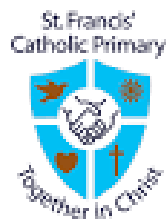


The Cardinal Newman Catholic Educational Trust

'Seeking God in all things together'

Cardinal Newman

Whistleblowing Policy 2022/23



A handwritten signature in black ink, appearing to read "Daniel Doyle".

Dr. Daniel Doyle
CEO - Newman Catholic Trust
24-05-2022

Anne Rolls

Anne Rolls
Chair - Newman Catholic Trust
24-05-2022

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1. Introduction

The Newman Catholic Educational Trust is founded by and forms part of the Catholic Church. In addition to the Church's funds which established the Trust's schools, it is sustained in its mission by receipt of public monies. Accordingly, it is accountable to the Catholic community of which it is a part, and which provided the schools, and also to the public whose funds it expends.

The Newman MAT, as an employer, is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, we expect members of the public, employees and others who working at the company, who have serious concerns about any aspect of the work of any employee, a worker for the Newman MAT (including Seconded employees) or a member of the public to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.

Newman MAT is dedicated to providing the utmost care for its pupils and staff. We aim to ensure that all members of the school community feel safe in the knowledge that they can voice any concerns in confidence and that they will be taken seriously and dealt with appropriately.

Staff who are concerned about the conduct of a colleague towards a pupil are undoubtedly placed in a very difficult position. They may worry that they have misunderstood the situation and they will wonder whether a report could jeopardise their colleague's career. All staff must remember that the welfare of the child is paramount. This policy enables staff to raise concerns or allegations in confidence and for a sensitive enquiry to take place.

Newman MAT takes responsibility for ensuring that all staff are aware of whistleblowing policy and procedures and made to feel comfortable that they can voice their concerns no matter what the circumstances.

2. Definition of 'whistleblowing'

Whistleblowing inside the workplace is defined as the reporting by workers or ex-workers of wrongdoing, such as fraud, malpractice, mismanagement, breach of health and safety law, or any other illegal or unethical act either on the part of management, the governing body or fellow employees. Workers may include volunteers, contractors and outside agencies or others.

The Public Interest Disclosure Act 1998 (known as the 'Whistleblowers Act') protects employees against any detrimental treatment or dismissal if, in the interest of the public, they disclose to their employer matters concerning the conduct of Newman MAT and its personnel that would normally be regarded as confidential.

It does not apply to any grievance that an employee may have about his/her own employment for which Newman MAT have already established statutory procedures to enable them to seek redress under the provisions of the School Staffing (England) Regulations 2003, Regulation 6(1)(b)1 .

3. Aims and Scope of this policy

This policy is intended to cover any major concerns that qualify for protection as 'qualifying disclosures' and fall outside the scope of other statutory procedures adopted by Newman MAT. Qualifying disclosures are disclosures of information which a member of the public, or

employee reasonably believes to show one of the following matters is happening now, took place in the past or is likely to happen in the future:

- conduct which is an offence, a breach of the law or contrary to Church teaching;
- disclosures related to miscarriages of justice;
- health and safety risks, including risks to the public as well as other employees;
- damage to the environment;
- the unauthorised use of public or Church funds;
- possible fraud and corruption;
- abuse of students;
- any other unethical or immoral conduct;
- the deliberate covering up any malpractice listed above.

Thus, any serious concerns that any member of the public or employee may have about malpractice in any aspect of service provision or the conduct of employees or academy committee representatives or directors within the company or others acting on behalf of the company can be reported under this policy.

The conduct in question may be something that makes an employee feel uncomfortable in terms of known standards, his/her experience or the values, beliefs and standards to which Newman MAT subscribes, is against the Object of the Newman MAT or it falls below established standards of practice; or amounts to improper conduct.

4. Reporting concerns to the school

If you have a concern about another member of staff you should report it to a member of the school leadership team, the designated person for safeguarding, or the headteacher. Complaints about the headteacher should be reported to the chair of governors.

All concerns will be listened to and taken seriously by the school. If you are in any doubt as to whether a concern is valid, you should report it, and the school can decide to what extent it needs to be investigated.

5. Safeguard for Whistleblowers

The Newman MAT will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect employees or members of the public when they raise a concern in good faith.

Qualifying disclosures may be made to the employer or via internal procedures.

A qualifying disclosure will be a protected disclosure where:

- it is made to the employer either directly or by procedures authorised by the employer for that purpose;

or

- it is made to another person whom the worker reasonably believes to be solely or mainly responsible for the relevant failure;

and

- the employee acts in good faith.

Qualifying disclosures may be made to a prescribed person.

A qualifying disclosure will be a protected disclosure where:

- it is made to a person or body which has been prescribed by the Secretary of State for the purpose of receiving disclosures about the matter concerned;

- the employee believes that the matter falls within the description of matters for which the person or body has been prescribed;
- the employee reasonably believes that the information and any allegation it contains are substantially true;
- the employee makes the disclosure in good faith.

Qualifying disclosures may be made to a legal adviser.

A qualifying disclosure will be a protected disclosure where:

- it is made to a legal adviser in the course of obtaining legal advice;

Qualifying disclosures may be made to a Government Minister.

A qualifying disclosure will be a protected disclosure where:

- it is made by an employee of a Government appointed organisation such as a non-departmental public body to a Government Minister either directly or via departmental officials
- it is made in good faith

Qualifying disclosures may be made to others not listed above.

A qualifying disclosure will only be a protected disclosure where:

- the employee reasonably believes that the information and any allegation it contains are substantially true;
- the employee makes the disclosure in good faith;
- the employee does not act for personal gain;
- the employee reasonably believes that he/she would be subjected to a detriment by his/her employer if disclosure were to be made to the employer or to a prescribed person;
- in the absence of an appropriate prescribed person the employee reasonably believed that the disclosure to the employer would result in the destruction or concealment of information about the wrongdoing;
- the employee had previously disclosed substantially the same information to his employer or to a prescribed person;
- it is reasonable for the employee to make the disclosure;

See Appendix 2 for a list of prescribed persons and the matters for which they are prescribed

- An employment tribunal will decide whether the employee acted reasonably in the circumstances but in particular will take into account:
 - the identity of the person to whom the disclosure was made e.g. it may be more likely to be considered reasonable to disclose to a professional body that has responsibility for standards and conduct in a particular field rather than to the media;
 - the seriousness of the relevant failure;
 - whether the relevant failure is continuing or is likely to occur again;
 - whether the disclosure breaches the employer's duty of confidentiality to others;
 - what action has or might reasonably be expected to have been taken if a disclosure was made previously to the employer or a prescribed person;
 - whether the employee complied with any internal procedures approved by the employer if a disclosure was made previously to the employer;

Qualifying disclosures may be made about exceptionally serious failures and in these cases, employees or members of the public do not need to go through the normal channels and can publicly 'blow the whistle' straight away.

- However, it is not enough for something to be an 'exceptionally serious failure' in the employee's opinion alone e.g. if he/she does not agree with a working practice. It must be a matter of fact that something is a genuinely serious failure. An example could be an exceptionally serious health and safety issue that is putting employees or others' lives at risk.
- Making a public disclosure e.g. to the media, is a serious matter and employees should get professional advice to confirm that the matter could be classed as an 'exceptionally serious failure' before taking such action.
- A qualifying disclosure will be a protected disclosure where:
 - the employee or member of the public reasonably believes that the information and any allegation it contains are substantially true;
 - the employee or member of the public makes the disclosure in good faith;
 - the employee or member of the public does not act for personal gain;
 - it is reasonable for the or member of the public or worker to make the disclosure in view of all the circumstances, having regard in particular to the identity of the person to whom the disclosure is made.

Any investigation into allegations of potential malpractice will not influence employees or be influenced by any disciplinary or redundancy procedures that might affect them.

Any provision in an agreement between employee and employer which would prevent the employee from making disclosures protected by the new provisions is void.

Employees do not have to raise a grievance in order to make a protected disclosure. The statutory minimum grievance procedures apply to a protected disclosure only if the employee actually intends that the disclosure constitutes raising the matter with his employer as a grievance

6. Wider disclosure

We encourage all our staff to follow the internal procedures outlined in this policy but understand that in some cases you may feel it is necessary to take your concerns to external agencies. This should, however, be done only as a last resort. Staff should only approach external agencies regarding their concerns without discussing them internally first if:

- they feel that they are being discriminated against and that there is no internal authority that can be contacted with trust
- they reasonably believe that they will be victimised if they follow internal procedures for whistleblowing
- they believe that the concern that they have raised has not been taken seriously or acted upon correctly.

We urge staff who take their concerns to external agencies to be careful not to disclose any confidential information. **Note: it is against the law to publish any information which may lead to the identification of a teacher who is subject to an allegation.**

The authorities that may be of help to you are:

- *Children's Social Care Services*
- *Police*
- *NSPCC*
- *Health & Safety Executive*

- *Audit Commission*
- *Local Citizens Advice Bureau*
- *Relevant professional bodies or regulatory organisations*
- *Department for Education*
- *Ofsted*
- *Clifton Diocese*

5. Confidentiality

All concerns will be treated in confidence, and the school is committed to protecting the identity of whistleblowers as far as is possible. However, in some circumstances it may not be possible to do this, for example: if it will prevent a thorough investigation taking place; if there is reason to reveal the name by law; if the whistleblower has to give evidence at any hearings.

In cases where identities are revealed for whatever reason, the school will do its best to support all parties involved and protect them from discrimination and victimisation.

Confidentiality is a priority throughout any investigation, and continues to be once the investigation is over, and we urge staff to closely follow all guidelines relating to confidentiality. Any member of staff that has acted knowingly against this, or revealed confidential information unnecessarily or for vicious reasons, may face prosecution.

6. Anonymous allegations

We would encourage staff to put their name to concerns made as it will aid a more thorough investigation. However, the school will investigate all anonymous allegations seriously; following the proceedings outlined in this policy as far as is possible.

7. False allegations

The Newman MAT encourages all of its staff to voice their concerns and allegations safe in the knowledge that those who make allegations in good faith that do not prove to be true will not be reprimanded.

The school may take disciplinary action against staff who make claims that are found to be knowingly false, malicious, or for personal gain.

8. Responding to a concern

The Newman MAT/Academy will investigate all allegations and concerns, but the act of investigation does not indicate that the Newman MAT/Academy has accepted the allegations as true.

Usually, the first course of action will be one of the following:

- an investigation by managers, internal audit, or through the disciplinary process
- an investigation under other procedures such as child/adult protection
- an investigation under procedures designed to deal with allegations made against professionals
- a referral to the police
- a referral to the external auditor or other external investigation

- an investigation under other forms of prosecution and inspection such as the protection of public health and safety
- a referral to an independent investigator.

Any concerns that fall under specific procedures will be followed up as described in their specific policy, e.g., child protection and safeguarding issues will be followed up as described in the school's child protection and safeguarding policy.

When raising concerns, the details should include:

- Name (unless the wish to be anonymous)
- Details of who has committed the alleged serious wrong doing
- Details of what the nature is regarding the alleged serious wrong doing
- Confirmation if the person making the disclosure is employed by company
- Name of the entity involved; school, Central Services Team
- Is the person disclosing a student, pupil, member of the public?

However, if, for whatever reason this is not possible or appropriate, the employee should contact the Headteacher or Trust's CEO directly.

If the employee suspects that the Headteacher or CEO may be involved in the malpractice, then he/she should contact one of the named personnel in Appendix 1

If the employee also suspects involvement by the Chair of the Board / Academy Committee, then he/she should one of the contacts listed in the Appendix 1.

Employees will be given the opportunity to discuss their suspicions with the appropriate investigating officer who will arrange for an investigation to take place.

9. Whistleblowing procedures

9.1 The role of the whistleblower

Concerns will usually be dealt with in this way:

1. Staff will raise their concern with their manager, either in person or in writing. If their manager is the subject of the concern, they should go straight to the headteacher. Staff will be dealt with in confidence and invited to an interview to discuss the allegation. Staff can go straight to the chair of governors with their concern, but they will be asked to explain why they did not feel comfortable taking it to a member of their leadership team.
2. The member of the leadership team that has heard the concern will decide upon the next course of action. If they decide that it is a genuine concern, and that it is appropriate to follow the whistleblowing procedure, they may take the matter to an appropriate senior member of the Trust e.g. the Headteacher, the CEO, the Chair of the Board of Local Academy Committee.

9.2 Role of the leadership team

Hold an interview

Once an allegation has been brought to their attention, the senior staff member, Headteacher, CEO or Chair of the Board/Local Governing Committee will hold an interview with the person making the allegation, in confidence. This will take place immediately if there is concern that a child is at risk of harm, or within 10 working days if this is not the case. During this interview they will:

- get as much information about the basis of the allegation as they can, and will record what is discussed
- discuss the next action points and steps that will be taken with the staff member who has raised the allegation, and ensure that they fully understand what is going to happen; if the standard whistleblowing procedure is not going to be followed, this should be explained, and an alternative procedure outlined
- provide support to the whistleblower; they may be worried about their position, getting someone else into trouble, or what they suspect may be happening.

Staff may want to seek the support of their trade union when going through whistleblowing procedures. Staff are allowed to take a representative from their trade union to their interview and subsequent meetings.

Decide on a course of action

If there is cause for concern once the interview has been carried out, the leading member of staff will take the information that they have recorded to the headteacher (or chair of governors if the headteacher is of concern).

If it is decided that no further action will be taken this will be explained to the whistleblower within 10 working days. This may be because:

- the leadership member does not feel that there is enough evidence to warrant a continued investigation and that is unlikely that any malpractice has occurred or will occur
- there is a belief that the whistleblower is not acting in good faith
- the matter has already been raised and is being investigated.

The headteacher, if not already involved, will be informed of the concern even if no further action is to be taken.

9.3 Role of the headteacher and governing body

The person who receives the report must act on the concern fully. If there is a good reason not to, this will be explained at the next governing body meeting and reported back to the whistleblower.

The headteacher or chair of governors will decide whether this needs to be escalated to the CEO or whether any external authorities need to be reported to on the matter, or whether it is a case for internal investigation.

The decision and progress of the case will be reported back to the leadership member involved, and this will be reported by them to the whistleblower.

The outcomes of any investigations will be reported to the whistleblower in writing to their home address within 10 working days of completion. If they do not receive any information and this time has passed, they may appeal for information through their manager or relevant external authorities.

10. Recording, monitoring and evaluation

All staff concerned and involved with any allegation or investigation should keep good records of meetings they attend, discussions that are held, and any outcomes or action points that have been decided.

The headteacher and/or governing body will review and evaluate all allegations, how they have been dealt with, and their outcomes, to prevent similar future cases, and ensure that procedures are being used correctly and are effective.

This policy will be reviewed annually and any relevant cases that have come up during the past year will be taken into account when it is being reviewed.

11. Outcomes

If the whistleblower is dissatisfied and feels that an allegation that they have made has not been dealt with seriously or properly, they can take the matter up with the CEO of the Trust or Board of Directors. All school leaders will try their best to deal with allegations fairly and effectively.

12. Independent advice

This policy is designed to help staff with any whistleblowing concerns and procedures, but the school understands that some staff may wish to get advice from independent external agencies.

Appendix 1:

Entity	Name	Role	Email
Academies			
St. Bernard's Catholic Primary School	Linda Dineen	Chair of the Governors	linda.dineen@stbernardsprimary.co.uk
	Richard Jordan	Headteacher	head@stbernardsprimary.co.uk
St Francis Catholic Primary School	Cath Hanley	Chair of the Governors	cog@stfrancispri.org
	Catherine Hunt	Headteacher	head@stfrancispri.org
St Teresa's Catholic Primary School	Max Fauvet	Chair of the Governors	
	Samantha Land	Headteacher	
Board of Directors			
Director	Anne Rolls	Chair of the Board	Chair@newmancatholictrust.com
Director	Jonathan Rogers	Vice-Chair	jonathanrogers@newmancatholictrust.com
Director	Chris Izuka	Foundation Director	chrisizuka@newmancatholictrust.com
Director	Clare Stansfield	Foundation Director	clarestansfield@newmancatholictrust.com
Director	Paul Dwyer	Foundation Director	pauldwyer@newmancatholictrust.com
Central Trust			
Trust Management Team	Daniel Doyle	CEO	CEO@newmancatholictrust.com
Director of Schools			
Clifton Diocese – Schools and Colleges Alexander House, 160 Pennywell Road, Bristol BS5 0TX. Tel: 0117 902 5599		Secretary of State Department for Education Sanctuary Buildings Great Smith Street London SW1P 3BT Tel: 02079255000	

Appendix 2:

List of Prescribed Persons and The Matters For Which They Are Prescribed

<p style="text-align: center;">The Public Sector Audit Appointments Ltd</p> <p>The proper conduct of public business, value for money, fraud and corruption in local government. PSAA Limited 3rd floor Local Government House Smith Square London SW1P 3HZ</p>
<p style="text-align: center;">The Charity Commissioners for England and Wales</p> <p>The proper administration of charities and of funds given or held for charitable purposes. whistleblowing@charitycommission.gsi.gov.uk</p>
<p style="text-align: center;">Children's Commissioner</p> <p>Matters relating to the views and interests of children. Children's Commissioner for England Sanctuary Buildings 20 Great Smith Street London SW1P 3BT</p>
<p style="text-align: center;">Information Commissioner</p> <p>Compliance with legislation relating to data protection and to freedom of information The Office of the Information Commissioner Wycliffe House Water Lane, Wilmslow, Cheshire SK9 5AF Tel: 01625 545700</p>
<p style="text-align: center;">Ofsted</p> <p>Please contact Ofsted if:</p> <ul style="list-style-type: none">• you are not satisfied with the service's response after you have followed its complaints procedure •you feel unable to contact the service concerned about this particular issue Email: <p style="text-align: center;">enquiries@ofsted.gov.uk Tel: 0300 123 1231</p>
<p style="text-align: center;">ESFA</p> <p>To complain or make a disclosure about an Academy please use this contact form To complain or make a disclosure about a Post-16 education or training provider, Please email complaints.esfa@education.gov.uk or send a letter to; Customer Service Team, Education and Skills Funding Agency Cheylesmore House Quinton Road Coventry CV1 2WT</p>
<p>Advisory, Conciliation and Arbitration Service (ACAS) – ACAS operates a national network of helplines which deal with queries about employment matters, including the rights and obligations arising out of employment law. The relevant Local Authority - Under section 18 of the Health and Safety at Work Act 1974 will investigate matters which may affect the health and safety of individuals at work; matters which may affect the health and safety of any member of the public arising out of or in connection with the activities of persons at work.</p>

This policy will be reviewed annually