance on whistle-blowing. We also take into account the Public Interest Disclosure Act 1998.

This policy complies with our funding agreement and articles of association.

4. DEFINITION OF WHISTLE-BLOWING

Whistleblowing is the disclosure of information that relates to a genuine concern of suspected wrongdoing or dangers at work

Whistle-blowing covers concerns made that report wrongdoing that is "in the public interest". Examples of whistle-blowing include (but are not limited to):

- Criminal offences, such as fraud or corruption
- Pupils' or staff health and safety being put in danger
- Failure to comply with a legal obligation or statutory requirement

- Breaches of financial management procedures
- Damage to the environment
- An abuse of power or authority
- Sexual harrassment
- Attempts to cover up the above, or any other wrongdoing in the public interest

A whistle-blower is a person who raises a genuine concern relating to the above.

Not all concerns about the trust, or individual schools in the trust, count as whistle-blowing. For example, personal staff grievances such as bullying or harassment do not usually count as whistle-blowing. If something affects a staff member as an individual, or relates to an individual employment contract, this is likely a grievance.

When staff have a concern, they should consider whether it would be better to follow our staff grievance or complaints procedures.

Protect (formerly Public Concern at Work) has:

- Further guidance on the difference between a whistle-blowing concern and a grievance that staff may find useful if unsure
- A free and confidential advice line on 0203 117 2520

5. DETRIMENT

Provided that this procedure is used correctly, and the employee makes the disclosure in good faith, they will not suffer any detriment as a result of reporting the wrongdoing

6. SUPPORT

Romero CAT recognises that the reporting of a concern can be a difficult decision to take, not least because of the fear of reprisal. We aim to encourage openness and will support employees who raise genuine concerns in good faith under this policy, even if the concern turns out to be unfounded.

Romero CAT will encourage a culture of cooperation, integrity and accountability. Both parties (the person making the disclosure and the person whom the disclosure is about) have the right to be accompanied and/or represented by their trade union representative or by a work colleague at any stage of the process. Any staff who threaten or retaliate against whistleblowers in any way will be subject to disciplinary procedures.

We will respect the employee's confidentiality as far as we possibly can but there may be times when we cannot guarantee this, for example if there has been a criminal offence, a child protection or safeguarding issue. The whistleblower will be notified in advance if this is the case.

Training on whistleblowing is available for all staff.

7. PROCEDURE FOR STAFF TO RAISE A WHISTLE-BLOWING CONCERN

7.1 WHEN TO RAISE A CONCERN

Staff should consider the examples in section 4 when deciding whether their concern is of a whistle-blowing nature. Consider whether the incident(s) was illegal, breached statutory or trust procedures, put people in danger or was an attempt to cover any such activity up.

The earlier a concern is expressed; the easier it is to take appropriate action.

Although complainants are not expected to prove the truth of allegations made it will be necessary for them to demonstrate to the person contacted that there are sufficient grounds for concern.

7.2 WHO TO REPORT TO

School-based staff and Central Team staff should report their concern to the CEO.

- **CEO/CSEL: Katy Cox, kcox@romerocat.com**

If the concern is about the CEO, or it is believed they may be involved in the wrongdoing in some way, the staff member should report their concern to the Chair of the Board of Directors.

- **Chair of the Board of Directors: Paul Devine, chair@romerocat.com**

Concerns may also be reported to:

- **Chief People Officer: Helen Barker, Helen.Barker@romerocat.com**
- **Governance Lead and Trust Clerk: Lauren Lang, Lauren.Lang@romerocat.com**

For support or guidance with this policy, please contact Rome CAT Central team HR at Human.Resources@romerocat.com

7.3 HOW TO RAISE THE CONCERN

Concerns should be made in writing wherever possible. They should include:

- Names of those committing wrongdoing
- Dates
- Places
- As much evidence and context as possible.

Staff raising a concern should also include details of any personal interest in the matter.

In some circumstances, the employee may ask a trade union representative to raise the matter on their behalf. The employer will treat the concern as if it was from the employee themselves. The employee making the disclosure will be protected by the workers' legal right to make a protected disclosure and the trade union representative will, by extension, be afforded the same protection. An employee may also seek HR support for reporting or transcribing a concern.

8. TRUST PROCEDURE FOR RESPONDING TO A WHISTLE-BLOWING CONCERN

8.1 INVESTIGATING THE CONCERN

When a concern is received by the CEO, Director, or other named person – referred to from here as the 'recipient' – they will:

- Meet with the person raising the concern within a reasonable time, usually within ten working days.
- At all meetings under this procedure, the employee may be accompanied by a workplace colleague or trade union representative. Meetings will be arranged with at least five working days' notice. If the employee's representative is unable to attend on the proposed date, the employee may propose an alternative date and time. The alternative date and time must be no later than five working days after the original date
- During the meeting, the recipient will get as much detail as possible about the concern and record the information. If it becomes apparent the concern is not of a whistle-blowing nature, the recipient should handle the concern in line with the appropriate policy/procedure
- Reiterate, at this meeting, that the complainant is protected from any unfair treatment or risk of dismissal as a result of raising the concern. If the concern is found to be malicious or vexatious, disciplinary action may be taken.
- Establish whether there is sufficient cause for concern to warrant further investigation. If there is:
    - The recipient should then arrange a further investigation into the matter. If appropriate, an Investigating Officer may be appointed. In some cases, they may need to bring in an external, independent body to investigate. In others, they may need to report the matter to the police.
    - The person who raised the concern should be informed of how the matter is being investigated and an estimated timeframe for when they will be informed of the next steps.

8.2 OUTCOME OF THE INVESTIGATION

Once the investigation – whether this was just the initial investigation of the concern, or whether further investigation was needed – is complete, the Investigating Officer(s) will prepare a report detailing the findings and confirming whether or not any wrongdoing has occurred.

The report will include any recommendations for the recipient, and details on how the matter can be rectified. This may involve following the Trust Disciplinary Policy. The report will state whether or not a referral is required to an external organisation, such as the local authority or police.

The recipient will inform the person who raised the concern of the outcome of the investigation, though certain details may need to be restricted due to confidentiality.

Beyond the immediate actions, the CEO, Directors and other staff, if necessary, will review the relevant policies and procedures to prevent future occurrences of the same wrongdoing.

Whilst we cannot always guarantee the outcome sought, we will try to deal with concerns fairly and in an appropriate way.

9. MALICIOUS OR VEXATIOUS ALLEGATIONS

Staff are encouraged to raise concerns when they believe there to potentially be an issue. If an allegation is made in good faith, but the investigation finds no wrongdoing, there will be no disciplinary action against the member of staff who raised the concern.

If, however, an allegation is shown to be deliberately invented or malicious, the trust will consider whether any disciplinary action is appropriate against the person making the allegation.

10. ANONYMOUS ALLEGATIONS

Concerns expressed anonymously are much less powerful, but they will be treated with caution and considered at the discretion of the Trust. In exercising this discretion, the factors to be taken into account would include:

- The seriousness of the issues raised;
- The credibility of the concern; and
- The likelihood of obtaining the necessary information and confirmation of the allegation.

11. CONFIDENTIALITY

The whistleblowing process will be treated with confidentiality. All related documentation will be stored securely and confidentially. Employees involved in investigations or proceedings must treat any related information communicated to them as confidential.

12. ESCALATING CONCERNS BEYOND THE TRUST

The trust encourages staff to raise their concerns internally, in line with this policy, but recognises that staff may feel the need to report concerns to an external body. A list of prescribed bodies to whom staff can raise concerns with is included here.

The Protect advice line, linked to in section 4 of this policy, can also help staff when deciding whether to raise the concern to an external party.

13. APPROVAL

This policy will be reviewed 3 years.

These procedures have been agreed by the Board of Directors, who will approve them whenever reviewed.

14. LINKS WITH OTHER POLICIES

This policy links with our policies on:

- Staff grievance policy
- Complaints procedure
- Safeguarding and Child protection policy