

WHISTLEBLOWING POLICY AND PROCEDURE

Policy Review

Next Review Date:	May 2028
Ratified by:	Executive Leadership Team (following consultation at the Trust's Joint Consultative Committee)
Date Ratified:	May 2025
Dissemination:	The policy will be made available to all Trust employees

Policy Amendments

Date	Version	Summary of Changes	Reviewer/s
May 2025	2.0	Clarification of who the policy applies to. Removal of Local Governing body references to reflect the role of Governors in the Trust. Revisions to improve clarity, readability, overall flow, and ensure the content is more logically structured."	Amanda Ankin, People Partner Elaine Hammond, Director of People

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1. Purpose/Introduction

- 1.1. To set out the Active Learning Trust's (the Trust's) policy and procedure for dealing with concerns that relate to suspected fraud, misconduct, malpractice, or wrongdoing by workers or employees. Allegations of child abuse against teachers and other staff, and volunteers will be dealt with in accordance with Keeping Children Safe in Education statutory guidance for schools and colleges.
- 1.2. This policy sets out the framework for how issues can be raised confidentially internally, and/or if necessary, outside the management structure of the Academy/Trust. All disclosures will be handled consistently and fairly, and appropriate action will be taken by the Trust to resolve the issue in line with this policy.
- 1.3. This policy is aligned with the Public Interest Disclosure Act 1998 (PIDA), which provides legal protection for "workers" who make genuine public-interest disclosures. Under this legislation, workers who raise concerns about suspected wrongdoing, such as fraud, malpractice, or health and safety risks, are protected from detrimental treatment or dismissal as a result of raising those concerns.
- 1.4. While PIDA applies specifically to workers (including employees, agency staff, and certain contractors), the Trust encourages anyone connected with the Trust, such as governors, trustees, volunteers, or other individuals engaged to provide services, to raise concerns where they reasonably believe there is wrongdoing or a risk to others. All concerns raised under this policy will be taken seriously and handled consistently, fairly, and in line with the principles of this policy.
- 1.5. For the purposes of this policy, a whistleblowing concern is defined as "A public interest concern about wrongdoing, malpractice or poor practice raised by any individual or group of individuals who can reasonably be expected to have privileged knowledge of the governance or administration of the Trust (such as a current or recent member of staff, or a current or recent member of the governing body)".
- 1.6. The Trust is committed to the highest possible standards of conduct, probity, and accountability. Individuals connected with the Trust are encouraged to raise serious concerns in good faith and will not suffer any form of detriment or reprisal for doing so. This policy exists to ensure that concerns are raised internally or externally and handled fairly in line with statutory and Trust procedures.
- 1.7. This policy does not form part of any employee's contract of employment, and it may be amended at any time.

2. Aims of the Policy

- 2.1 For the purposes of this policy, the term “whistle-blower” refers to the individual making the disclosure who raises a genuine concern relating to the matters below. If employees have any genuine concerns related to suspected wrongdoing or danger affecting any of our activities (a whistleblowing concern), they should report it under this policy. Whistleblowing is the disclosure of information that relates to suspected wrongdoing or dangers at work. This may include:
- criminal activity;
 - miscarriages of justice;
 - 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;
 - public examination fraud;
 - the deliberate concealment of any of the above matters.
- 2.2 Before initiating the procedure, employees should consider the following:
- the responsibility for expressing concerns about unacceptable practice or behaviour rests with all employees;
 - employees should use line manager or team meetings and other opportunities to raise questions and seek clarification on issues that are of day-to-day concern;
 - whilst it can be difficult to raise concerns about the practice or behaviour of a colleague, employees must act to prevent an escalation of the problem and to prevent themselves from being potentially implicated.
- 2.3 Personal grievances and complaints, such as the way they have been treated at work, should use the Trust’s Grievance Procedure (or anti-harassment and bullying policy as appropriate); if the matter relates to salary, the salary review procedures are documented in the Trust Pay Policy.

3. Safeguards

3.1 Harassment or Victimisation

- 3.1.1 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 the malpractice. The Trust will not tolerate harassment or victimisation and will take action to protect employees when they have a genuine concern.
- 3.1.2 This does not mean that if an employee is already the subject of internal procedures, such as disciplinary or redundancy, those procedures will be halted as a result of that employee raising a concern under the whistleblowing policy.

3.2 Confidentiality

- 3.2.1 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 the malpractice. The Trust will not tolerate harassment or victimisation and will take action to protect employees when they have a genuine concern.
- 3.2.2 As indicated above, identity will be protected as far as possible, but should the investigation into the concern require the employee to be named as the source of the information, this will be discussed with the employee before their name is disclosed.

3.3 Anonymous Allegations

- 3.3.1 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 serious cases where disciplinary action may have to be taken against others, this may be more difficult. The Trust is committed to protecting the well-being of the whistle-blower whilst this policy is followed. Anonymous allegations will be considered at the discretion of the Trust/. In exercising the discretion, the factors to be taken into account would include:
- the seriousness of the issues raised;
 - the credibility of the concern; and
 - the likelihood of confirming the allegation from attributable sources.

3.4 Malicious Allegations/Disclosures

- 3.4.1 If, following appropriate investigation, it is considered that an employee has made a malicious allegation without real substance and/or which could not reasonably be 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.

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

3.5 **Unfounded Allegations**

- 3.5.1 Following investigation, allegations may be confirmed as unfounded. This outcome will be notified to the employee who raised the concern, who will be informed that the Trust deems the matter to be concluded and that it should not be raised again unless new evidence becomes available.

3.6 **Support to Employees**

- 3.6.1 It is recognised that raising concerns can be difficult and stressful. Advice and support will be made available, as appropriate, to both the employee(s) raising the concerns and any employee(s) subject to investigation.

4. How to Raise a Concern

- 4.1. An employee (the “whistle-blower”) should normally raise concerns initially with their immediate manager or their manager's superior. This depends, however, on the seriousness and sensitivity of the issues and who is involved. If the whistle-blower considers the matter too serious or sensitive to raise 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) - <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies>
- 4.2. If a concern is raised verbally, it should be followed up in writing whenever possible. The employee should set out the background and history of the concerns, giving names, dates, and places where possible, and the reasons for particular concern about the situation. If an employee does not feel able to put the concern in writing, they should telephone or meet the appropriate person. It is important that, however, the concern is raised, the employee makes it clear that they are raising the issue via the whistle-blowing procedure. The whistle-blower has no responsibility for investigating the matter – it is the Trust/Academy’s responsibility to ensure that an appropriate investigation takes place.
- 4.3. The earlier an employee expresses the concern, the easier it is to take action.
- 4.4. Although an employee is not expected to prove the truth of an allegation, s/he will need to demonstrate to the person contacted that there are sufficient grounds for the

concern. 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 complaint or other colleagues, as this could affect the investigation process

- 4.5. In some instances, it may be appropriate for an employee to ask the trade union to raise a matter on the employee's behalf.
- 4.6. At each meeting under this policy, the employee is permitted to be accompanied by a colleague or trade union representative if they wish, and where possible the dates/times will be agreed to facilitate this. The companion must respect the confidentiality of the disclosure and any subsequent investigation.

5. The Role of Senior Managers

- 5.1. A Senior Manager may be informed by an employee about concern(s) in person, in writing, or over the telephone, and that they are "blowing the whistle" within the procedure.
- 5.2. The Senior Manager should respond immediately by arranging to meet with the employee to discuss the concern(s) as soon as possible.
- 5.3. **Stage One:**
 - 5.3.1 At the initial meeting, the Senior Manager should establish that:
 - there is a genuine cause and sufficient grounds for the concern; and
 - the concern has been appropriately raised via the Whistleblowing Policy.
 - 5.3.2 The Senior Manager should ask the employee to put their concern(s) in writing, if they have not already done so. If the employee is unable to do this, the senior manager will take down a written summary of their concern/s and provide them with a copy after the meeting. The Senior Manager should make notes of the discussions with the employee. The employee's letter and/or senior manager's notes should make it clear that the employee is raising the issue via the whistle-blowing procedure and provide:
 - the background and history of the concerns; and
 - names, dates, and places (where possible); and
 - the reasons why the employee is particularly concerned about the situation.
 - 5.3.3 The employee should be asked to date and sign their letter and/or the notes of any discussion. The Senior Manager should positively encourage the

employee to do this, as a concern expressed anonymously is much less powerful and much more difficult to address, especially if the letter/notes become evidence in other proceedings, e.g., an internal disciplinary hearing.

5.3.4 The Senior Manager should follow the policy as set out above and, in particular, explain to the employee:

- who they will need to speak to in order to determine the next steps (e.g. Headteacher);
- what steps they intend to take to address the concern;
- how they will communicate with the employee during and at the end of the process. It should be noted that the need for confidentiality may prevent the school from giving the employee specific details of any necessary investigation or any necessary disciplinary action taken as a result;
- that the employee will receive a written response within ten working days;
- that their identity will be protected as far as possible, but should the investigation into the concern require the employee to be named as the source of the information, that this will be discussed with the employee before their name is disclosed;
- that the Trust will do all that it can to protect the employee from discrimination and/or victimisation;
- that the matter will be taken seriously and investigated immediately;
- that if the employee's concern, though raised as a genuine concern, is not confirmed by the investigation, no punitive action will be taken against them;
- if clear evidence is uncovered during the investigation that they have made a malicious or vexatious allegation, disciplinary action may be taken against them; and
- the investigation may confirm their allegations to be unfounded, in which case the Governing Body will deem the matter to be concluded unless new evidence becomes available.

5.4. **Stage Two:**

5.4.1 Following the initial meeting with the employee, the Senior Manager should consult with the Headteacher to determine whether an investigation is appropriate and, if so, what form it should take. A record should be made of the decisions and/or agreed actions.

5.4.2 It may be necessary, with anonymous allegations, to consider whether it is possible to take any further action. When making this decision, Senior Managers should take the following factors into account:

- the seriousness of the issue(s) raised;
- the credibility of the concern(s); and
- the likelihood of confirming the allegation(s) from attributable sources.

5.4.3 In some cases, it may be possible to resolve the concern(s) simply by agreed action or an explanation regarding the concern(s), without the need for further investigation. However, depending on the nature of the concern(s), it may be necessary for the concern(s) to:

- be investigated internally;
- be referred to the police;
- be referred to the external auditor;
- form the subject of an independent inquiry

5.4.4 Senior Managers should have a working knowledge and understanding of other school policies and procedures, e.g., grievance, disciplinary, harassment, child protection procedures, to ensure that concerns raised by employees are addressed via the appropriate procedure/process.

5.5. **Stage Three:**

5.5.1 Within ten working days of a concern being received, the manager receiving the concern (at paragraph 5.1 above) must write to the employee:

- acknowledging that the concern has been received;
- indicating how they propose to deal with the matter;
- giving an estimate of how long it will take to provide a final response; and/or
- telling the employee whether any initial enquiries have been made; and
- telling the employee whether further investigations will take place, and if not, why not; and/or
- letting the employee know when s/he will receive further details if the situation is not yet resolved

6. **Raising Concerns Outside the School**

6.1 This policy aims to provide an internal mechanism for reporting, investigating, and remedying any wrongdoing in the workplace. In most cases, the employee should not find it necessary to alert anyone externally. The law recognises that in some circumstances it may be appropriate for the employee to report their concerns to an external body such as a regulator. It will very rarely, if ever, be appropriate to alert the media. Employees are strongly encouraged to seek advice before reporting a concern

to anyone external. If an employee is not satisfied with the Trust's response, the manager should ensure that s/he are made aware of whom they may raise the matter externally:

- 'Protect' (Tel no: 0203 117 2520*);
- Recognised Trade Union;
- External Auditor;
- Relevant professional bodies or regulatory organisations;
- Solicitor.

- 6.2 The manager should stress to the employee that if they choose to take a concern outside the Trust, it is the employee's responsibility to ensure that confidential information is not disclosed, i.e., confidential information, in whatever format, is not handed over to a third party.

*Protect is a registered charity that employees can contact for advice to assist them in raising concerns about poor practice at work. The charity also provides advice to employers as to the possible ways to address these concerns.

- 6.3 Concerns about safeguarding practices can be raised externally using the NSPCC whistleblowing helpline. Employees can call 0800 028 0285 or email help@nspcc.org.uk.

7. Policy Status, Monitoring, Data Protection, and Review

- 7.1. This policy does not form any part of an employee contract of employment and may be amended at any time, subject to changes in legislation or government guidance or otherwise, subject to consultation with recognised Trade Unions.
- 7.2. The Headteacher/Principal/Trust is responsible for monitoring the implementation, use, and effectiveness of this policy and procedure.
- 7.3. When an individual makes a disclosure, the Trust will process any personal data collected in accordance with its data protection policy and the 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.
- 7.4. This policy and procedure will be reviewed and monitored by the Trust as necessary.