Whistleblowing Policy

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Document Created	October 2021
Ratified by the Board of Trustees on	5 May 2026
Signed by the Chair of Trustees	
This Policy will be reviewed by the Trust every three years. Next review date:	July 2027

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1. Introduction

It is important to the board that any suspected fraud, misconduct, malpractice or wrongdoing by workers or employees of the school/Trust is reported and properly dealt with. The Trust Board is committed to creating an open and supportive environment where individuals feel able to “speak up” about any genuine concerns regarding the alleged wrongful conduct of the employer, or about the conduct of a fellow employee, or any third party.

This policy sets out the framework for how issues can be raised confidentially internally, and/or if necessary, outside the management structure of the school/Trust to a prescribed body (see 2.1 below). All disclosures will be handled consistently and fairly, and appropriate action will be taken by the school/Trust to resolve the issue in line with this policy.

This policy applies to all employees and Governors/Trustees. Although Volunteers and other individuals engaged to work at or provide services to the school, including agency workers and contractors, are not always covered by the Public Interest Disclosure Act 1998, they are encouraged to raise concerns under this policy.

1.1 The law (Public Interest Disclosure Act 1998) provides protection for employees or workers who raise legitimate concerns about specified matters. These are called “qualifying disclosures”;
A qualifying disclosure is one made in the public interest by an employee or worker who has a reasonable belief that there has been or is likely to be:

- a breach of any legal obligation;
- a miscarriage of justice;
- a criminal offence;
- a danger to the Health and Safety of any individual;
- damage to the environment;
- sexual harassment; or
- deliberate concealment of information about any of the above

Some examples of qualifying disclosures in a school context may include:

- Fraudulent acts (e.g. manipulation of accounting records/finances, inappropriate use of funds, decision making for personal gain, abuse of position to influence decisions);
- Breaches of acceptable professional and ethical standards;
- Breaches of the school/Trust’s Health and Safety policy entailing danger to staff or pupils; and/or
- Breaches of any of the school/Trust’s policies or the Code of Conduct
- Failure to take reasonable steps to prevent sexual harassment or failure to deal
- appropriately with concerns raised.

It is not necessary for the employee or worker to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient.

For the purposes of this policy the term “whistle-blower” refers to the individual making the disclosure.

1.2. The whistle-blower must reasonably believe they are making the disclosure in the public interest (i.e. it affects others such as pupils in the school or members of the public). This means that personal grievances and complaints (e.g. a concern about their own contractual terms, treatment of their child) are not usually covered by this policy and should be dealt with:

- By employees through the Grievance Procedure
- By other parties through the Complaints Procedure.

2. Raising concerns/making a disclosure

2.1. Initial concern

The board encourages the “whistle-blower” to raise the matter internally in the first instance. Concerns should normally be raised with a senior manager, responsible officer, the CEO, headteacher, the Chair of the Local Governing Committee or Chair of the Board of Trustees.

Members of the school/Trust community are particularly reminded of their obligation to report all safeguarding concerns, immediately as set out in the Trust’s safeguarding policy and code of conduct.

If the whistle-blower considers the matter too serious or sensitive to raise it internally, they may refer the matter to an external prescribed body. A prescribed body is an organisation, normally with some regulatory function (for example the Health and Safety Executive), which is prescribed by the Secretary of State for the purposes of the Public Interest Disclosure Act who an individual may make a protected disclosure to. Any such disclosure to a prescribed body will qualify for protection under the Act. A list of prescribed bodies is available at the following link:

https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies

In the event that the whistle-blower feels a disclosure should be referred to an external prescribed body some of the relevant bodies are also set out below:

Nature of disclosure:	**External reporting/Prescribed body:**
Fraud or financial malpractice (see 3.2 below)	(Academies and Schools) Report fraud or financial irregularity to DfE - GOV.UK allegations.mailbox@education.gov.uk
Child Protection/Safeguarding issues	Local Authority Designated Officer (LADO) Essex Duty Line: 03330 139 797 NSPCC Whistleblowing helpline: 0800 028 0285 Email: help@nspcc.org.uk
Data protection issues Information Commissioner	https://ico.org.uk/
Health and Safety issues	Health and Safety Executive http://www.hse.gov.uk/

If a concern is raised verbally, it should be followed up in writing wherever possible.
The whistle-blower has no responsibility for investigating the matter - it is the school’s responsibility to ensure that an appropriate investigation takes place.

Where the complaint is serious, for example involving fraud, theft or other potential gross misconduct by an employee, the whistle-blower should act quickly to report it but should not mention it to the subject of the complainant or other colleagues as this could affect the investigatory process.

The timescales for handling disclosures will differ depending on the nature of the disclosure made but all disclosures (whether formal or informal) will be acknowledged within 2 working days.

2.2 Investigation

The manager/ Headteacher / Chair of Local Governing Committee / Chair of Trustees will arrange an investigation into the matter either by investigating the matter themself or immediately passing the issue to an appropriate person (except where they are the subject of the disclosure where an alternative suitable person will be appointed). The investigation may involve the whistle-blower and other individuals involved giving a written statement. Any investigation will be carried out promptly and confidentially.

If a whistle-blower wishes to remain anonymous this should be raised with the person to whom the initial disclosure is made. In some cases, this may be possible but in more serious cases where disciplinary action may have to be taken against others this may be more difficult. The school/Trust is committed to protecting the well-being of the whistle-blower whilst this policy is followed. The whistle-blower's statement (where available) will be taken into account, and they will be asked to comment on any additional evidence obtained. The person responsible for the investigation may ask the whistle-blower to attend a meeting to gather all the information needed to ensure a clear understanding of the situation.

Where a meeting is held, the whistle-blower should be permitted to be accompanied by a trade union representative or work colleague if they wish and where possible the dates/times will be agreed to facilitate this, or in the case of a third party, by an appropriate person (e.g. friend, family, colleague). Legal professionals will not normally be allowed to attend such meetings.

2.3 Outcome of the investigation

The person who carried out the investigation will take any necessary action, which may include reporting the matter to the Headteacher/appropriate manager/Chair of Governors/Trustees or an appropriate prescribed body (if this has not already taken place).

On conclusion of any investigation, the whistle-blower will be told the outcome of the investigation (in as much detail as is deemed appropriate in the circumstances) and what action is to be taken or is proposed. If no action is to be taken, the reason for this will be explained.

Where a concern is raised anonymously the school/Trust will not ordinarily be able to provide feedback to the whistle-blower and any action taken as a result of an anonymous disclosure may be limited. The school/Trust will take all appropriate steps to investigate such a disclosure in line with the level of information provided. If an anonymous whistle-blower wishes to seek feedback from the school/Trust an appropriate anonymised email address should be provided.

2.4 Further action

Where having raised an initial concern and the whistle-blower has a genuine belief that the school/Trust has failed to take appropriate action or investigate the issue properly and they wish to pursue the matter further, they may report their concern to another relevant person in the Trust or to an appropriate prescribed body (if this has not already been reported).

The person may arrange for further investigation to be carried out, make any necessary further enquiries and/or make their own report. On the conclusion of any further investigation, they will take appropriate action which may include reporting the matter to a prescribed body if this has not taken place at an earlier stage in the process.
Should the whistle-blower remain dissatisfied with the management of the concern, they are

entitled to raise the matter with an appropriate prescribed body listed under Section 2.1, ensuring they follow any relevant requirements for protected disclosures.

3. Other issues

3.1 Concerns raised by member of the public

Where complaints are received from members of the public, the Trust's formal complaints procedure will be followed, unless the complaint relates to the specific conduct or performance of an individual employee/worker in which case the Disciplinary Procedure may need to be instigated.

3.2 Criminal issues/fraud

In the event of the allegation being of a very serious nature, for example relating to a fraud or other potential gross misconduct offence, there may be a need to involve the Trust's auditors and/or the police or other appropriate authorities. This should normally be agreed initially by the Chair of the Trust Board who should, in turn, and where appropriate, keep the Local Authority/Education and School Funding Agency informed in view of any possible implications concerning public monies.

The school/Trust must notify the DfE of any instances of fraud, theft or irregularity where the value exceeds £5,000 individually, or £5,000 cumulatively in any financial year. Any unusual or systematic fraud, regardless of value, must also be reported. See 2.1 above.

4. Protecting whistle-blowers

4.1 Any whistle-blowers who make protected disclosures in line with this procedure have the right not to be dismissed, subjected to any other detriment, or victimised, because they have made a disclosure. This means continued employment and opportunities for promotion or training will not be affected because the whistle-blower has raised a legitimate concern.

4.2 Any form of discrimination or victimisation against a whistle-blower for raising a genuine concern is strictly prohibited and may also contravene the Equality Act 2010. Whistle-blowers should report any harassment or victimisation to an appropriate manager as soon as practicable. The school/Trust will take all reasonable steps to prevent/address such harassment or victimisation. Victimisation of a whistle-blower for making a protected disclosure will be considered a disciplinary matter and will be dealt with under the Disciplinary Procedure.

4.3 Whistle-blowers may find the process of reporting an issue/wrongdoing difficult and uncomfortable. The school/Trust will take all reasonable steps to support the whistle-blower which may include access to an external counselling service. The whistle-blower may also be referred to the charity Protect (previously known as Public Concern at Work) https://protect-advice.org.uk/ for information and advice.

5. Malicious allegations/disclosures

5.1 If, following appropriate investigation it is considered that an employee has made a malicious allegation without real substance and/or which could not be reasonably considered to be in the public interest; this will be taken as a serious matter and may potentially lead to disciplinary action in line with the Disciplinary Procedure.

For the purposes of this policy, 'malicious' means knowingly making a false statement or acting in bad faith with the intent to harm another individual or the organisation.

5.2 Where other individuals engaged by the school/Trust make a malicious allegation, the school/Trust will investigate the allegation thoroughly and take appropriate action, which may include terminating the contract/arrangements with the individual.

5.3 If disciplinary action is required, the person who carried out the investigation will report the matter to a relevant manager to start the disciplinary procedure.

5.4 If a third party has made a malicious allegation the board may take legal advice about steps open to it where appropriate.

6. Data Protection

6.1 When an individual makes a disclosure, the school/Trust will process any personal data collected in accordance with its data protection policy and General Data Protection Regulation (GDPR) and the Data Protection Act 2018. Data collected from the point at which the individual makes the disclosure is held securely and accessed by, and disclosed to, individuals only for the purposes of dealing with the disclosure.

Appendix A Whistleblowing Legislation

The Public Interest Disclosure Act 1998, shortened to PIDA, is the law that protects whistleblowers from negative treatment or unfair dismissal. It is part of the Employment Rights Act 1996 (ERA). PIDA makes it unlawful to subject a worker to negative treatment or to dismiss them because they have raised a whistleblowing concern.

Appendix B Whistleblowing Guidelines for All Staff Members, Trustees and Governors

1. Introduction

1.1 This guidance explains the options available for employees or workers to blow the whistle about concerns of wrongdoing.

1.2 This guidance applies to all employees, Trustees and Governors. Volunteers and other individuals engaged to work at or provide services to the Trust, including agency workers and contractors, are encouraged to use it where appropriate.

1.3 It is not necessary for the employee or worker to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient.

1.4 This guidance should be read in conjunction with the EFSPT Whistleblowing Policy.

1.5 The Whistleblowing Policy has more information as to what constitutes whistleblowing and the protection for staff who blow the whistle.

2. Process

2.1 All Whistleblowing concerns raised must be reported to the Head of Governance by the manager, Governor or Trustee receiving the concern, using the Whistleblowing Google Form.

2.2 The form is automatically sent to the Head of Governance.

2.3 This includes all instances where the manager believes the concern is not covered by the Whistleblowing Policy and where the concern is dealt with through another appropriate policy such as the Grievance Procedure or Complaints Procedure.

2.4 The disclosure will be logged and tracked to conclusion by the Head of Governance.

2.5 The Head of Governance will acknowledge receipt of the whistleblowing concern within 2 working days.

2.6 If the concern has not been acknowledged within 2 working days, then the employee and/or manager must contact the Head of Governance for an update.

2.7 If the employee wishes to remain anonymous, this should be raised with the person to whom the initial disclosure is made. This may not always be possible, as detailed in section 2.1 of the Whistleblowing Policy. The Trust is committed to protecting the well-being of the whistleblower whilst this policy is followed.

2.8 All managers receiving and investigating instances of whistleblowing will be supported by the Head of Governance.

3. Reporting Routes

3.1 Work through the options below sequentially to find a way of reporting your concern you feel comfortable with and that is appropriate to your circumstance.

3.2 Move on to the next option if you do not feel comfortable using any of the preceding.

3.3 If you are unsatisfied with how your concern has been handled, you can use one of the other routes available or escalate it to the Chair of the Local Governing Committee or Chair of the Board of Trustees.

a. Your Line Manager

3.4 In the first instance you should raise your concern with your line manager. If your concern is covered by the Whistleblowing Policy, the manager will arrange an investigation into the matter either by investigating the matter themself or immediately passing the issue to the next option as below. If your manager is the subject of the disclosure, you should use the next option.

b. Your School's Assistant or Deputy Head Teacher

3.5 Where the concern relates to your line manager, the concern should be brought to the attention of a more senior manager/responsible officer, usually the Assistant or Deputy Head Teacher. If your concern is covered by the Whistleblowing Policy, this manager will arrange an investigation into the matter either by investigating the matter themself or immediately passing the issue to the next option as below. If your Assistant or Deputy Head Teacher is the subject of the disclosure you should use the next option.

c. Your School's Head Teacher

3.6 Where the concern relates to your school's Assistant or Deputy Head Teacher, the concern should be brought to the attention of the Head Teacher. If your concern is covered by the Whistleblowing Policy, this manager will arrange an investigation into the matter either by investigating the matter themself or immediately passing the issue to the next option as below. If your Head Teacher is the subject of the disclosure you should use the next option as below.

d. Chair of the Local Governing Committee

3.7 Where the concern relates to your School Head Teacher, the concern should be raised with the Chair of the Local Governing Committee.

e. CEO

3.8 Where the concern relates to the Head of Governance, the concern should be raised with the CEO. A form should not be raised in this instance.

f. Chair of the Board of Trustees

3.8 Where the concern relates to the CEO of the Trust or the Local Governing Committee, the concern should be raised with the Chair of the Board of Trustees.

g. Head of Governance

3.9 Where the concern relates to the Chair of the Board of Trustees, the concern should be raised with the Head of Governance.

h. External Prescribed Body

3.10 If you consider the matter too serious or sensitive to raise it internally, you may refer the matter to an external prescribed body, as detailed in section 2.1 of the Whistleblowing Policy.

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