



Whistleblowing Policy

April 2023

Contents

1	Statement of intent.....	3
2	Legislation.....	3
3	Definition of whistleblowing	3
4	Procedure for staff to raise a whistleblowing concern.....	5
5	Procedure for responding to a whistleblowing concern.....	5
6	Malicious or vexatious allegations.....	6
7	Escalating concerns beyond the Trust	6
8	Links with other policies	6

1 Statement of intent

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 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 whistleblowing 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)
- Ensure that members of staff receive a response to the concerns they have raised and feedback on any action taken.

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 whistleblowing 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 whistleblowing](#). We also consider the [Public Interest Disclosure Act 1998](#).

This policy complies with our Funding Agreements and Articles of Association.

3 Definition of whistleblowing

Whistleblowing is the reporting of concerns relating to wrongdoing that is "in the public interest".

Examples of whistleblowing include (but are not limited to):

- any unlawful act, whether criminal or a breach of civil law
- miscarriages of justice
- health and safety risks, including risks to the public as well as other employees
- damage to the environment
- failure to comply with any financial or legal obligation or regulatory requirements
- bribery

- the unauthorised use of public funds
- loss of income to the Trust
- suspected fraud, corruption or dishonesty
- unethical conduct and/or any failure to comply with appropriate professional standards
- abuse of power, or the use of the trust's powers and authority for any unauthorised or ulterior purpose
- discrimination in employment or the provision of education
- the deliberate concealment of any of the above matters, or any other matter that staff consider they cannot raise by any other procedure.

Or it may be something that:

- makes you feel uncomfortable in terms of known standards
- is against the Trust's policies or procedures
- is unlawful
- amounts to improper conduct.

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

When staff have a concern, they should consider whether it would be more appropriate to follow our Trust Grievance Policy or Complaints Policy.

Protect (formerly Public Concern at Work) has:

- [Further guidance](#) on the difference between a whistleblowing concern and a grievance that staff may find useful if unsure
- A free and confidential [advice line](#).

4 Procedure for staff to raise a whistleblowing concern

4.1 When to raise a concern

Staff should consider the examples in section 3 when deciding whether their concern is of a whistleblowing nature. Consider whether the incident 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

School staff should report their concern to the Headteacher. If the concern is about the Headteacher, or it is believed they may be involved in the wrongdoing in some way, the staff member should report their concern to Chair of Governors.

Trust staff should report their concern to the Chief Executive Officer (CEO). If the concern is about the CEO, or it is believed they may be involved in the wrongdoing in some way, the staff member should report their concern to Chair of Trustees.

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 Procedure for responding to a whistleblowing concern

5.1 Investigating the concern

When a concern is received by the Headteacher, Chair of Governors, CEO or Chair of Trustees - referred to from here as the 'recipient' - they 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 whistleblowing 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 recipient should then arrange a further investigation into the matter, involving the Headteacher, Chair of Governors or Chair of Trustees, 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

- 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 updated with 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.

The investigating person(s) 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, Headteacher, trustees, governors and other staff if necessary will review the relevant policies and procedures to prevent future occurrences of the same wrongdoing.

5.3 Appeal process

If no action is to be taken and/or the individual is not satisfied with the way the matter has been handled, they can make a complaint under the Complaints Policy.

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, see section 3 of this policy, can also help staff when deciding whether to raise the concern to an external party.

8 Links with other policies

This policy links with the following Trust and School policies:

- Grievance policy
- Complaints policy
- Child Protection and Safeguarding policies.