



Little Way Catholic
Educational Trust

Whistleblowing Policy

Version:	1	
Approved by:	Board	Date: 20 May 2024
Last reviewed on:	N/A	
Next review due by:	Summer 2026	

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1. Statement of Intent

The Little Way Catholic Educational Trust (LWCET) is committed to open, honest and transparent communication and ensuring the highest possible standards of integrity. LWCET will always treat whistleblowing as a serious matter.

In line with LWCET's commitment to openness, probity and accountability, members of staff are encouraged to report concerns. This policy will work to ensure that, if an employee sees or suspects that something is wrong, they will feel able to raise their concerns. This is known as "blowing the whistle" – a phrase that is used throughout this policy and should be viewed as a positive action of speaking up.

This policy seeks to ensure that any person suspecting malpractice knows how to raise concerns and what procedures are in place to deal with the concerns. Where this policy necessitates personal or special category data to be processed, it will be done in accordance with the Trust's Data Protection Policy.

This policy will not be confused with the procedure on dealing with harassment at work or the Trust's Grievance Policy and Disciplinary Policy and Procedures.

This policy will:

- a. Give confidence to members of staff when raising concerns about conduct or practice that is potentially illegal, corrupt, improper, unsafe or unethical, or which amounts to malpractice or is inconsistent with school standards and policies.
- b. Provide members of Trust staff with avenues to raise concerns.
- c. Ensure that members of staff receive a response to the concerns they have raised and feedback on any action taken.
- d. Offer assurance that members of staff are protected from reprisals or victimisation for whistleblowing action undertaken in good faith and within the meaning of the Public Interest Disclosure Act 1998 (PIDA) which protects whistleblowers from detrimental treatment by their employer (amending the Employment Rights Act 1996).

Examples of the issues covered by the policy include, but are not limited to, things that may be:

- a. Unlawful or a criminal offence
- b. Fraudulent or improper use of the academy's money or assets
- c. Abuse of students or of other employees
- d. Breaches of child protection policy/legislation
- e. Breach of Health and Safety policy/legislation including dangerous practices at work
- f. Receiving any gift or advantage that demonstrates a conflict of interest
- g. A miscarriage of justice
- h. Maladministration, misconduct or malpractice
- i. Damage to the environment
- j. Concealment of any of the above

Under this policy, any of the following can raise a concern:

- a. Employees of the Trust
- b. Voluntary workers working with the Trust
- c. Trainees and apprentices, such as student teachers

2. Legal Framework

This policy has due regard to all relevant legislation and guidance including, but not limited to, the following:

- Public Interest Disclosure Act 1998
- Employment Rights Act 1996
- ESFA (2023) 'Academy Trust Handbook 2023'
- DfE (2021) 'Keeping Children Safe in Education 2021'
- GOV.UK (2012) 'Whistleblowing for employees'
- Sir Robert Francis (2015) 'Freedom to speak up report'

This policy operates in conjunction with the following Trust policies:

- LWCET Complaints Procedures Policy
- LWCET Disciplinary Policy and Procedure
- LWCET Data Protection Policy
- LWCET Retention Schedule
- LWCET Safeguarding Policy

3. The Public Interest Disclosure Act

The Public Interest Disclosure Act 1998 (PIDA) protects employees who “blow the whistle” where the employee reasonably believes that the disclosure falls within the remit of the prescribed person or body and that the information, and any allegations are substantially true.

Disclosures made under this procedure will be monitored for statistical purposes as required under the PIDA. The details of any disclosure will remain confidential.

Any member of the academy community or the public is able to “blow the whistle”; however, the PIDA only protects employees. Section 6 includes further details on how whistleblowing affects non-employees.

Non-Employees:

The PIDA and the Employment Rights Act 1996 **do not** protect non-employees as far as whistleblowing is concerned. Irrespective of this, the Trust will not allow harassment, dismissal or exclusion for any non-employee who raises a genuine concern.

Where an individual feels that they have been unfairly treated following blowing the whistle, they should make a complaint under the Trust's Complaints Policy.

LGC Members, Directors and Members of the Trust are not employees, and they are not protected under the PIDA. Irrespective of this, the Trust will not allow harassment for any non-employee who raises a genuine concern.

4. Definitions

Whistleblowing: Whistleblowing is when an employee report suspected wrongdoing, or 'qualifying disclosures', at work to their employer.

Qualifying disclosures: As outlined by the Public Interest Disclosure Act 1998 (PIDA), qualifying disclosures pertain to when any of the following occurs:

- a. A criminal offence has been committed, is likely to be committed or is being committed
- b. A person has failed, is failing or is likely to fail to comply with any legal obligation to which

they are subject

- c. A miscarriage of justice has occurred, is occurring or is likely to occur
- d. The health or safety of any individual has been, is being or is likely to be endangered
- e. The environment has been, is being or is likely to be damaged
- f. Information tending to show any matter falling within any of the preceding points has been, is being or is likely to be deliberately concealed

In the public interests means that an individual acted outside their own personal interest – they acted for more than personal gain. It is not necessary for the disclosure to be of interest to the entire public. The following considerations are often used as a test to establish whether something is within the scope of public interest:

- a. The number of people in the group whose interests the disclosure served
- b. The nature of the interests and the extent by which individuals are affected by the wrongdoing disclosed
- c. The nature of the wrongdoing disclosed
- d. The identity of the alleged wrongdoer

Blacklisting refers to an individual who is being refused work because they are viewed as a whistleblower.

Grievances involve someone filing a complaint because they personally have been mistreated in some way – the person making the complaint will have a direct interest in the outcome. It is important to understand the difference between raising a grievance and blowing the whistle.

5. Roles and Responsibilities

The **Trust Board** will be responsible for:

- a. Establishing, agreeing and publishing the whistleblowing procedure
- b. Ensuring the policy provides an open and transparent framework where members of the academy community can raise their concerns
- c. Ensuring that the agreed whistleblowing procedure is published on the Trust's website.
- d. Monitoring the effectiveness of this policy and undertaking any necessary reviews, e.g. in relation to good practice recommendations or changes in legislation
- e. Holding the CEO accountable for the dissemination and application of the policy, as required
- f. Deciding on the appropriate course of action in relation to whistleblowing concerns relating to the CFO or CEO
- g. Ensuring that due process has been followed in whistleblowing concerns relating to the Senior Executive Team (noting that the Board are accountable for any consequential suspension and/or dismissal which may arise)
- h. Notifying the Diocese of any action which may bring the Catholic nature of the Trust into disrepute (as defined in the Scheme of Delegation).

The **Local Governance Committee (LGC)** will be responsible for:

- a. Ensuring that the agreed whistleblowing procedure is published on the School's website
- b. Holding the Headteacher accountable for the dissemination and application of the policy, as required
- c. Ensuring that due process has been followed in whistleblowing concerns relating to the teaching and support staff

- d. Notifying the Trust and Diocese of any action which may bring the Catholic nature of the Trust into disrepute (as defined in the Scheme of Delegation).

The **CEO** will be responsible for:

- a. Ensuring all members of the central executive team have access to the Whistleblowing Policy and have read and understood the policy
- b. Processing and resolving whistleblowing concerns in line with the policy as they relate to the senior Executive Team (inc. Headteachers) and central executive team
- c. Informing the Trust Board, as appropriate, in relation to any action taken following a whistleblowing concern
- d. Offering support and guidance to Headteachers and LGCs in relation to managing Whistleblowing within their schools.

The **Headteachers** will be responsible for:

- a. Ensuring all members of the school community have access to the Whistleblowing Policy and have read and understood the policy
- b. Processing and resolving whistleblowing concerns in line with the policy as they relate to the teachers and support staff in their school
- c. Informing the LGC, as appropriate, in relation to any action taken following a whistleblowing concern
- d. Seeking the support of the CEO, as appropriate in managing whistleblowing concerns in their schools.

All **staff members** are responsible for:

- a. Raising any concerns that meet of this the definitions in section 4 of the policy concerning suspected wrongdoing, or 'qualifying disclosures'
- b. Being truthful and reasonable with any concerns that they have
- c. Not raising malicious or unfounded concerns.

6. Procedure

All concerns must be made in writing to the appropriate person

Whistleblowing concerns relating to	Reporting Whistleblowing concern reported to
Fellow member of staff in a school	Line manager, who will report to the headteacher
Line Manager	Headteacher
Headteacher or member of the central Trust executive Team	CEO
CEO	Chair of the Trust Board.
LGC member	CEO
Trust Director	Chair of the Trust Board

If the whistleblower feels unable to raise their concern with their line manager or Headteacher, in the

first instance, they may contact the CEO. If this occurs, the whistleblower will be asked to explain why they are unable to raise their concerns with the line manager and Headteacher.

Raising a concern

When individuals raise a concern, they should include the following information as far as possible:

- a. The background and history of the concern
- b. Any relevant names, dates and places
- c. The reasons for the concern

The Trust encourages individuals to let their identity be known when they raise concerns, as anonymous concerns can be challenging to investigate.

Individuals who would like to seek professional and confidential advice can contact Protect, a registered charity that advises on whistleblowing queries. The Protect website can be accessed [here](http://www.protect-advice.org.uk) (www.protect-advice.org.uk), or they can be contacted on 020 31172520.

Once an individual has raised a concern, the school and/or Trust will be responsible for ensuring a full investigation takes place.

The trust encourages staff to raise their concerns internally, 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](#).

Indeed, in certain instances, it may be appropriate for the individual to raise the concern with an outside agency, e.g. the police, depending on the severity of the concern. Equally, it may be appropriate for the individual to request that their trade union raises the matter.

If a member of staff feels like they are unable to raise a safeguarding-related concern with the Trust, they are able to contact the NSPCC Whistleblowing Helpline on 0800 028 0285 or the Local Authority Designated Officer (LADO). More information can be found at: <https://www.gloucestershire.gov.uk/health-and-social-care/children-young-people-and-families/lado-allegations/>.

If a member of staff feels they should report a concern to the Education and Skills Funding Agency (ESFA), they should use this link to the [online contact form](#).

The school, the Trust, or the appropriate external agency, will acknowledge receipt of a disclosure but, unless additional information is required, will not contact or engage in dialogue with the whistleblower, as this may undermine the legitimacy of the investigation outcome.

Next Steps

The Headteacher/CEO or Chair of the Trust Board will request that the individual puts their concern in writing, if they have not already done so.

The appropriate person (as defined above) will write to the complainant within 10 working days of the initial meeting to confirm that the concern has been received and will include information about how they propose for investigate the concern.

The initial stage is likely to include an interview with the whistleblower, and then an assessment of further action required. During this initial stage, the Headteacher/CEO or Chair of the Trust Board will establish if:

- a. There are grounds for a concern and that it is genuine.
- b. The concern was raised in accordance with this policy.

The Headteacher/CEO or Chair of the Trust Board will ensure that the complainant is informed about:

- a. How they will communicate with them throughout the process. (It should be noted, the need for confidentiality may prevent the Academy or the Trust giving the complainant specific details of any necessary investigation or any necessary disciplinary action taken

- as a result of the concern)
- b. The confidentiality of their identity from the alleged wrongdoer
- c. The timescale associated with investigating and dealing with the concern.

The complainant will be reassured that if the concern is genuine, even if the concern is not confirmed, no disciplinary action will be taken against them. If clear evidence is uncovered that the complainant's concern is malicious or unfounded, disciplinary action may be brought against them.

If an investigation is carried out, the whistleblower will be informed of the final outcome.

A record will be kept of the seriousness of the issues raised and the credibility of the concern. All records will be kept confidential and will be stored in line with the Trust's Policy regarding the storage of staff data.

It may be possible for the concern to be resolved by simply agreeing the necessary action or explaining procedures to the alleged wrongdoer; however, depending on the severity and nature of the concern, it may:

Be investigated by an appropriately qualified individual or an internal audit

Be referred to the police or an external auditor.

Form the subject of an independent inquiry.

If the investigating officer needs to talk to the whistleblower, they are permitted to be accompanied by a trade union representative, a professional association representative, a friend or a fellow member of staff not involved in the area of work to which the concern relates to. This person will provide support only and will not be allowed to become involved in the proceedings.

A record will be made of the nature and outcome of the concern. The purpose of this is to ensure that a central record is kept which can be cross-referenced with other complaints to monitor any patterns of concern across the Trust and the academies and to assist in monitoring the procedure.

The whistleblower will be informed of the results of the investigation, and any action that is proposed will be subject to third party rights. Where action is not taken, the individual will be given an explanation.

7. What the Trust asks of Whistleblowers

The purpose of the Whistleblowing Policy is to enable individuals to raise concerns in confidence, without any fear of reprisal; therefore, it is imperative that whistleblowers:

- a. Do not take the concern outside the Academy or the Trust unless it is to report the concern through the proper channels.
- b. Declare any personal interest in the matter. The policy is designed to be used in the interest of the public and not for individual matters.

8. Appeal Process

If no action is to be taken and/or the individual is not satisfied with the way the matter has been handled, they can make a complaint under the Trust Complaints Policy.

9. Unfair Treatment

An individual can take a case to an employment tribunal if they feel that they have been treated unfairly as a result of whistleblowing. Further information can be sought from the Citizens Advice Bureau, the whistleblowing charity Protect, or from an individual's trade union.

10. Harassment and Victimisation of Staff

The Trust recognises that the decision to report a concern can be a difficult one to take, not least because of the fear of reprisal from those responsible for the malpractice or from the Trust as a whole; however, LWCET will not tolerate any such harassment or victimisation and will take appropriate action to protect staff who raise a concern in good faith.

Staff are protected in law by the PIDA. This gives employees protection from detriment and dismissal where they have made a protected disclosure, providing the legal requirements of the Act are satisfied, e.g. the disclosure was in the public interest.

Any member of staff who victimises or harasses a member of staff as a result of their having raised a concern in accordance with the Whistleblowing Policy will be dealt with under the Trust's Disciplinary Policy and Procedures.

11. Confidentiality and Anonymity

It is recognised that the person raising the concern may wish to raise a concern in confidence. Individuals who raise concerns will not have their identity disclosed without their prior consent. It must be appreciated, however, that in some situations the investigation process may not be concluded unless the source of the information and a statement by the individual is produced as part of the evidence.

This policy encourages the person raising the concern to put their name to any allegation. Concerns expressed anonymously are more difficult to investigate but will still be investigated. In exercising this discretion, the factors to be taken into account would include:

- a. The seriousness of the issue raised;
- b. The credibility of the concern; and
- c. The likelihood of confirming the allegation from attributable sources.

If an allegation is made but subsequently, following an investigation, not upheld then no action will be taken against the instigator providing they reasonably believe that their disclosures are made in the public interest and believe that the information disclosed, and any allegation contained in it, is substantially true. It should be noted that if a malicious or false allegation is made, disciplinary action may be considered.

12. Good Practice Principles

The Little Way Catholic Educational Trust will implement the core whistleblowing principles, as outlined in the ['Freedom to Speak Up Review'](#), to ensure that whistleblowing procedures are fair, clear and consistent.

13. Monitoring and Review

The Trust Board will review this policy annually, ensuring that all procedures are up to date. Any changes made to this policy will be communicated to all members of staff.