Bishop Wilkinson
Catholic Education Trust
Through Christ, in Partnership

Whistleblowing Policy

Date Approved by Trust	**July 2026**
Statutory Policy	**No**
Required on Website	**No, but requirement of ATH**
Review Period	**2 Years**
Next Review Date	**July 2028**
Reviewed by	**Director of Governance**

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Introduction

The law on whistleblowing is contained in the Employment Rights Act (ERA 1996) as amended by the Public Interest Disclosure Act 1998 (PIDA). The provisions in the ERA protect an individual who has disclosed information in the public interest that shows that a person has done one or more of a number of things that are specified in section 43B. Those things include failing to comply with a legal obligation and endangering the health and safety of an individual.

This policy covers all categories of employees, workers, agency workers including trainee teachers, volunteers, contractors and members of the Local Governing Committee and Directors of the Trust (hereafter referred to as 'those to whom the policy applies').

Bishop Wilkinson Catholic Education Trust (the Trust) is determined to ensure that those within the Trust (employees, workers, agency workers including trainee teachers, volunteers, contractors, Local Governors and Directors of the Trust) provide the best standards of service and act appropriately.

This policy is designed to give those working within the Trust a mechanism to draw attention to concerns about wrongdoing or unacceptable practice with an aim to ensure that work is carried out honestly and well. This policy provides protection for individuals who disclose malpractice and wrongdoing.

Those within the organisation are often the first to realise that there may be something seriously wrong. However, they may not feel able to express their concerns because they feel that speaking up would be disloyal. They may also fear harassment or victimisation. Anyone making a qualifying disclosures is protected against harassment and victimisation including dismissal.

The Trust is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we encourage those with a serious concern about any aspect of the school or Trusts work to come forward and voice those concerns. It is recognised that certain cases will have to proceed on a confidential basis. This policy makes it clear that issues can be raised without fear of reprisals. This Whistleblowing Policy is intended to encourage and enable those within the organisation to raise serious concerns within the school/Trust rather than overlooking a problem or simply reporting it outside. It should be read in conjunction with the Employee Code of Conduct.

Aims and Scope of this Policy

This policy aims to:

- provide a clear process to raise concerns and receive feedback on any action taken
- allow those to whom the policy applies to take the matter further if they are dissatisfied with the school's/Trust's response, and
- reassure those to whom the policy applies are protected from harassment and victimisation **including dismissal when** 'whistleblowing' in good faith.

There are existing HR procedures in place to enable you to lodge a grievance relating to your own employment (Grievance Policy & Pay Policy) This policy is intended to cover concerns that fall outside the scope of those procedures.

***Qualifying Disclosures* -** Disclosures tend to show that one or more of the following has occurred, is occurring, or is likely to occur:'

- any unlawful act - criminal offences, such as fraud or corruption;
- a failure by a person to comply with any legal obligation to which they are subject, breaches of school policy, codes of practice, failure to comply with professional standards, corruption, dishonesty and acceptable standards of behaviour;
- misuse of assets – breaches of financial procedures/mismanagement;
- danger to the health and safety of an individual;
- significant damage to property or the environment (Trust, school, staff or pupils);
- abuses of position, power or authority;
- unfair discrimination;
- loss of income to the school;
- other unethical conduct
- the deliberate concealment of information about any of the above.

This policy should only be used where other policies or procedures (e.g. Grievance, Pay) cannot be used.

In many cases, those within the school/Trust are best placed to know about wrong or unacceptable practice and to identify matters which fall short of expectations. The Trust therefore expects those working within the Trust to report their concerns and the Trust will treat failure to do so as a serious matter. The earlier concern are raised, the easier it is to take appropriate action.

Safeguards

Harassment or Victimisation - The Trust recognises that the decision to report a concern can be a difficult one, not least because of the fear of reprisal from those responsible for the malpractice.

Those whistle blowing are not expected to prove beyond doubt the truth of a concern, but will need to demonstrate there are reasonable grounds for the concern and it is being made in good faith, taking account of the above qualifying disclosures.

The whistle blower may not be directly or personally affected by the concern being raised.

The Trust will not tolerate harassment or victimisation and will take action to protect anyone making a disclosure when they raise a concern in good faith. However, this does not mean that if those making the disclosure are already the subject of disciplinary or redundancy procedures, that those procedures will be halted as a result of a disclosure.

Confidentiality – When a concern is raised it is done so on the understanding that the name of the person raising the concern is not revealed without their consent.

However the investigation process may reveal the source of the information and a statement by you may be required as part of the evidence.

Anonymous Allegations - It may be appropriate for anonymous complaints to be made although whistle blowers are encouraged to make their identity known. Concerns expressed anonymously will still be investigated but the process may be hampered if there need to be follow-up enquiries but the person making the disclosure cannot be contacted.

If an person makes an anonymous allegation, it can be more difficult for them to qualify for protection as a whistle blower. This is because there would be no documentary evidence linking the worker to the disclosure for a tribunal to consider.

In the case of an anonymous allegation, the following factors will be taken into account when establishing the scope and depth of the investigation:

- the seriousness of the issues raised
- the credibility of the concern
- the likelihood of confirming the allegation from attributable sources and information.

Employees can make a disclosure via their trade union rather than personally, in order to further maintain confidentiality. In this circumstance the employee making the disclosure will still be protected by the workers' legal right to make a protected disclosure to certain third parties under the Public Interest Disclosure Act 1998 (PIDA), as incorporated into the Employment Rights Act 1996.

The trade union representative whom the employee approaches will also have protection given to complainants under PIDA – provided they act in accordance with this procedure.

Untrue or Malicious Allegations - Where a concern is found to be malicious or has been made in bad faith, this will be regarded as a serious matter and could lead to disciplinary action.

Procedures

1. There is no legal requirement that a disclosure must be made in a certain way to a specific person within the organisation, however the Headteacher will normally be the first point of contact for those based in schools. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice.

2. If you feel that the Headteacher may be involved in the matter about which they are concerned, the Lucie Stephenson (CEO) (lsn@bwcet.com) should be the person informed of the concern in the first instance. Alternatively if you feel there may be a conflict you can contact Louise Levy (Chief Operating Officer) (lly@bwcet.com), Claire Brown (Senior Director of Performance & Standards) (cbn@bwcet.com) or Pam Mee (Director of HR) (pmee@bwcet.com).

3. There is no legal requirement that a disclosure must be made in a certain way. If you do not feel able to put your concern in writing, this can be raised verbally and the person contacted will document your concerns. However concerns are best raised in writing and

the Trust encourages you to do so. You should set out the background and history of the concern, giving names, dates and places where possible, and the reason why you are particularly concerned about the situation.

4. Where your concern relates to the conduct of the CEO, your concerns should report to the Board of Directors (addressed Private & Confidential to the Chair of the Board, Bishop Wilkinson Catholic Education Trust, Barmston Court, Nissan Way, Turbine Business Park, Washington, SR5 3NY or via email to governance@bwcet.com).

5. Where your concern relates to the conduct of a Board Director, you should report to the Members (addressed Private & Confidential to the Chair of the Members, Bishop Wilkinson Catholic Education Trust, Barmston Court, Nissan Way, Turbine Business Park, Washington, SR5 3NY or via email to governance@bwcet.com).

6. You are encouraged to take advice from your trade union/professional association before making any disclosure. You may invite your trade union/professional association to raise a matter on your behalf.

7. The person receiving the concern will:

   (a) acknowledge receipt;
   (b) record it;
   (c) ensure confidentiality, so far as may be possible in dealing properly with it;
   (d) investigate promptly and respond to the whistle blower concerned;
   (e) recommend appropriate action to resolve the concern or refer to an appropriate person to action.

8. The person raising the concern should give the person charged with investigating all relevant facts and the reasons for concern. The person receiving the concern may not be the person who resolves it.

9. Anyone raising concern is not expected to prove the truth of any allegation but is expected to raise a concern in good faith.

How the School/Trust Will Respond

1. Initial enquiries will be made to decide what investigation will be appropriate. Concerns which come within the scope of existing procedures (e.g. child protection issues) will normally be considered under those procedures.

2. The action taken will depend on the nature of the concern. This list it not exhaustive but the matters raised may:

   - be investigated internally or in conjunction with representatives of the HR Team
   - be referred to the Police
   - be referred to the Trusts auditor
   - be referred using appropriate safeguarding policies or to the LADO if related to a safeguarding concern
   - be referred for independent enquiry

3. Some concerns may be resolved by agreed action without the need for investigation.

4. Within 10 working days of a concern being received (excluding anonymous disclosure) the person with whom the concern was raised will, in writing -

    - acknowledge receipt of the concern;
    - indicate how they propose to deal with it;
    - give an estimate of how long it will take to provide a final response;
    - state whether any inquiries have been made, and
    - state whether any further investigations will take place, and if not, why not.

5. If necessary, further information will be sought from the person raising the concern.

6. If a meeting is arranged between the person responsible for dealing with the concern under this procedure and the person raising it, then the person raising it has the right to be accompanied by a trade union representative/professional association or a colleague who is not involved in the area of work to which the concern relates.

7. The school/Trust will confirm in writing to those raising concerns that they have been properly dealt with. Information about outcomes of investigations will be given unless this is not possible for legal reasons or due to confidentiality.

8. Employees must observe the guidelines set out in the Trust Employee Code of Conduct and especially in relation to the use of confidential information.

9. The school/Trust will take steps to minimise any difficulties those raising a concern may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, the HR Team will advise you about the procedure. If you require personal advice and/or support during the process, please contact HR (HR@bwcet.com)

How the Matter Can Be Taken Further

In some circumstances a person may want to whistle blow outside of the organisation. In all cases they are encouraged to exhaust all internal procedures before contacting external agencies. This Policy is designed to reduce the need for external disclosure and to encourage co-operation, cohesiveness and honesty.

An employee may make an external disclosure to an outside agency without losing their rights to make a protected disclosure to certain third parties under the Public Interest Disclosure Act 1998 (PIDA), as incorporated into the Employment Rights Act 1996.

Concerns can be raised outside of the school/Trust to:

- a legal advisor;
- a government minister if the individual is appointed under a Parliamentary Act by the minister;
- a prescribed person (e.g. HMRC, the Health & Safety Executive, Ofcom, Ofsted etc.)

The following conditions apply:

- the disclosure must be 'in good faith';

- the disclosure must be to a person prescribed for a particular purpose;
- the person making the disclosure must reasonably believe the matter falls within the recipient's remit;
- the person making the disclosure must also reasonably believe the information and any allegation contained in it are substantially true.
- the disclosure must not be for personal gain.

In addition to the above, one of the conditions below must also be satisfied. The person making the disclosure must demonstrate that:

- at the time the disclosure is made, they reasonably believe they will be subjected to detriment by the school/Trust if the disclosure was made to the school/Trust, or to a prescribed regulator instead; or
- there is no prescribed regulator and they reasonably believe that disclosure to the school/Trust would lead to the destruction or concealment of evidence; or
- they have previously made a disclosure of substantially the same information to the school/Trust, or a prescribed regulator.

A person who approaches the media with their concerns is likely to lose their rights under whistleblowing law. In doing so a person cannot be acting for personal gain and must reasonably believe the information they disclose is substantially true. If a person bypasses this internal procedure or a prescribed person before contacting the media, they must reasonably believe that the organisation will subject them to detriment for making the disclosure internally

Consultation

This policy was produced by the Chief Operating Officer in consultation with the relevant members of the Executive Team, the Board of Directors and recognised Trade Unions.

Monitoring and Review

The Trust has appointed the Safeguarding Link Director who is also responsible for whistleblowing and monitoring of this policy. Details of the appointed person can be found on the BWCET website in the Governance information section.

The Trust will monitor implementation of this policy and will review it annually or sooner if required, consultation will be as above for review.

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Part of the Bishop Wilkinson Catholic Education Trust
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