



DIOCESE OF CHICHESTER  
ACADEMY TRUST

# Whistleblowing Policy

June 2023



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4	June 2023	DL/ SBa		Rewrite of the procedures following a whistleblow
3	December 2021	DCAT	Trust Board	Revision 2 – updated in line with The Key model policy to reflect the changes in the AFH and KCSIE 2021
2	January 2017	DCAT	Board of Trustees	Revision 1
1	September 2016	DCAT	Board of Trustees	New Policy

Type of Policy	Tick ✓
DCAT Statutory Policy	✓
DCAT Non-statutory Policy	
DCAT Model Optional Policy	
Academy Policy	
Local Authority Policy	

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## Introduction

Our **vision** for our Trust is we exist to:

***Help every child achieve their God-given potential***

Our **aims** are clear. We aim to be a Trust in which:

**D**eveloping the whole child means pupils achieve and maximise their potential

**C**ontinued development of staff is valued and improves education for young people

**A**ll schools are improving and perform above national expectations

**T**he distinct Christian identity of each academy develops and is celebrated

Our work as a Trust is underpinned by shared **values**. They are taken from the Church of England's vision for Education and guide the work of Trust Centre team. They are:

### **Aspiration**

I can do all things through Christ who strengthens me  
(Philippians 4 vs 13).

### **Wisdom**

Listen to advice and accept discipline, and at the end you will be counted among the wise  
(Proverbs 19 vs 20)

### **Respect**

So in everything do to others what you would have them do to you  
(Matthew 7 vs 12)

Our vision of helping every child achieve their God-given potential is aligned with the Church of England's vision for education and is underpinned by the Bible verse from John: *I have come that they may have life, and have it to the full.*

## I. Policy Aims

The purpose of this policy is to enable serious concerns to be raised in situations where the usual channels of communication and reporting lines have either proved ineffective or are, exceptionally, inappropriate. It aims to achieve this by:

- Enabling individuals who have reasonably founded concerns about suspected wrongdoing to report these
- Investigating the concerns raised promptly and thoroughly
- Making the policy and its procedures known that they provide a clearly understood and accessible means of raising concerns and, thereby, giving confidence in the accountability of the Trust, particularly in the way its Board and responsible officers carry out their responsibilities to high standards.
- Providing assurance to whistleblowers 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 does not form part of any employee's contract of employment and may be amended at any time.

## 2. 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](#). The Public Interest Disclosure Act 1998 (by way of amendment to the Employment Rights Act 1996) is designed to provide protection to workers who raise genuine concerns about specified matters. These are known as "qualifying disclosures". This policy complies with our funding agreement and articles of association.

## 3. Definition of whistle-blowing

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 staffs' health and safety being put in danger
- Failure to comply with a legal obligation or statutory requirement
- Disclosures related to miscarriages of justice;
- Breaches of financial management procedures
- Attempts to cover up the above, or any other wrongdoing in the public interest
- Damage to the environment

A worker who makes a qualifying disclosure has the right not to be dismissed, subjected to any other detriment or victimised because he/she has made the disclosure. A zero tolerance approach will be taken to any act of harassment or victimisation resulting from a member of staff raising a concern in good faith. A member of staff making an allegation within the scope of this policy will be supported when raising a concern, providing that he/she:

- Believes the concern to be true;

- Is not acting maliciously or making false allegations;
- Is not seeking any personal gain.

DCAT is committed to performing all its duties and to carrying out all its activities in accordance with the law and best practices, and our Christian foundation and mission underpins our wish to conduct all that we do to high professional and ethical standards. As part of this commitment we seek to ensure that we have transparent accountability. Arrangements underpinning our accountability include channels of communication and lines of management responsibility which provide the means by which we hope any concern can ordinarily be raised. However, we recognise that, in exceptional circumstances, matters may arise which require other means to raise serious concerns. Those circumstances may include where attempts to raise concerns through the usual ways have proved unsuccessful or where by the nature of the concern raising through those ways would be inappropriate – for example, when the concern relates to an individual to whom you would usually be expected to report a concern. Complementing this whistleblowing policy are the policies and procedures we have for dealing with personal grievances or making complaints.

A whistle-blower is a person who raises a genuinely held concern of the sort outlined above which for good reason they feel cannot be raised through the usual reporting or communications channels. This whistleblowing policy should not be used where it would be more appropriate to use either of those policies and procedures or the routine channels or communication and reporting lines.

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](#)

Contact information can be found in [section 7](#) of this policy.

## 4. Procedure to raise a whistle-blowing concern

### 4.1 When to raise a concern

You should consider the examples in section 3 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.

### 4.2 Who to report to

If the concerns relate to allegations that a member of staff or volunteer may have harmed a child or behaved in a way that indicates they pose a risk of harm to children, the allegation should be raised in accordance with the Trust’s child protection and safeguarding policy. It is not possible to foresee every time of concern that may be raised and to whom that might relate. Therefore, the following table indicates who is most likely to be the appropriate person to whom a whistleblower should approach (contact details can be obtained from the relevant website):

Focus of concern	Person to approach
A particular school and/or one of more of its staff (excluding the Headteacher)	The Headteacher or Chair of the LGB; or, if the matter involves both those people, the Chief Executive of DCAT

A Headteacher	The linked Senior Education Lead or Chair of the LGB; or, if the matter involves both those people, the Chief Executive of DCAT
A matter which relates to more than one DCAT school	The Chief Executive of DCAT or, if the matter concerns the Chief Executive too, the Chair of DCAT
A member of the Trust Centre staff (excluding the CEO)	The DCAT CEO
The CEO	The Chair of the Board of DCAT
A matter which concerns DCAT as a charity	The Chair of the Board of DCAT or the RSO or the Charity Commission
A matter which concerns the Board of Trustees	<ul style="list-style-type: none"> <li>• Either the Chief Executive of DCAT or the Chair of the Board of DCAT;</li> <li>• Or the Senior Independent Trustee where neither the Chief Executive of DCAT nor the Chair of the Board of DCAT would be appropriate (see appendix A)</li> <li>• or the RSO or the Charity Commission</li> </ul>

### 4.3 How to raise the concern

Concerns should be made in writing wherever possible however we recognise that this may not always be practicable, especially in the first instance. It will be necessary for sufficient details to be provided so that the precise nature of the concern and its extent are made clear so that our response can be prompt and appropriate.

Where a concern is raised verbally, the person hearing it must ensure that a written statement of it is made to assist with any subsequent investigation. Senior management will take all concerns raised within the scope of this policy seriously and identify the appropriate level of investigation, taking external advice as necessary. The concerns raised will be treated in confidence, whilst recognising that the individual raising the concerns may need to come forward as a witness at a later date.

### 4.4 Respecting confidentiality

The Trust will seek to respect the confidentiality and anonymity of the Whistle-blower wherever this may be possible. If an employee requests to raise their concern confidentially, this will be respected to the extent that proper investigation and resolution is not limited by confidentiality. In any circumstance the identity of the complainant will be disclosed to the investigating officer or officers.

The Trust does not encourage anonymous disclosures. Proper investigation may be more difficult or impossible if we cannot obtain further information from the Whistle-blower. It is also more difficult to establish whether any allegations are credible. Whistle-blowers who are concerned about possible reprisals if their identity is revealed should come forward to one of the contact points listed above and appropriate measures can then be taken to preserve confidentiality. Advice may be sought from our confidential counselling hotline, through HELP (0800 028 5147) or Protect, , the independent whistleblowing charity, who offer a confidential helpline. Their contact details are listed in Section 7.

### 4.5 Protection and support for whistle-blowers

The purpose of the Whistleblowing policy is to encourage resolution of concerns as part of a transparent and healthy working culture. Whether concerns are upheld or are found on consideration not to be substantive, any attempt to cause detriment to the Whistle-blower or to prevent concerns being raised will not be tolerated.

We aim to encourage openness and will support employees who raise genuine concerns under this policy, even if they turn out to be mistaken.

Where this is found to be the case, any necessary disciplinary or corrective action appropriate to the circumstances will be considered. If an employee should believe that he or she has suffered any such treatment as the result of raising a whistleblowing concern, they should inform the Headteacher or other appropriate contact immediately. If following this step, the employee feels the matter has not been remedied they may raise it formally using the trust Grievance Policy.

If the investigation concludes that a Whistle-blower has made false allegations maliciously or with a view to personal gain, the Whistle-blower may be subject to disciplinary action under the trust Disciplinary Policy.

#### **4.6 External disclosures**

The purpose of the Whistleblowing policy is to provide an appropriate internal mechanism for the reporting, investigating and resolution of any wrongdoing in the workplace. In most cases individuals should not find it necessary to additionally alert external authorities: however, DCAT recognises that in some circumstances it may be appropriate to report concerns to an external body such as a regulator.

Protect (an independent Whistleblowing charity) operates a confidential helpline for this purpose. Contact details for the confidential helpline listed in Section 7.

## **5. Trust procedure for responding to a whistle-blowing concern**

### **5.1 Investigating the concern**

Preliminary enquiries will be made into the concerns raised to establish whether a formal investigation is required. Immediate action may be taken – prior to an investigation being conducted – if there are concerns for the safety or welfare of pupils or others.

If a formal investigation is not to be undertaken, the reasons why will be explained to the individual as soon as possible.

The person to whom the whistleblow is first raised to may not necessarily be the person to investigate the claims.

When a concern is received, the person to whom the concern was raised to or a separate ‘investigating officer’ will:

- Meet with the person raising the concern within a reasonable time. The person raising the concern may be joined by a trade union or professional association representative
- Get as much detail as possible about the concern at this meeting, 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 they are 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 (see section 6 of this policy)
- Establish whether there is sufficient cause for concern to warrant further investigation. If there is:



- The investigating officer should then arrange a further investigation into the matter, involving Trust Centre staff, if appropriate. In some cases, they may need to bring in an external, independent body to investigate. In other cases, they may need to report the matter to the police.
- Where the investigating officer is meeting with an individual/s who are accused of wrongdoing they must be given at least 24 hours' notice of any meeting and should be offered to be accompanied by a work place colleague or Union representative (although it may be deemed that this is not appropriate).
- In certain cases, this may involve governors and/or an external independent investigator.
- The investigation will be conducted, where appropriate, in accordance with other relevant internal procedures which could involve the suspension of staff on normal pay whilst the investigation is being carried out.
- Investigations involving child protection issues will not commence until external advice has been sought from the local authority's designated officer.
- Where evidence is to be gathered from witnesses (including those accused of wrongdoing) or information is to be obtained; it should all be dated and kept as evidence of actions taken.
- Written records will be taken throughout the investigation and the employee will be kept informed of the likely timescale and progress of the investigation.
- An investigation should take less than 28 working days from the point the whistleblow was received.
- Where further whistleblowing disclosures are made during the course of the investigation, the investigating officer may decide to increase the length of the investigation.
- 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.

## 5.2 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 person(s) will produce a formal written report to the appropriate member of staff (as per table above), where possible within 28 days, detailing the outcome of the investigation. The Headteacher or appropriate person will be responsible for taking any necessary action, which may include reporting the matter – as relevant – to the local authority, appropriate government department, regulatory agency or the police, and/or taking action under internal procedures (e.g. disciplinary or bullying and harassment). The report and associated outcomes **must** be reviewed with Trust HR prior to sharing.

On conclusion of the investigation, the person who raised the concern/s will be informed of the outcome and the proposed action to be taken, whilst respecting the confidentiality of individuals and any legal constraints

Beyond the immediate actions, the Headteacher, Trustees 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.

Below are suggested recommendations that may come out of a report (this list is not exhaustive):

- Incident/s to be handled under the Disciplinary Policy

- Incident/s to be handled under the Capability Policy
- Incident/s to be handled under the Grievance Policy
- Incident/s to be handled under to be externally referred for further investigation
- Mediation
- Training
- Coaching
- Monitoring

## 6. Malicious or vexatious allegations

We will treat whistleblowers on the assumption that they are acting in good faith by appropriately raising a genuinely held concern about apparent wrongdoing. However, if enquiries into the concern reveal that there were no grounds for raising it or if the concern was malicious or vexatious we reserve the right to take action which, for example in the case of a member of staff, could include formal disciplinary action, and in the case of someone who is neither a member of staff nor an office holder, to the appropriate authorities.

## 7. Escalating concerns beyond the Trust

The Trust encourages all parties to raise their concerns internally, in line with section 4 of this policy, but recognises that staff may feel the need to report concerns to an external body. If the member of staff feels that it is right to take the matter externally, contact can be made with a recognised trade union, local Citizens Advice, relevant voluntary or independent organisation or legal advisor. The Public Interest Disclosure Act also sets out a number of bodies to which protected disclosures can be made, A list of prescribed bodies to whom staff can raise concerns with is included [here](#).

The Protect advice line, linked to in section 3 of this policy, can also help staff when deciding whether to raise the concern to an external party.

Regulator/Organisation	Contact details
<p><b>Health and Safety Executive</b>  <a href="http://www.hse.gov.uk/contact/concerns.htm">http://www.hse.gov.uk/contact/concerns.htm</a></p> <p>Protect people against the risk to health or safety arising out of work activities.</p>	<p>HSE Concerns Team</p> <p>Tel: 0300 0031647 in office hours, (Monday – Friday from 8.30am – 5.00pm)</p> <p>Email: <a href="mailto:concerns@hse.gsi.gov.uk">concerns@hse.gsi.gov.uk</a></p>
<p><b>Ofsted</b>  <a href="http://www.ofsted.gov.uk/contact-us/whistleblower-hotline">http://www.ofsted.gov.uk/contact-us/whistleblower-hotline</a></p> <p>Inspect and regulate services which care for children and young people, and those providing education and skills for learners of all ages.</p>	<p>Tel : 0300 123 3155            (Monday to Friday from 8.00am -6.00pm).</p> <p>Email: <a href="mailto:whistleblowing@ofsted.gov.uk">whistleblowing@ofsted.gov.uk</a></p> <p>Write: WBHL, Ofsted, Piccadilly Gate, Store Street, Manchester, M1 2WD</p>

<p><b>External Audit</b></p> <p><a href="https://www.moore.co.uk/locations/moore-south-llp-chichester">https://www.moore.co.uk/locations/moore-south-llp-chichester</a></p>	<p>Tel: 01243 531 600  Email: <a href="mailto:chichester@mooresouth.co.uk">chichester@mooresouth.co.uk</a>  City Gates  2-4 Southgate  Chichester  West Sussex  PO19 8DJ</p>
<p><b>Protect</b></p> <p><a href="https://protect-advice.org.uk/">https://protect-advice.org.uk/</a></p> <p>An independent charity who run a confidential whistleblowing helpline.</p>	<p>Tel: 020 3117 2520</p> <p>Email via the website <a href="https://protect-advice.org.uk/">https://protect-advice.org.uk/</a></p> <p>244-254 Cambridge Heath Rd,  London  E2 9DA</p>
<p><b>Employee Assistance Programme - HELP</b></p> <p><a href="https://strictlyeducation.optimise.health/#/">https://strictlyeducation.optimise.health/#/</a></p> <p>Confidential Employee Assistance Programme available to all DCAT staff.</p>	<p>Tel: 0800 028 5147</p>

## 9. Links with other policies

This policy links with our policies on:

- Grievance policy
- Complaints procedure
- Child protection policy

## Appendix A: SENIOR INDEPENDENT TRUSTEE

1. Originating in the commercial sector<sup>1</sup>, it is increasingly common nowadays for the of boards voluntary sector organisations to appoint one of their number as the Senior Independent Trustee (SIT)<sup>2</sup>. In some respects, this development may be seen as a means of formalising the role that the Vice Chair of the Board of a charity has sometimes performed. The purpose of the SIT is to strengthen governance by providing a means by which serious concerns can be addressed when, exceptionally, the usual governance arrangements have either not resolved the issue or those arrangements are inappropriate.
2. It is important to stress the exceptional nature of the SIT arrangement. It is not intended to, and must not, circumvent procedures for dealing with matters such as grievances (as set out in our Trust policies). Nor must the SIT arrangement compromise or complicate either the way line management performs its role or the way the Trust Board conducts routine business in a candid, collegiate and collaborative fashion.
3. The focus of the SIT's role in the Trust is principally on the Trust Board and has four functions:
  - (i) to provide a sounding board for the Chair;
  - (ii) to act as an intermediary for other Trustees when direct contact with either the Chair or the CEO is problematic;
  - (iii) with other Trustees and the CEO, to conduct an annual appraisal of the Chair's stewardship; and,
  - (iv) to provide a potential point of contact for a whistle blower according to the DCAT Whistle Blowing Policy.
4. The SIT's role as a sounding board for the Chair does not displace the Chair's primary source of advice which is the Trust Board, jointly and severally, and the CEO. As an intermediary, the SIT would only be expected to have to perform this role when communication between the Trust Board and the Chair has broken down or in the event of a particularly sensitive matter in which direct contact with the Chair could be compromise or inflame a situation. In the ordinary course of events, such events are likely (if at all) to be very few and far between. The third aspect of the SIT's role, and the only routine function, complements the arrangements under which the Chair annually assesses the performance of the Trust Board and each of the trustees.
5. The SIT's role as a potential contact for a whistle blower is set out in the Whistleblowing Policy. In summary, ordinarily a member of staff or volunteer would approach the Chief Executive Officer (CEO) or the Chair, in the first instance in order to blow the whistle about a concern. Where both the CEO and the Chair are compromised by the nature of the concern, the whistle blower may turn to the SIT. Alternatively, as whistle blowers, they may instead approach the organisations listed in section 7 of the Trust Whistleblowing Policy.
6. It may be helpful to indicate the sorts of circumstances in which the role of the SIT could legitimately come into play. Those circumstances could include the situation where:
  - (i) there is a dispute between the Chair and CEO;
  - (ii) the strategy or a particular course of action being pursued by the Chair and CEO is not supported by a majority on the Trust Board;

<sup>1</sup> The Higgs Review (2003) recommended publicly listed companies appoint one of their Non-Executive Directors as a Senior Independent Director.

<sup>2</sup> The UK Corporate Governance Code, the NHS Foundation Trust Code of Governance and the Voluntary Sector Good Governance Code each refer to this role.

- (iii) the relationship between the Chair and CEO is close and excludes other Trust Board members from decision-making or marginalises their involvement in it;
  - (iv) if having raised a matter with the Chair and CEO, a Trustee or a member of staff or volunteer genuinely feels that that matter has not be properly addressed; and,
  - (v) more broadly, where an issue arises which appears to have compromised the Chair and CEO and represents a reputational risk to the charity.
7. Finally, it worth reiterating that the role of the SIT must neither be seen nor used as a means of appealing decisions properly taken by due process.

## Appendix B: Process Flowchart

