



Education Learning Trust Multi Academy Trust

ELT Confidential Reporting (Whistleblowing) Policy

2025/2027

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January 2025	1.6	Document annual review. Trust commitment to the provision of awareness for stakeholders to ensure all understand the policy and its implications. Detail of the potential risks and repercussions of approaching external entities like the media explained to ensure stakeholders are better informed of the outcomes.	C Cawley	Trust Board 29/1/25

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1. Introduction

- 1.1 The Education Learning Trust (Trust) is committed to the highest standards of openness, probity and accountability and we expect all staff to maintain these standards in accordance with the ELT Code of Conduct and ELT Code of Governance.
- 1.2 The Trust is dedicated to providing the utmost care for its pupils and staff. We aim to ensure that all members of the Trust community feel safe in the knowledge that they can come forward and voice any concerns in confidence without fear of reprisal and that they will be taken seriously and dealt with appropriately.
- 1.2 Staff who are concerned about the conduct of a colleague towards a pupil, for example, or the misuse of a school/Trust funds or resources, are undoubtedly placed in a very difficult position. They may worry that they have misunderstood the situation and they will wonder whether a report could jeopardise their, or their colleague's career. This policy enables staff to raise concerns, or allegations in confidence and for a sensitive enquiry to take place.
- 1.3 The Education Learning Trust takes responsibility for ensuring that all persons are aware of the ELT Confidential Reporting (Whistleblowing) Policy and procedures and understand how concerns will be managed. The Trust will ensure that all concerns raised with them by whistleblowers will be treated properly and fairly.
- 1.4 This policy does not form part of any employee's contract of employment, or other contract to provide services and we may amend it at any time following consultation with the Trust's Governing Board, Headteachers, with the Trusts recognised trade unions.
- 1.5 Implementation and equality impact of this policy has been subject to consultation with the Trust's Governing Board, Headteachers, recognised trade unions and employees.

2. Scope and Purpose

- 2.1 This policy applies to all employees of the Trust, Governors, Consultants, Contractors, Casual/Agency staff and volunteers (*collectively referred to as staff in this policy*). This policy aims to:
- encourage all staff to feel confident about raising serious concerns and to question and act upon their concerns
 - provide avenues for staff to raise those concerns and receive feedback on any action taken
 - allow staff to take the matter further if they are dissatisfied with the Trust's response and
 - reassure staff that they will be protected from possible reprisals or victimisation if they have a reasonable belief that they have made any disclosure in the public interest

2.2 The Policy does not apply to child protection procedures which must always be disclosed.

3. Legal Framework

3.1 This policy has due regard to all relevant legislation and guidance documents including, but not limited to, the following:

- Employment Rights Act 1996
- Public Interest Disclosure Act 1998 (PIDA)
- Data Protection Act 2018
- ESFA Academy Trust Handbook 2024
- Equality Act 2010; Health and Safety at Work Act 1974
- Protection from Harassment Act 1997
- Management of Health and Safety at Work Regulations 1999 (SI 199/3243)
- DFE Keeping Children Safe in Education 2024

3.2 This policy operates in conjunction with the following Trust policies:

- ELT Academy Trust Handbook
- ELT Governance Code of Conduct Policy
- ELT Staff Code of Conduct Policy
- ELT Staff Grievance Policy
- ELT Staff Discipline Policy
- ELT Data Protection Policy
- ELT Records Management Policy
- ELT Complaints Policy
- Health and Safety Policies

3.3 This policy does not apply to situations covered by statutory reporting procedures, or mechanisms that exist for raising particular issues e.g. the grievance procedure exists for issues around employment, parental complaints (managed through the ELT complaints policy/procedure), child protection issues should be directed in the first instance to the Local Authority Designated Officer.

4. Data Protection

4.1 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 Data Protection Act 2018) and any implementing laws, regulations and secondary legislation, as amended, or updated from time to time in the collecting, holding and sharing of information in relation to our workforce. Records will be kept in accordance with our Workforce Privacy Notice, our Records Management Policy and in line with the requirements of Data Protection Legislation.

4.2 It is a requirement that any persons involved with any meetings in relation to the policy maintain strict confidentiality at all times. Work colleagues who accompany the employee at meetings should be particularly reminded not to discuss any element of the

meeting inappropriately. Any breaches of the Trust Data Protection Policy, or confidentiality may be subject to disciplinary action.

5. The Public Interest Disclosure Act

- 5.1 The Public Interest Disclosure Act 1998 (PIDA) protects employees who “*blow the whistle*” where the employee reasonably believes that the disclosure falls within the remit of the prescribed person, or body and that the information and any allegations are substantially true. Disclosures made under this procedure will be monitored for statistical purposes as required under the PIDA. The details of any disclosure will remain confidential.
- 5.2 Within schools the line manager is the first point of contact for whistleblowing concerns, then the headteacher. If the allegation is related to the Headteacher, the concern should be raised with the academy school chair of governors.
- 5.3 The CEO will be responsible for receiving any allegations raised about members of the Trust Central team.
- 5.4 The Chair of Trustees will be responsible for receiving any allegations raised about the CEO.
- 5.5 Any member of the Trust community, or the general public is able to “blow the whistle”; however, the PIDA only protects employees.

6. Definitions

Whistleblowing:

- 6.1 Whistleblowing is the disclosure of information which relates to suspected wrongdoing, or dangers at work. The law provides protection for workers who raise ‘*legitimate concerns*’ about specified matters, or ‘*qualifying disclosures*.’ A qualifying disclosure is one made in the public interest by a worker who has a reasonable belief that there is wrongdoing, or dangers at work such as fraud, malpractice, mismanagement, breach of health and safety law, safeguarding, or any other illegal or unethical act either on the part of management, the governing body, trust board or fellow employees, third parties.
- 6.1.2 This will usually be something a person has seen at work, though not always. As well as Governors, employees, workers may include volunteers, contractors and outside agencies, or others. Such a disclosure, made in the public interest, will be under the protection of the Public Interest Disclosure Act 1998 (PIDA).
- 6.2 ‘Qualifying disclosures’
- 6.2.1 As outlined by the PIDA, ‘*qualifying disclosures*’ pertain to when any of the following takes place:
- A criminal offence has been committed, is likely to be committed or is being committed

- a person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject
- a miscarriage of justice has occurred, is occurring or is likely to occur
- the health or safety of any individual has been, is being or is likely to be endangered
- the environment has been, is being or is likely to be damaged
- bribery
- financial fraud, or mismanagement
- failure to comply with any legal, or professional obligation, or regulatory requirement
- negligence
- breach of internal policies and procedures including the Trust Code of Conduct
- Conduct likely to damage the Trusts reputation, of financial wellbeing
- Unauthorised disclosure of confidential information
- Unethical behaviour
- information tending to show any matter falling within any of the preceding points has been, is being or is likely to be deliberately concealed

This may be about something that:

- is against the Trust's/School's procedures and protocols as set out in its constitution
- amounts to improper conduct or
- is an abuse of power for personal gain

6.3 **In the public interests:**

6.3.1 This means that an individual acted outside of their own personal interest – they acted for more than personal gain. It is not necessary for the disclosure to be of interest to the entire public. The following considerations are often used as a test to establish whether something is within the scope of public interest:

- the number of people in the group whose interests the disclosure served;
- the nature of the interests and the extent by which individuals are affected by the wrongdoing disclosed;

- the nature of the wrongdoing disclosed;
- the identity of the alleged wrongdoer.

6.4 **Grievances:**

- 6.4.1 These involve someone filing a complaint because they personally have been mistreated in some way – the person making the complaint will have a direct interest in the outcome. It is important to understand the difference between raising a ‘grievance’ and ‘blowing the whistle.’
- 6.4.2 If a complaint relates to an individual's own personal circumstances but they also have wider concerns regarding one of the areas set out above (for example, a breach of Trust/School internal policies/procedures), they should discuss with a member of the Trust/School's leadership team which route is the most appropriate.

7. **Roles and Responsibilities**

- 7.1 This section outlines the roles and responsibilities for the main parties involved in creating a safe environment where individuals with either a concern about an academy school/Trust practices come forward to report them in the public interest. These lists are not exhaustive.

7.1.1 **Trust Board**

The Trust Board will be responsible for:

- establishing and agreeing the whistleblowing procedure;
- ensuring the agreed whistleblowing procedure is published on the trust's website;
- monitoring the effectiveness of this policy and undertaking any necessary reviews, e.g. in relation to good practice recommendations or changes in legislation
- ensuring all members of the Trust community have access to this policy and that both Trust and School Leaders have access to training on this policy and understand what to do should a disclosure be made
- investigating, in liaison with the headteacher, any concerns that are raised
- ensuring this policy provides an open and transparent framework where members of the Trust community can raise their concern
- taking the necessary action against members of staff following an investigation into any alleged malpractice
- ensuring that the minutes of the governing board include a record of the Trust's whistleblowing arrangements and who, both internally and externally, staff

members should report concerns to

7.1.2. Senior Leaders (Headteacher or equivalent)

Senior leaders play a lead role in creating an open and transparent culture where Trust/School policies and procedures are embedded, followed and monitored. They are responsible for ensuring that:

- all staff are aware of this policy and its associated procedures and both leaders and staff comply with the Trust's requirement to complete at induction
- they set a good example by their behaviour
- all reports of malpractice reported to them are taken seriously and investigated
- employees who make an allegation in the public interest are not victimised; and confidentiality is preserved where appropriate
- good practice is followed in the areas that they manage
- respond to and support employees who report concerns under this policy
- treat all concerns seriously and sensitively
- ensure that the correct policy is used to pursue concerns if the Whistleblowing policy is not applicable
- encourage employees to raise their concerns in writing
- provide full and clear advice to employees on the procedures to be followed

If they do not carry out their responsibilities under this policy, then they may be subjected to disciplinary action and claims from the employee that they also contravene the policy.

7.1.3 All members of the Trust Community

All members are responsible for:

- reporting any public interest concerns they have as early as possible
- raising the concerns in writing (if possible)
- putting their name to any allegations rather than making them anonymously (*where possible*)
- reporting if they are victimised after raising a concern under this policy;
- acting in the public interest at all times.

- not raising malicious or unfounded concerns.

7.1.4 Non-Employees

The PIDA and the Employment Rights Act 1996 do not protect non-employees as far as whistleblowing is concerned. Irrespective of this, the Trust will not allow harassment, dismissal, or exclusion for any non-employee who raises a genuine concern.

Where an individual feels that they have been unfairly treated following blowing the whistle, they should make a complaint under the ELT Complaints Procedures Policy.

Governors are not employees and, while they are responsible for ensuring there is a whistleblowing procedure in place, they are not protected under the PIDA.

8. Confidentiality

- 8.1 All concerns will be treated in confidence, and the Trust is committed to protecting the identity of whistleblowers as far as is possible. However, in some circumstances it may not be possible to do this, for example: if it will prevent a thorough investigation taking place; if there is reason to reveal the name by law; if the whistleblower has to give evidence at any hearings.
- 8.2 In cases where identities are revealed for whatever reason, the Trust will do its best to support all parties involved and protect them from discrimination and victimisation.
- 8.3 Confidentiality is a priority throughout any investigation, and continues to be once the investigation is over, and we urge staff to closely follow all guidelines relating to confidentiality. Any member of staff that has acted knowingly against this, or revealed confidential information unnecessarily or for vicious reasons, may face prosecution.

9. Anonymous Allegations

- 9.1 We would encourage all staff to put their name to concerns made as it will aid a more thorough investigation. Raising a concern anonymously means that no one will be able to seek any further information, and this could affect the ability to properly investigate the concern, or provide feedback on how the concern has been addressed.
- 9.2 The Trust will however investigate all anonymous allegations seriously as far as is reasonably possible; following the proceedings outlined in this policy as far as is possible taking into account:
- the seriousness of the issue raised
 - The credibility of the concern; and
 - The likelihood of confirming the allegation from other sources

10. False Allegations

10.1 The Education Learning Trust encourages all staff to voice their concerns and allegations safe in the knowledge that those who make allegations in good faith that do not prove to be true will not be reprimanded.

10.2 The Trust may take disciplinary action against staff who make claims that are found to be knowingly false, malicious, vexatious or for personal gain.

11. Harassment, or Victimisation

11.1 The Education Learning Trust will not tolerate any harassment, or victimisation (including informal pressures) and will take appropriate action to protect employees when they raise a concern in the public interest.

11.2 In addition, the Public Interest Disclosure Act 1998 protects employees from reprisals as long as they meet the rules set out in the Act. The Trust may be fined for not protecting anybody making a disclosure in the public interest.

11.3 Any investigation into allegations of potential wrongdoing including malpractice will not influence, or be influenced by any disciplinary, or redundancy procedures that already affect them.

12. How to Report a Concern

12.1 To raise a concern believed to be covered by the Whistleblowing Policy, we hope staff will feel able to raise it first with their immediate line manager. Alternatively, it can be raised with the Headteacher.

12.2 This may depend, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. For example, if it suspected that the staff member's line manager is involved, approach the Headteacher. If it is believed the Headteacher is involved, the Chair of Governors should be approached.

12.3 When reporting a concern, staff should provide information about the background and history of the concern. Where possible, give names, dates and places and the reasons why this is a particular concern. **Appendix A** is a template that should be used to put your concern in writing.

12.4 All concerns will be taken seriously by the Trust and investigated thoroughly. If a staff member is in any doubt as to whether a concern is valid, it should still be reported.

13. Dealing with the Concern

13.1 Individuals wishing to whistleblow are encouraged to give their name when raising a concern. From a practical perspective, anonymous allegations are likely to be more difficult to investigate, and protection against reprisals and feedback can be afforded only to identifiable individuals.

13.2 The Chair of Trustees/CEO/Chair of Governors/Headteacher will write within ten working days of the concern being received (*excluding anonymised concerns*) to the whistleblower to confirm that the concern has been received. The letter will guide:

- How it is proposed to deal with the matter
- Provide an estimate of how long it will take to provide a final response
- Advise whether any initial enquiries have been made, and
- Inform whether further investigations will take place, and if not, why

13.3 The initial stage will be an interview with the whistleblower, and then an assessment of further action will be discussed. During this initial stage, the line manager /Headteacher/ Chair of Governors/CEO/Chair of Trustees will establish if:

- there are grounds for a concern and that it is genuine
- the concern was raised in accordance with this policy

13.4 Before the initial interview, the Chair of Trustees/CEO/Chair of Governors/Headteacher/line manager will request the individual put their concern in writing, if they have not already done so. The headteacher/line manager will write a summary of the concern if the individual is unable to put it in writing.

13.5 The Chair of Trustees/Chair of Governors/CEO/Headteacher/line manager will explain the following to anybody raising a concern:

- how they will communicate with the complainant throughout the process
- how they aim to keep them informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent us giving specific details of the investigation, an outcome or any disciplinary action taken as a result. You should treat any information about the investigation as confidential.
- that the complainant's identity will be kept confidential from the alleged wrongdoer
- the Trust's statutory obligations to the whistleblower as outlined in PIDA
- that if the concern is genuine, even if the concern is not confirmed, no disciplinary action will be taken against the complainant

13.6 If clear evidence is uncovered that the complainant's concern is malicious, or unfounded, disciplinary action may be brought against them.

13.7 A record will be kept of the seriousness of the issues raised and the credibility of the concern. All records will be kept confidential and will be stored in line with the Trust's Records Management Policy.

13.8 It may be possible for the concern to be resolved by simply agreeing the necessary action or explaining procedures to the alleged wrongdoer; however, depending on the severity and nature of the concern, it may:

- be investigated by management, an internal audit or through the disciplinary process
- be referred to the police or an external auditor
- form the subject of an independent inquiry

13.9 If the investigating officer needs to talk to the whistleblower, they are permitted to be accompanied by a trade union representative, or a fellow member of staff not involved in the area of work that the concern relates to. This person will provide support only and will not be allowed to become involved in the proceedings.

13.10 A record will be made of the nature and outcome of the concern. The purpose of this is to ensure that a central record is kept which can be cross-referenced with other complaints to monitor any patterns of concern across the Trust and to assist in monitoring the procedure.

13.11 The whistleblower will be informed of the results of the investigation within 10 working days of the conclusion of the investigation, though certain details may need to be restricted due to confidentiality. Any action that is proposed will be subject to third party rights. Where action is not taken, the whistleblower will be given an explanation.

13.12 A summary of the Confidential Whistleblowing reporting procedure can be found at **Appendix B**.

14. What the ELT asks of Whistleblowers

14.1 The purpose of this policy is to enable individuals to raise concerns in confidence, without any fear of reprisal; therefore, it is imperative that whistleblowers:

- do not talk about the concern outside the Trust unless it is to report the concern through the proper external channels
- declare any personal interest in the matter, as the policy is designed to be used in the interest of the public and not for individual matters

15. Protection and Support for Whistleblowers

15.1 It is understandable that whistleblowers are sometimes worried about possible repercussions. We aim to encourage openness and will support staff who raise genuine concerns under this policy, even if they turn out to be mistaken.

15.2 Staff must not suffer any detrimental treatment as a result of raising a genuine concern. Detrimental treatment includes dismissal, disciplinary action, threats, or other unfavourable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform the Chair of Trustees immediately. If the matter is not remedied, you should raise it formally using the Trust Grievance Policy.

15.3 Staff must not threaten, or retaliate against whistleblowers in any way. Anyone involved in such conduct will be subject to disciplinary action. In some cases, the whistleblower could have a right to sue an individual personally for compensation in an employment tribunal.

16. If you are not Satisfied

16.1 While the Trust cannot always guarantee the outcome being seeking, we will try to deal with concerns fairly and in an appropriate way. By using this policy, staff can help us to achieve this.

16.2 If staff are not happy with the way in which their concern has been handled, they can raise it with the Chair of Trustees, or one of the contacts in the Wider Disclosure section below.

17. Wider Disclosure

17.1 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 report externally.

17.2 If staff feel like they are unable to raise a safeguarding-related concern with the Trust, they can contact the **NSPCC Whistleblowing Helpline on 0800 028 0285, or the LADO.**

17.3 The law recognises that in some circumstances it may be appropriate to report concerns to an external body such as a regulator. Even where extreme circumstances are thought to exist, an individual should under no circumstance approach a commercial body, or the media with details of the suspected wrongdoing. If an individual approaches such a body and / or where the concern is disclosed for personal gain, the Trust may consider this to be gross misconduct and immediate disciplinary action may be taken. Any individual who approaches the media before following due process as set out in this policy is unlikely to be protected by whistleblowing law.

17.4 We strongly encourage you seek advice before reporting a concern to anyone external.

Protect holds a list of prescribed regulators for reporting certain types of concern. Alternatively, the list is available from the Department for Business, Energy & Industrial Strategy¹. Protect is a registered charity that advises on whistleblowing queries. The Protect website can be accessed [here](http://www.protect-advice.org.uk) (www.protect-advice.org.uk), or they can be contacted on 0203 117 2520.

17.5 To report **a concern to the ESFA**, use the [online contact form](#) found on the Gov.UK website.

17.6 To report **a concern to the Department of Education**, Telephone: 0370 000 2288

Website: www.gov.uk/government/organisations/department-for-education

17.7 To report **a concern to Ofqual**, Telephone: 0300 303 3344.

Website: www.gov.uk/government/organisations/ofqual

17.8 Where a matter is reported to an external organisation, confidential information must not be disclosed unnecessarily.

18. Recording, Monitoring and Evaluation

18.1 All staff concerned and involved with any allegation, or investigation should keep good records of meetings they attend, discussions that are held, and any outcomes or action points that have been decided.

18.2 The Trust will maintain a central record of all concerns raised by staff made under the Public Interest Act, anonymising the identity of the whistleblower and use this information for the purposes of identifying areas of concern, which may indicate further action is required.

18.3 The Trust Whistleblowing Policy will be monitored to ensure consistency of application to the equalities legislation; to ensure that the policy operates with the duty to promote equality, to eliminate discrimination and to promote good relations between staff with protected characteristics under the Equality Act 2010.

18.4 The Trust will keep a record of Public Interest Disclosures, including those made anonymously.

19. Review

19.1 This policy will be reviewed every two years, or updated with any changes in legislation, in consultation with the Trust Board, Headteachers, recognised trade unions and employees.

19.2 The Trust will monitor its application and outcomes of this policy to ensure it is operating effectively analysing data to identify trends, recurring issues, or systematic risks, and include this in the annual report to the Trust Board.

Appendix A - Confidential Reporting – Disclosure Form

Description of the Concern:

Please describe the background and history of the concern, providing as much detail as you can to assist in any investigation which might be required. Please provide all relevant date(s), time(s), person(s) involved, witnesses, location, why you are concerned and the length of time you have been concerned. *(please use extra sheets if necessary).*

Have you discussed your concerns with anyone?

(Please include details of with whom, when and what the results of the discussion were.)

You are encouraged to put your name to this report. Concerns expressed anonymously are much harder to investigate.

Name	Contact details	Signature	Date received

On completion the form should be returned to your line manager/headteacher/CEO in a sealed envelope marked 'Private and Confidential'

Trust Recipient	Contact Details	Signature	Date Received

Appendix B - Summary of the Confidential Reporting procedure

