

## FRONT SHEET

DOCUMENT INFORMATION			
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<b>DATE APPROVED BY TRUSTEES</b>		<b>SIGNED BY THE CHAIR ON BEHALF OF THE TRUSTEES</b>	

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## 1. Aims

This policy aims to:

- Encourage individuals affected to report suspected wrongdoing as soon as possible in the knowledge that their concerns will be taken seriously and investigated, and that their confidentiality will be respected.
- Let all staff in the trust know how to raise concerns about potential wrongdoing in or by the trust.
- Set clear procedures for how the trust will respond to such concerns.
- Let all staff know the protection available to them if they raise a whistle-blowing concern.
- Assure staff 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. The policy applies to all employees or other workers who provide services to the trust in any capacity, including self-employed consultants or contractors who provide services on a personal basis and agency workers.

## 2. Legislation

The requirement to have clear whistle-blowing procedures in place is set out in the [Academy Trust Handbook](#). The handbook states the trustees –

- must agree a procedure for whistleblowing, and publish it on the trust's website, to protect staff who report individuals they believe are doing something wrong or illegal.
- the trust should appoint at least one trustee and one member of staff, who other staff can contact to report concerns.
- must ensure all staff are aware of the whistleblowing process and how concerns will be managed.
- must ensure that all staff should know what protection is available to them if they report someone and, what areas of malpractice or wrongdoing are covered in the trust's whistleblowing procedure, and who they can approach to report a concern.
- must ensure all concerns raised with them by whistleblowers are responded to properly and fairly.

Find out more at:

- whistleblowing for employees, including a definition of whistleblowing
- school complaints and whistleblowing, including how ESFA handles complaints about academies
- the whistleblowing charity Protect (formerly Public Concern at Work), which provides confidential independent advice about wrongdoing in the workplace.

This policy has been written in line with the above document, as well as [government guidance on whistleblowing](#) the [Public Interest Disclosure Act 1998](#) has also been taken into account.

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

A whistle-blower is a person who raises a genuine concern relating to the above.

Not all concerns about the trust, or individual schools in the trust, count as whistle-blowing. For example, personal staff grievances such as bullying or harassment do not usually count as whistle-blowing. If something affects a staff member as an individual, or relates to an individual employment contract, this is likely a grievance.

When staff have a concern they should consider whether it would be better to follow the trusts staff grievance or complaints procedures or the Trust's Anti-Bullying & Harassment Policy .

Protect (formerly Public Concern at Work) has:

- [Further guidance](#) on the difference between a whistle-blowing concern and a grievance, which staff may find useful if unsure
- A free and confidential [advice line](#)

### 4. Who can raise a concern?

Any individual who currently works for or who has previously worked for the School may raise a complaint. In addition, a complaint may also be raised by an individual who works for an organisation that provides a service to the School such as Agency workers, volunteers and Governors can raise a complaint under the policy.

#### 4.1 Procedure for staff to raise a whistle-blowing concern including who to report to

The trust, in line with 2b, has appointed XXX as the trustee and the Head of HR and Head of Governance as the members of staff who other staff can contact to report concerns.

- a. Employees should normally raise concerns with their Line Manager in the first instance. However, this will depend on the nature of the concern, the seriousness and sensitivity of the issue, and who is allegedly involved.

- b. Employees who feel unable to approach their Line Manager, may contact the Headteacher. Where the concerns being raised relate to the Headteacher, employees may contact the Chair of the LGB, the nominated Trustee XXX or nominated Staff Members (the Head of HR and Head of Governance).
- c. Trade Union members may wish to contact their union representative for assistance or advice on raising an issue. Where the concerns relate to the CEO, employees may contact the Chair of the Trust Board.
- d. Where an employee is concerned that the Governing Body is acting or proposing to act unreasonably or has failed to discharge its duties, this can be raised with the Secretary of State for Education, but would normally be raised with the Chair of the Trust Board.
- e. Alternatively, where concerns are of a serious nature and criminal activity is suspected, employees have the right to raise issues directly with the Police or other relevant agency as they see fit.

Employees and ex Employees who raise an issue in good faith under this policy are protected by the Public Interest Disclosure Act 1998 from any repercussions on their present position or future career. The Act does not protect anyone who is acting maliciously, making false allegations or who is seeking personal gain. The Trust does not tolerate any form of harassment or victimisation against an individual raising a concern. This will never be dealt with by the person the claim is made against.

## 4.2 When to raise a concern

Staff 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.

## 4.3 How to raise the concern

Concerns should be made in writing wherever possible. They should include names of those committing wrongdoing, dates, places and as much evidence and context as possible. Staff raising a concern should also include details of any personal interest in the matter.

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

### 5.1 Investigating the concern

When a concern is received by the Headteacher, Line Manager, CEO, Chair of the Trust Board, named Trustee or named member of Staff (see 4.1 above) – referred to from here as the ‘recipient’ – they will:

- a. Meet with the person raising the concern within a reasonable time period. The person raising the concern may be joined by a trade union or professional association representative.
- b. 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
- c. 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)
- d. Establish whether there is sufficient cause for concern to warrant further investigation. If there is:
  - i. The recipient should then arrange a further investigation into the matter, this may involve the recipients line manager. In some cases, they may need to bring in an external, independent body to investigate. In others, they may need to report the matter to the police.
  - ii. 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 prepare a report detailing the findings and confirming whether or not any wrongdoing has occurred. The report will include any recommendations and details on how the matter can be rectified, and whether or not a referral is required to an external organisation, such as the local authority or police.

They will inform the person 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 CEO, trustees and other staff, if necessary, will review the relevant policies and procedures to prevent future occurrences of the same wrongdoing.

## 6. Malicious or vexatious allegations

Staff are encouraged to raise concerns when they believe there to potentially be an issue. If an allegation is made in good faith, but the investigation finds no wrongdoing, there will be no disciplinary action against the member of staff who raised the concern.

If, however, an allegation is shown to be deliberately invented or malicious, the trust will consider whether any disciplinary action is appropriate against the person making the allegation.

## 7. Escalating concerns beyond the trust

The trust encourages staff 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. 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.

## 8. Confidentiality/GDPR

8.1 Is an important part of the procedures provided under this policy. Everyone involved in the operation of the policy, whether making a complaint or involved in any investigation, is responsible for observing the high level of confidentiality that is required. Details of the investigation and the names of the person making the complaint and the person accused must only be disclosed on a "need to know" basis.

8.2 As part of the application of this policy, the Trust may collect, process and store personal data in accordance with our data protection policy. We will comply with the requirements of Data Protection Legislation (being the UK General Data Protection Regulation and the Data Protection Act 2018) and any implementing laws, regulations and secondary legislation, as amended or updated from time to time. Records will be kept on the employee's personal file in accordance with our School Workforce Privacy Notice, our Records Management and Retention Policy and in line with the requirements of Data Protection Legislation. This will include information about a complaint along with a record of the outcome and of any notes or other documents compiled during the process.

8.3 Breach of confidentiality may give rise to disciplinary action under our Disciplinary Policy Approval

## 9. Review

This policy will be reviewed every 2 years unless the legislation and/or guidance changes. These procedures have been agreed by the board of trustees, who will approve them whenever reviewed.

## 10. Links with other policies

This policy links with our policies on:



## WHISTLEBLOWING POLICY

- Staff grievance policy
- Complaints procedure
- Safeguarding/Child protection policy
- Anti-Bullying & Harassment Policy
- Health & Safety Policy