



**NEWMAN**  
**CATHOLIC TRUST**

HEART SPEAKS TO HEART

**DRAFT**


**Whistleblowing Policy**

**2023-24**

**Review**

Review Cycle	Date of Policy	Reviewed by	Review Date
Annual			

**Ratification**

Role	Name	Signature	Date
Chair of Board			
CEO	Dr Daniel Doyle		

### *Commitment to Equality:*

*We are committed to providing a positive working environment which is free from prejudice and unlawful discrimination and any form of harassment, bullying or victimisation. We have developed a number of key policies to ensure that the principles of Catholic Social Teaching in relation to human dignity and dignity in work become embedded into every aspect of school life and these policies are reviewed regularly in this regard.*

#### **1. Introduction**

The Cardinal Newman Catholic Educational Trust (Newman Catholic Trust/Trust/MAT) 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 Catholic Trust, 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 Trust (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 Catholic Trust is dedicated to providing the utmost care for its pupils and staff. We aim to ensure all members of the Trust community feel safe in the knowledge that they can voice concerns in confidence, 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 Catholic Trust 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. 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 (2021) 'Academy trust handbook 2021'
- DfE (2023) 'Keeping children safe in education 2023'
- GOV.UK (2012) 'Whistleblowing for employees'
- Sir Robert Francis (2015) 'Freedom to speak up report'

This policy operates in conjunction with the following school policies:

- Disciplinary Policy and Procedure
- Complaints Procedures Policy
- Data Protection Policy

### **3. 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 Catholic Trust 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 Catholic Trust 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.

### **4. Definitions**

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

As outlined by the PIDA, qualifying disclosures pertain to when any of the following takes place:

- A criminal offence has been committed, is likely to be committed or is being committed
- A person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject
- A miscarriage of justice has occurred, is occurring or is likely to occur
- The health or safety of any individual has been, is being or is likely to be endangered
- The environment has been, is being or is likely to be damaged
- 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 of 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:

- The number of people in the group whose interests the disclosure served
- The nature of the interests and the extent by which individuals are affected by the wrongdoing disclosed
- The nature of the wrongdoing disclosed
- 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. Reporting concerns to the Trust or one of its schools**

If your concern relates to a Trust school and a member of school staff, you should report it to a member of the school leadership team, the designated person for safeguarding, your line manager or the Senior School Leader (e.g. the Executive Principal, Principal, Head of School). Complaints about the Senior School Leader should be reported to the Chair of the Local Governing Committee.

If your concern relates to a member of the Trust Central Team, you should report it to the CEO. If your concern relates to the CEO, you should report your concern to the Chair of the Board.

All concerns must be expressed in writing and, when individuals raise their concern, they must include the following information as far as possible:

- The background and history of the concern
- Any relevant names, dates and places
- 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.

All concerns will be listened to and taken seriously. If you are in any doubt as to whether a concern is valid, you should report it, and the school or Trust can decide to what extent it needs to be investigated. Individuals who would like to seek professional and confidential advice should 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 appropriate receiving body will be responsible for investigating it.

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 they should report a concern to the ESFA, they should use the [online contact form](#).

Appropriate whistleblowing procedures will be put in place for concerns about poor or unsafe practice and potential failures in safeguarding systems will to be raised with the SLT of the school in question or directly with the Trust.

If a member of staff feels like they are unable to raise a safeguarding-related concern with the school or Trust or feels that their genuine concerns are not being addressed, they are able to contact the NSPCC Whistleblowing Helpline on 0800 028 0285 or the appropriate LADO of the school's Local Authority.

The school, Trust or 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.

## 6. Interview and investigation

The individual receiving and overseeing the concern will write to the individual within **10 working days** of the initial meeting to confirm that the concern has been received, as well as to indicate proposals for dealing with the matter.

Concerns will usually be dealt with in this way:

- Staff will raise their concern with their line manager, either in person or in writing. If their manager is the subject of the concern, they should go straight to the Senior School Leader. 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.
- The initial stage will be an interview with the whistleblower, and then an assessment of further action will be discussed. During this initial stage, the investigation lead will establish if:
  - There are grounds for a concern and that it is genuine.
  - The concern was raised in accordance with this policy.

Following the interview, they will 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 Senior School Leader. If it is a concern relating to the Trust then this will be referred to the CEO of the Chair of the Board.

**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 investigating officer 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 Senior School Leader or CEO, if not already involved, will be informed of the concern even if no further action is to be taken.

During the initial interview, the investigation lead will request the individual puts their concern in writing, if they have not already done so. The investigation lead will write a summary of the concern if the individual is unable to put it in writing.

The investigation lead will explain the following to anybody raising a concern:

- How they will communicate with the complainant throughout the process. It should be noted, the need for confidentiality may prevent the school giving the complainant specific details of any necessary investigation or any necessary disciplinary action taken as a result of the concern.
- That the complainant's identity will be kept confidential from the alleged wrongdoer.
- That they will do everything in its power to protect the complainant from discrimination.
- That if the concern is genuine, even if the concern is not confirmed, no disciplinary action will be taken against the complainant.

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 GDPR policies.

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 management, an internal audit or through the disciplinary process.
- 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 that 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 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 school asks of whistleblowers**

The purpose of this policy is to enable individuals to raise concerns in confidence, without any fear of reprisal. It is important that whistleblowers:

- Do not talk about the concern outside the school or Trust unless it is to report the concern through the proper external channels, e.g. the LA.
- Declare any personal interest in the matter, as 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 Complaints Procedure 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 [Citizen's Advice Bureau](#), the whistleblowing charity [Protect](#), or from an individual's trade union.

Any claims of unfair dismissal needs be made within three months of the investigation ending.

## Appendix 1:

Entity	Name	Role	Email
<b>Schools</b>			
St. Bernard's Catholic Primary School	Linda Dineen	Chair of the Governors	<a href="mailto:linda.dineen@stbernardsprimary.co.uk">linda.dineen@stbernardsprimary.co.uk</a>
	Richard Jordan	Principal	<a href="mailto:principal@stbernardsprimary.co.uk">principal@stbernardsprimary.co.uk</a>
St Francis Catholic Primary School	Cath Hanley	Chair of the Governors	<a href="mailto:cog@stfrancispri.org">cog@stfrancispri.org</a>
	Catherine Hunt	Principal	<a href="mailto:head@stfrancispri.org">head@stfrancispri.org</a>
St Nicholas of Tolentine Catholic Primary School	Colleen Colett	Chair of the Governors	<a href="mailto:colleen.collett@bristol-schools.uk">colleen.collett@bristol-schools.uk</a>
	Rachael James	Principal	<a href="mailto:Rachael.James@bristol-schools.uk">Rachael.James@bristol-schools.uk</a>
St Teresa's Catholic Primary School	Max Fauvet	Chair of the Governors	<a href="mailto:max.fauvet@stteresas.org.uk">max.fauvet@stteresas.org.uk</a>
	Samantha Land	Executive Principal	<a href="mailto:head@stteresas.org.uk">head@stteresas.org.uk</a>
<b>Board of Directors</b>			
Director	Chris Izuka	Chair of the Board	<a href="mailto:Chair@newmancatholictrust.com">Chair@newmancatholictrust.com</a> Or <a href="mailto:chrisizuka@newmancatholictrust.com">chrisizuka@newmancatholictrust.com</a>
Director	Anselm Jacobs	Foundation Director	<a href="mailto:anselmjacobs@newmancatholictrust.com">anselmjacobs@newmancatholictrust.com</a>
Director	Darren Jones	Foundation Director	<a href="mailto:darrenjones@newmancatholictrust.com">darrenjones@newmancatholictrust.com</a>
Director	Robert Stewart	Foundation Director	<a href="mailto:robstewart@newmancatholictrust.com">robstewart@newmancatholictrust.com</a>
Director	Chisa Onyejekwe	Foundation Director	<a href="mailto:chisaonyejekwe@newmancatholictrust.com">chisaonyejekwe@newmancatholictrust.com</a>
<b>Central Trust</b>			
Trust Management Team	Daniel Doyle	CEO	<a href="mailto:CEO@newmancatholictrust.com">CEO@newmancatholictrust.com</a>
	Kimberley Bowgin	CFO	<a href="mailto:CFO@newmancatholictrust.com">CFO@newmancatholictrust.com</a>
<b>Director of Schools</b>			
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;"><b>The Public Sector Audit Appointments Ltd</b> 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;"><b>The Charity Commissioners for England and Wales</b> The proper administration of charities and of funds given or held for charitable purposes. <a href="mailto:whistleblowing@charitycommission.gsi.gov.uk">whistleblowing@charitycommission.gsi.gov.uk</a></p>
<p style="text-align: center;"><b>Children's Commissioner</b> 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;"><b>Information Commissioner</b> 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;"><b>Ofsted</b> Please contact Ofsted if:</p> <ul style="list-style-type: none"><li>• you are not satisfied with the service's response after you have followed its complaints procedure</li><li>• you feel unable to contact the service concerned about this particular issue Email: <a href="mailto:enquiries@ofsted.gov.uk">enquiries@ofsted.gov.uk</a> Tel: 0300 123 1231</li></ul>
<p style="text-align: center;"><b>ESFA</b> 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 <a href="mailto:complaints.esfa@education.gov.uk">complaints.esfa@education.gov.uk</a></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>

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**This policy will be reviewed annually**