



Our Lady and All Saints
Catholic Multi Academy Company
Strong in Faith

OLAAS MAC Whistleblowing Policy

As a Catholic Multi Academy Company, we exist to secure, protect and enrich Catholic Education across our family of schools. We seek to ensure that the future Catholic education is secure and stable through effective governance and parish engagement and to develop curriculum and standards that reflect the Catholic Life approach and ethos.

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1. Purpose

Our Lady and All Saints Catholic Multi-Academy Company (the MAC) is committed to the highest possible standards of honesty and integrity, and we expect all staff to maintain these standards. However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring or to address them when they do occur.

2. Background

- 2.1 As employees are often the first to realise that there may be something wrong within the MAC or one of its schools, it is important that they feel able to express their concerns without fear of harassment or victimisation. Otherwise, they may find it easier to ignore the concern rather than report it. The Public Interest Disclosure Act (in force since January 1999) recognises this fact and is designed to protect employees, who make certain disclosures of information in 'the public interest', from detriment and/or dismissal. This policy builds on the provisions of the Act.
- 2.2 This policy makes it clear that employees can voice concerns without fear of reprisals; it is intended to encourage and enable employees to raise serious concerns within the MAC rather than overlooking a problem or alerting anyone external to the MAC. It is recognised that cases may have to proceed on a confidential basis.
- 2.3 This policy does not form part of any employee's contract of employment and it may be amended at any time.
- 2.4 This policy is also extended to Governors, Volunteers, Contractors and Suppliers to enable them to voice & raise serious concerns within the MAC.

3. Aims and Scope of the Policy

- 3.1 This policy aims to:
 - provide avenues for employees and others (see 2.4 above) to raise concerns internally as a matter of course, and receive feedback on any action taken;
 - provide for matters to be dealt with quickly and appropriately; and ensure that concerns are taken seriously;
 - reassure employees and others (see 2.4 above) that they will be protected from reprisals or victimisation for whistleblowing in good faith;
 - allow employees and others (see 2.4 above) to take the matter further if they are dissatisfied with the response following a whistleblowing investigation.
- 3.2 This policy describes how any MAC employee and others (see 2.4 above) can raise any concerns they may have about working practices and who should be informed about the concerns. It may be that issues raised via this policy will be addressed via other procedures, e.g. anti-fraud and corruption, grievance, disciplinary and safeguarding procedures.

- 3.3 A **whistleblower** is a person who raises a genuine concern relating to the matters below. If employees and others (see 2.4 above) have any genuine concerns related to suspected wrongdoing or danger affecting any of our activities (a whistleblowing concern) they should report it under this policy. **Whistleblowing** is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include:
- (a) criminal activity;
 - (b) miscarriages of justice;
 - (c) danger to health and safety;
 - (d) damage to the environment;
 - (e) failure to comply with any legal or professional obligation or regulatory requirements;
 - (f) bribery;
 - (g) financial fraud or mismanagement;
 - (h) negligence;
 - (i) breach of our internal policies and procedures
 - (j) conduct likely to damage our reputation;
 - (k) unauthorised disclosure of confidential information;
 - (l) examination fraud;
 - (m) Sexual harassment, sexual misconduct, or failure by the organisation to take reasonable steps to prevent sexual harassment;
 - (n) the deliberate concealment of any of the above matters.
- 3.4 **BEFORE** initiating the whistleblowing procedure, the following should be considered:
- the responsibility for expressing concerns about unacceptable practice or behaviour rests with all employees and others (see 2.4 above);
 - employees should use their line manager or team meetings and other opportunities to raise questions and seek clarification on issues which are of day-to-day concern;
 - others (see 2.4 above) should inform the Local Governing Body at the School or Directors as appropriate to raise questions and seek clarification on issues which are of day-to-day concern;
 - whilst it can be difficult to raise concerns about the practice or behaviour of a colleague/client, employees and others (see 2.4 above) must act to prevent an escalation of the problem and to prevent themselves being potentially implicated.
- 3.5 All employees and others (see 2.4 above) have the right to raise concerns, which could be about the actions of other employees, volunteers, private contractors, governors or the Directors.
- 3.6 Concerns raised by employees about their own conditions of service, should be addressed via the MAC's Grievance Procedure or, if the matter relates to salary, the salary review procedures documented in the MAC's Pay Policy.
- 4. Safeguards**
- 4.1 Harassment or Victimisation
- 4.1.1 The MAC Board of Directors recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The Board of Directors will not tolerate harassment or victimisation and will take action to protect employees when they raise a concern in good faith.
- 4.1.2 This does not mean that if an employee is already the subject of internal procedures such as disciplinary or redundancy, that those procedures will be halted as a result of that employee raising a concern under the whistleblowing policy.

4.2 Confidentiality

- 4.2.1 We hope that staff and others (see 2.4 above) will feel able to voice whistleblowing concerns openly under this policy. All parties will make every effort to protect the identity of the whistleblower if confidentiality is requested. However, it must be understood that should the concern raised need to be addressed through another procedure, e.g., disciplinary procedures, the whistleblower may be asked to provide a signed statement as part of the evidence, thus revealing identity. Failure to provide such a statement may mean that further action cannot be taken via the investigating body to address the concern and in some circumstances, the investigating body may have to disclose the identity of the whistleblower without their consent, although this will be discussed with the whistleblower first.

4.3 Anonymous Allegations

- 4.3.1 Employees and others (see 2.4 above) are encouraged to put their name to an allegation. Allegations expressed anonymously are much less powerful and more difficult to address, but they will be considered at the discretion of the investigating body. In exercising the 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 confirming the allegation from attributable sources.

4.4 Untrue Allegations

- 4.4.1 If an employee and others (see 2.4 above) make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against the whistleblower. If, however, we conclude that an employee and others (see 2.4 above) has made malicious or vexatious allegations, or with a view to personal gain disciplinary action may be taken against the whistleblower.

4.5 Unfounded Allegations

- 4.5.1 Following investigation, by (an) appointed Investigating Officer(s), allegations may be confirmed as unfounded. This outcome will be notified to the employee/whistleblower who raised the concern, who will be informed that the investigating body deems the matter to be concluded and that it should not be raised again unless new evidence becomes available.

4.6 Support to Employees/Whistleblower

- 4.6.1 It is recognised that raising concerns can be difficult and stressful. Advice and support will be made available, as appropriate, to both the whistleblower raising the concerns and the employee(s) subject to investigation.

5. How to raise a Concern

- 5.1 Whistleblowers (whether employee or other) should normally raise concerns with the MAC c/o of the Catholic Education Senior Lead (CSEL)/CEO. If, however, the whistleblower believes that the CSEL/CEO is involved, they should approach the Board of Directors, via the Clerk to the Board. This reporting line can be by-passed altogether if the whistleblower feels the overall management by the Board of Directors is engaged in an improper course of action. In this case, please refer to section 7 below.
- 5.2 Concerns are better raised in writing. The whistleblower should set out the background and history of the concerns, giving names, dates and places where possible, and the reasons why they are particularly concerned about the situation. If a whistleblower does not feel able to put the concern in writing, they should telephone or meet the appropriate person (as defined in the reporting line in 5.1 above). It is important that, however the concern is raised, the whistleblower makes it clear that they are raising the issue via the whistleblowing procedure.
- 5.3 The earlier a whistleblower expresses the concern, the easier it is to take action.
- 5.4 Although a whistleblower is not expected to prove the truth of an allegation, they will need to demonstrate to the person contacted that there are sufficient grounds for the concern.
- 5.5 In some instances it may be appropriate for an employee to ask the trade union to raise a matter on the employee's behalf.
- 5.6 At each meeting under this policy the employee may bring a colleague or trade union representative. The companion must respect the confidentiality of the disclosure and any subsequent investigation. For non-employees, the whistleblower could be accompanied at the meeting.

6. The Role of the CEO/Board of Directors/Investigating Officer

- 6.1 The CEO/Chair of the Board of Directors may be informed by a whistleblower about concern(s) and that they are "blowing the whistle" within the procedure in person; or in writing or over the phone.
- 6.2 The CEO/Chair of the Board of Directors should respond immediately, either by arranging to meet with the whistleblower in person or arranging for an appointed person to meet with the whistleblower to discuss the concern(s) as soon as possible.
- 6.3 Stage One:
- 6.3.1 At the initial meeting the CEO/Chair of the Board of Directors /appointed person should establish that:
- there is genuine cause and sufficient grounds for the concern; and
 - the concern has been appropriately raised via the Whistleblowing Policy.
- 6.3.2 The CEO/Chair of the Board of Directors appointed person should ask the whistleblower, to put their concern(s) in writing if they have not already done so. If the whistleblower is unable to do this the CEO/Chair of the Board of Directors /appointed person will take down a written summary of their concern/s and provide them with a copy after the meeting. The CEO/Chair of the Board of Directors /appointed person should make notes of the discussions with the whistleblower. The whistleblower's letter and/or CEO/Chair of the Board of Directors /appointed person's notes

should make it clear that the whistleblower is raising the issue via the whistleblowing procedure and provide:

- the background and history of the concerns; and
- names, dates and places (where possible); and
- the reasons why the whistleblower is particularly concerned about the situation.

6.3.3 The whistleblower should be asked to date and sign their letter and/or the notes of any discussion. The CEO/Chair of the Board of Directors /appointed person should positively encourage the whistleblower to do this, as a concern expressed anonymously is much less powerful and much more difficult to address, especially if the letter/notes become evidence in other proceedings, e.g., an internal disciplinary hearing – in these instances, documents may need to be redacted to protect the whistleblower.

6.3.4 The CEO/Chair of the Board of Directors /appointed person should follow the policy as set out above and, in particular, explain to the whistleblower:

- what steps they intend to take to address the concern;
- how they will communicate with the whistleblower during and at the end of the process; and that a written response will be sent out within ten working days.
- that their identity will be protected as far as possible, but should the investigation into the concern require the whistleblower to be named as the source of the information, that this will be discussed with the whistleblower before their name is disclosed;
- that the CEO/Chair of the Board of Directors /appointed person will do all that it can to protect the whistleblower from discrimination and/or victimisation;
- that the matter will be taken seriously and if required, will be investigated as a matter of urgency; and
- that if the whistleblower's concern, though raised in good faith, is not confirmed by the investigation, no punitive action will be taken against them.

6.3.5 The CEO/Chair of the Board of Directors /appointed person explain to the whistleblower, as a matter of fact, that:

- if clear evidence is uncovered during the investigation that they have made a malicious or vexatious allegation, disciplinary action may be taken against them; and
- the investigation may confirm their allegations to be unfounded in which case the CEO/Chair of the Board of Directors /appointed person will deem the matter to be concluded and they will be expected not to raise the concern again unless new evidence becomes available.

6.4 Stage Two:

6.4.1 Following the initial meeting with the whistleblower, the CEO/Chair of the Board of Directors / appointed person should determine whether an investigation is appropriate and, if so, what form it should take. A record should be made of the decisions and/or agreed actions.

6.4.2 It may be necessary, with anonymous allegations, to consider whether it is possible to take any further action. When making this decision, the CEO/Chair of the Board of Directors/appointed person should take the following factors into account:

- the seriousness of the issue(s) raised;
- the credibility of the concern(s); and
- the likelihood of confirming the allegation(s) from attributable sources.

6.4.3 In some cases, it may be possible to resolve the concern(s) simply, by agreed action or an

explanation regarding the concern(s), without the need for further investigation. However, depending on the nature of the concern(s) it may be necessary for the concern(s) to:

- be investigated internally;
- be referred to the police;
- be referred to the external auditor;
- form the subject of an independent inquiry.

6.4.4 The CEO/Chair of the Board of Directors /appointed person should have a working knowledge and understanding of other MAC policies and procedures, e.g., disciplinary, safeguarding procedures, to ensure that concerns raised by whistleblowers are addressed via the appropriate procedure/process. Advice is available from the MAC's HR Team.

6.5 Stage Three

Within ten working days of a concern being received, the CEO/Chair of the Board of Directors/appointed person receiving the concern must write to the whistleblower:

- acknowledging that the concern has been received;
- indicating how they propose to deal with the matter;
- giving an estimate of how long it will take to provide a final response; and/or
- telling the whistleblower whether any initial enquiries have been made; and
- telling the whistleblower whether further investigations will take place (these may be carried out by (an) appointed investigating officer(s), and, if not, why not; and/or
- letting the whistleblower know when they will receive further details if the situation is not yet resolved; and
- providing the whistleblower with details of whom to contact should they be dissatisfied with this response, believes the concerns have not been taken seriously or that wrongdoing is still happening (see 7.1 below).

6.6 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 CEO/Chair of the Board of Directors /appointed person/Investigating Officer(s) will prepare a report detailing the findings and confirming whether any wrongdoing has occurred. The report will include any recommendations and details on how the matter can be rectified and whether a referral is required to an external organisation, such as the local authority or police.

This report should be presented to the Chair of the MAC Finance, Audit & Risk Committee.

The CEO/Chair of the Board of Directors /appointed person/Investigating Officer(s) will inform the whistleblower 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 MAC/School 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.

7. Raising Concerns outside the MAC

7.1 The aim of this policy is to provide an internal mechanism for reporting, investigation and remedying any wrongdoing in the workplace. In most cases the whistleblower should not find it

necessary to alert anyone externally. The law recognises that in some circumstances it may be appropriate for the whistleblower to report their concerns to an external body such as a regulator. Where required, the Archdiocese will be informed. It will very rarely, if ever, be appropriate to alert the media. Whistleblowers are strongly encouraged to seek advice before reporting a concern to anyone external. If a whistleblower is not satisfied with the CEO/Chair of the Board of Directors /appointed person/Investigating Officer(s)'s response, believes the concerns have not been taken seriously or that wrongdoing is still happening, the whistleblower should be made aware with whom they may raise the matter with further internally, i.e., a more senior person within the organisation or, externally as outlined below:

- 'Protect'* (formerly Public Concern at Work' <https://protect-advice.org.uk/> Tel no Advice Line 020 3117 25200207;
- recognised trade union;
- relevant professional bodies or regulatory organisations, for example, the DfE
- a solicitor;
- Birmingham Education Service (BDES)
- A list of other prescribed external bodies to whom staff can raise concerns with is included [here](#)

- 7.2 The CEO/Chair of the Board of Directors /appointed person/Investigating Officer(s) should stress to the whistleblower that if they choose to take a concern outside the MAC, it is the whistleblower's responsibility to ensure that confidential information is not disclosed, i.e., confidential information, in whatever format, is not handed over to a third party.

**Protect (formerly Public Concern at Work is a registered charity that employees can contact for advice to assist them in raising concerns about poor practice at work. The charity also provides advice to employers as to the possible ways to address these concerns.*