

The Bishop Wheeler Catholic Academy Trust



Policy

Whistleblowing

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Our Mission

Outstanding Catholic education for all pupils. As a family of schools, we will enable our young people to develop spiritually, morally, intellectually and personally, putting their faith into action, through serving Christ in others, in the church and in the world around them.

**This policy was approved by the Resources Committee on
behalf of the Trust Board**

Signature:

A handwritten signature in black ink, appearing to read 'D. Gaskin', written in a cursive style.

Mrs Diane Gaskin
Chair of Trust Board
Date: 24/01/23

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Change review

Version	Date	Changes
1.0	5.12.18	New Policy
2.0	24.01.23	<ol style="list-style-type: none"> 1. Introduction – para 1 updated 2. Aims and Scope – updates to comply with Academy Trust Handbook. 3. Roles and Responsibilities - updated to include Academy Council 4. What is Whistleblowing – updated to include areas of suspected wrongdoing 5. Raising a Concern – updated to include Responsible Officer 6. Attendees at formal meetings – new section 7. Investigation and Outcome – new section 8. Informing external agencies – updated to include restrictions under the data protection act

		<p>9. Support for whistleblowers – updated with reporting process.</p> <p>10. Process for staff subject to a whistleblowing allegation – new section</p> <p>11. Contacts – new section</p> <p>12. Monitoring and review - new section</p>
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Whistleblowing Policy

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Definitions

In this policy and procedure, unless the context otherwise requires, the following expressions shall have the following meanings:

'The Trust Board' means the Board of Directors for the Trust.

'Academy Council' means local governing body.

'BWCAT/We and Trust' refers to The Bishop Wheeler Catholic Academy Trust.

'Governors' means the governors appointed to the Academy Council of the individual academy.

'Headteacher' means the lead person in each school and the Chief Executive Officer as lead person for the Trust Office.

'Academy' refers to the Academies within BWCAT.

'Pupil' refers to any pupil on roll at any of the BWCAT schools.

'Parents' refers to any person who holds parental responsibility for the child.

'Staff' means all employees, temporary, casual, agency and contracted staff working for the Trust, volunteers and consultants.

'DSL' means Designated Safeguarding Lead

'DSO' means Designated Safeguarding Officer

1. Introduction

The Bishop Wheeler Catholic Academy Trust are committed to conducting our operations with honesty and integrity, and expect all employees, governors and directors, to maintain high standards. However, all organisations face the risk of things going wrong from time to time, or of unknowingly harboring 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.

Whistleblowing inside the work place is the term used to describe reporting by employees, or ex-employees, of wrongdoing on the part of management, governors, directors or fellow employees. Wrongdoing may include for example fraud, corruption, breach of health and safety law or any other illegal or unethical act against the policies, procedures and ethos of the Bishop Wheeler Catholic Academy Trust.

As an employee, you may be the first to realise that there may be something seriously wrong within the organisation. However, we understand that you may prefer not to express your concerns because you feel that speaking up would be disloyal to colleagues or the organisation. You may also fear harassment or victimisation, and think it may be easier to ignore the concern rather than report it.

The Bishop Wheeler Catholic Academy Trust is committed to the highest standards of openness, probity and accountability. In line with that commitment, we encourage employees who have serious concerns about any aspect of the Trust's operation to come forward and voice their concerns.

2. Aims and Scope of this Policy

The aims of this policy are:

- To encourage employees, governors, and directors to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected;
- To provide employees, governors and directors with guidance as to how to raise those concerns;
- To reassure employees, governors and directors that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.

This whistleblowing policy provides avenues for you to raise concerns and receive feedback on any action taken; allows you to take the matter further if you are dissatisfied with the Trust's response and reassure you that you will be protected from reprisals or victimisation for whistleblowing in good faith.

There are existing policies and procedures in place to enable you to lodge a grievance relating to your own employment. This whistleblowing policy is intended to cover concerns that fall outside the scope of other procedures, although the Trust reserves the right to determine which procedure is appropriate.

Concerns to be reported under this policy may relate to something that is unlawful; is against the Trust's financial regulations or other policies; falls below established standards or practice; or amounts to improper conduct.

The Education & Skills Funding Agency (ESFA) Academy Trust Handbook contains the following provisions:

- The Trust must have procedures for whistleblowing to protect staff who report individuals they believe are doing something wrong or illegal.
- The Trust must ensure all staff are aware of the whistleblowing process, and how concerns will be managed.
- The Trust must ensure all concerns raised with them by whistleblowers are responded to properly and fairly.

The Trust has appointed persons to the following roles in line with the requirements of the Academy Trust Handbook:

Accounting Officer Mr Darren Beardsley (CEO)

Responsible Officer Mr Giles Nightingale (COO)

Whistleblowing Director Mrs Diane Gaskin (Chair of Trust Board)

Scope

This policy applies to all individuals working at all levels including senior managers, employees, consultants, contractors, trainees, governors, directors, part-time and fixed-term workers, casual and agency staff and volunteers (collectively referred to as staff in this policy).

This policy should not be used for complaints relating to your own personal circumstances, such as the way you have been treated at work or the way your child has been treated in the academy. In those cases you should use the Grievance Resolution Policy, the relevant appeal process under our specific employment policies or (for parents) the Complaints Policy.

If you have any concerns relating to Child Protection or Safeguarding, you must raise these under the appropriate Safeguarding and Child Protection policies. Any allegations or Safeguarding concerns against a member of staff (including supply staff, Director, Governor, visiting professional or volunteer) must be raised with the Headteacher. Any Child protection or Safeguarding concerns about a pupil must be raised with the DSL/DSO. The procedures set out in the schools Child Protection and Safeguarding policy must be followed.

If you are uncertain whether something is within the scope of this policy, you may seek advice from Protect (formerly - Public Concern at Work) (whose contact details are at the end of this policy) and/or your trade union.

This policy will be made available to all employees, governors and directors. This policy will be drawn to the attention of new employees and Academy Council members as part of their induction.

3. Roles and Responsibilities

The Trust Board of Directors

The Trust Board has overall responsibility for:

- monitoring, evaluation and review of the policy
- approving amendments to the policy
- ensuring the policy is available to all staff, governors and directors

Headteachers

- refer all concerns raised to the Responsible Officer for advice
- undertake investigations without undue delay
- maintaining a record of concerns raised and the outcomes

CEO and Responsible Officer

- the day-to-day operational responsibility for this policy
- ensure that all managers and other staff who may deal with concerns or investigations under this policy receive regular and appropriate training

Academy Council

- ensure this policy is displayed on the school website
- ensure all records of concerns have been investigated without delay

Employees

- raise issues of concern responsibly, never without good grounds, falsely or maliciously

4. What is Whistleblowing

Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include:

- Miscarriages of justice;
- Criminal activity;
- Danger to health and safety;
- Damage to the environment;
- Failure to comply with any legal or professional obligation or regulatory requirements;
- Bribery;
- Financial fraud or mismanagement;
- Negligence;
- Breach of our internal policies and procedures;
- Conduct likely to damage our reputation;
- Unauthorised disclosure of confidential information or other activity;
- Malpractice in relation to public examinations; or
- The deliberate concealment of any of the above matters

A whistleblower is a person who raises a genuine concern relating to any of the above and they reasonably believe that disclosure is in the public interest. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of our activities (a whistleblowing concern) you should report it under this policy as soon as possible.

Harassment or Victimisation

The Trust 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 potential malpractice. The Trust will not tolerate harassment or victimisation and will take action to protect you should you consider you are subject to harassment or victimisation as a result of your whistleblowing.

Confidentiality

The Trust treats whistleblowers in confidence and will do its best not to divulge your identity without your consent or unless there are reasonable grounds to believe that the whistleblower has acted maliciously. In the absence of such consent or grounds, the identity will not be revealed except where there is a legal obligation to do so. If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make malicious or vexatious allegations, appropriate action may be taken against you.

Whistleblowers who are concerned about possible reprisals if their identity is revealed should come forward to the Responsible Officer and appropriate measures can then be taken to preserve confidentiality. If you are in any doubt, you can seek advice from Protect (formerly- Public Concern at Work).

If you have raised a whistleblowing concern with us you should keep the fact and content of that concern confidential so that we may investigate your allegation fairly and effectively save that you may of course discuss the matter with a professional adviser or your trade union and with any investigator appointed by the Trust.

Staff are not encouraged to make disclosures anonymously. If you cannot provide further information, proper investigation may be more difficult or impossible. It is also more difficult to establish whether any allegations are credible.

5. Raising a Whistleblowing Concern

How to raise a concern

The earlier you express a concern, the easier it is to take action. Prompt disclosure of potential wrongdoing is encouraged. If you have delayed in disclosing potential wrongdoing you will be asked to explain why you have delayed in making the disclosure.

As a first step, you should raise concerns informally with your line manager. Your line manager will seek advice from the Headteacher, and you may be asked to write a statement. Should your concerns be about your line manager, you must raise your concerns directly with the Headteacher.

However, where the matter is more serious, or your line manager or Headteacher has not addressed your concern, or you prefer not to raise it with them for any reason, you should contact the Responsible Officer. If your Concern is about the Responsible Officer or the CEO you should contact the Chair of the Trust Board who can be contacted through the Head of Governance.

Contact details are set out at the end of this policy.

Concerns may be raised with the following:

- Your Line Manager
- Headteacher
- Responsible Officer (COO)
- If your concern is about the Headteacher, Academy Council, Responsible Officer or the CEO please raise your concern to the Chair of the Trust Board. The Chair of the Trust Board may delegate this to another Director on the Trust Board.

Although you are not expected to prove an allegation, you will need to demonstrate that there are sufficient grounds for your concern.

How the Trust will respond

In order to protect individuals, the individual academy and the Trust, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take.

Concerns or allegations that fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures. Headteachers will seek advice from the Responsible Officer. The Trust may, at any time, disclose the matter to their solicitor for the purpose of taking legal advice.

Promptly, within **ten working days** of the concern being initially raised, the Trust will recommend a course of action which may:

- be investigated by the Headteacher
- be investigated by the Trust
- be referred to the Police
- be referred to the external auditor or any other appropriate external agency
- form the subject of an independent inquiry
- or any combination of the above
- recommend no course of action

The grounds on which no further action is proposed will include that the investigator is satisfied that, on the balance of probabilities, there is no evidence that wrongdoing has occurred, is occurring or is likely to occur. The investigator may come to the conclusion that the whistleblower is not acting in good faith. The matter may be subject to a different procedure such as disciplinary.

6. Attendees at Formal Meetings

Should it be necessary to convene an investigation meeting, you have the right, if you wish, to be accompanied by a Union or professional association representative or a colleague who is not involved in the area of work to which the concern relates. Your companion must respect the confidentiality of your disclosure and any subsequent investigation.

You must let the relevant appointed investigating officer know who your companion will be at least one working day before the relevant meeting. You do not have a right to legal representation at formal meetings.

The school will take steps to minimise any difficulties that you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, the Responsible Officer will advise you about the procedure.

A written summary of your concern will be taken down and you will be provided with a copy after the meeting. We will also give you an indication of how we propose to deal with the matter.

If you have any particular need, for example, a disability, you may also be accompanied by a suitable helper.

Your companion can address the meeting in order to:

- Put your case;
- Sum up your case; and
- Respond on your behalf to any view expressed at the meeting.

Your companion can also confer with you in private during the meeting.

Your companion has no right to answer questions on your behalf, or to address the meeting if you do not wish it, or to prevent you from explaining your case.

Where you have identified your companion to the investigating officer and your companion has confirmed in writing to the relevant investigating officer that they cannot attend the date or time set for the meeting, the relevant investigating officer will postpone the meeting for no more than **five working days** from the date set to a date or time agreed with your companion provided it is reasonable.

7. Investigation and Outcome

In some cases an investigator or team of investigators (including staff) may be appointed with relevant experience of investigations or specialist knowledge of the subject matter. An investigation may be internal or external. The investigator(s) may make recommendations for change to enable us to minimise the risk of future wrongdoing.

We will aim to keep you informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent us giving you specific details of the investigation or any disciplinary action taken as a result. You should treat any information about the investigation as confidential.

The conclusion, or progress of the investigation, will be reported in writing to the whistleblower within **twenty eight days** of the initial concern being raised. An extension to this timescale may be required. The whistleblower will be notified in writing of the extension. The whistleblower may at any time disclose the matter on a legally privileged basis to a professionally qualified lawyer for the purpose of taking his / her own legal advice.

If you are not satisfied

The outcome you are seeking cannot always be guaranteed, however we will deal with your concern fairly and in an appropriate way. Use of this policy will help achieve this.

If you are not happy with the way your concern has been handled, you can raise it with the Responsible Officer (COO). If the Responsible Officer has led the investigation and you are not happy with the process, you can raise it with the CEO (Accounting Officer). If you are not satisfied with how

the CEO has handled your concern you can raise this with the Chair of the Trust Board. Contact details are set out at the end of this policy.

Malicious accusations

A deliberately false or malicious accusation made is a disciplinary offence and will be dealt with under the Trust's disciplinary policy and procedure.

8. Informing external agencies

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases you should not find it necessary to alert anyone externally.

Within the Academy Trust all staff have a duty of confidentiality. The duty of confidentiality is implied by the law in every contract of employment and prohibits employees from publicly disclosing employers' confidential information, unless it is in the public interest that the information is disclosed or unless the Trust fails to follow required procedures.

Other legal restrictions on the disclosure of information, for example under the data protection Act 2018, may also apply.

Whistleblowing concerns usually relate to the conduct of staff, but they may sometimes relate to the actions of a third party, such as a supplier or government agency. In some circumstances the law will protect you if you raise the matter with the third party directly. However, you are encouraged to report such concerns internally first. You should contact the Responsible Officer for guidance.

The Trust encourages staff to raise their concerns internally, in line with this policy, but recognises that staff may feel the need to report concerns to an external body. A list of prescribed bodies to whom staff can raise concerns with is include:

- **Department for Education (ESFA).** (In these circumstances, the DfE/ESFA will assess whether all Trust processes have been applied and that the Trust has done everything possible to resolve the issue. If this is not the case, the DfE/ESFA will refer the matter back to the Trust);
- **Member of Parliament**
- **National Audit Office**
- **Health and Safety Executive**
- **Police**

The Protect advice line, (contact details at the end of this policy), can also help staff when deciding whether to raise the concern to an external party.

Whistleblowing to the media is not appropriate or permitted in any circumstances.

It will very rarely, if ever, be appropriate to alert the media. You should seek advice before reporting a concern to anyone external. Protect (formerly - Public Concern at Work) operate a confidential helpline. Your trade union may also be able to advise you in these matters.

9. Support for whistleblowers

Under the Public Interest Disclosure Act 1998 a whistleblower is protected from detriment and unfair dismissal. The Trust will support and not discriminate against concerned employees who apply the Whistleblowing Policy, proving any claim is made in good faith.

Staff must not suffer any detrimental treatment as a result of raising a concern. Detrimental treatment includes failure to promote, denial of training, closer monitoring, ostracism, blocking access to resourced, unrequested re-assignment or re-location, demotion, suspension, bullying or harassment, victimisation, dismissal, disciplinary action, failure to provide an appropriate reference, failing to investigate a subsequent concern, threats or other unfavourable treatment connected with raising a concern.

If you believe that you have suffered any such treatment, you should inform the Responsible Officer immediately if the concern relates to the Responsible Officer you should raise this with the Chair of the Trust Board. If the matter is not remedied, you should raise it formally using the Grievance Policy.

10. Process for staff subject to a whistleblowing allegation

Staff who are the subject of a whistleblowing allegation:

- Are entitled to be accompanied at any meetings by a companion;
- Are not entitled to know the identity of the whistleblower;
- Are entitled to see and approve any final statements made by them as part of an investigation; and
- Should indicate if they believe that the allegation made against them was false and if it was false, whether it was made maliciously or with intent to damage the reputation of the Trust or of any of our staff or for personal gain.

11. Contacts

Responsible Officer (COO)	Mr Giles Nightingale Email: g.nightingale@bwcat.org Tel: 07702 535408
Accounting Officer (CEO)	Mr Darren Beardsley Email: d.beardsley@bwcat.org

Whistleblowing Director (Chair of the Trust Board)	Mrs Diane Gaskin Contact through the Head of Governance Email: j.johnson@bwcat.org Tel: 07990043680
Protect (formerly - Public Concern at Work) (independent whistleblowing charity)	Helpline: 020 7404 6609 Email: whistle@protect-advuce.org.uk Website: www.pcaw.co.uk

12. Monitoring and Review of this Policy

The Trust Board delegated to the Resources Committee shall be responsible for reviewing this policy every three years or when changes are required.

The 13 schools in our Trust:

- St. Mary's Menston, a Catholic Voluntary Academy
- St. Joseph's Catholic Primary School Otley, a Voluntary Academy
- Ss Peter and Paul Catholic Primary School, a Voluntary Academy
- Sacred Heart Catholic Primary School Ilkley, a Voluntary Academy
- St Mary's Horsforth Catholic Voluntary Academy
- St. Joseph's Catholic Primary School Pudsey, a Voluntary Academy
- St Joseph's Catholic Primary School Harrogate, a Voluntary Academy
- St Mary's Catholic Primary School Knaresborough, a Voluntary Academy
- St. Stephen's Catholic Primary School and Nursery, a Voluntary Academy
- Holy Name Catholic Voluntary Academy
- St Roberts Catholic Primary School, a Voluntary Academy
- St John Fisher Catholic High School Harrogate, a Voluntary Academy
- St Joseph's Catholic Primary School Tadcaster, a Voluntary Academy



The Bishop Wheeler Catholic Academy Trust

The Bishop Wheeler Catholic Academy Trust is a charity and a company limited by Guarantee, registered in England and Wales.

Company Number: 8399801

Registered Office:

St. Mary's Menston,

A Catholic Voluntary Academy

Bradford Road, Menston, LS29 6AE

Website: bishopwheelercatholicacademytrust.org

Tel: 01943 883000

Email: j.johnson@bwcat.org

Chair of the Trust Board: Mrs Diane Gaskin