

Policy for Whistleblowing Policy

(adapted from St Bart's Policy)



Reviewed by Jodie Cooper

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Whistleblowing Procedure

Introduction

The Trust is proud of the high standards of openness, integrity and accountability within its academies, and is dedicated to providing a quality service to pupils, parents, governors and schools partners. The Trust promotes good educational practices and is committed to addressing poor practice.

Individuals who work for the Trust are often the first people to realise there may be something seriously wrong within an individual academy or SBMAT.

However, they may not want to 'speak up' about it in case they seem disloyal to colleagues or are concerned about being victimised or discriminated against.

They might be worried that they could be wrong, or it might just seem too complicated and therefore it may seem easier to say nothing.

All employees have a responsibility to raise concerns about poor practices within an academy or SBMAT. In addition, all staff and volunteers within schools and academies must comply with the Government "Keeping children safe in education 2025" guidance. This includes taking action to protect a child who may be at risk of harm.

Any employee becoming aware of inappropriate activity is therefore obliged, and the Trust encourages you, to report it. You have a right to be protected from possible reprisals or victimisation if you have a reasonable belief and have made any disclosure in good faith.

Aims of the procedure

The Trust has a number of different policies and procedures in place to deal with different types of concerns. For example, the grievance procedure for employees to raise matters relating to their conditions of employment, the complaints procedure for parents / members of the community to raise concerns, and a safeguarding policy to investigate allegations of abuse.

The Confidential Reporting (Whistleblowing) Procedure is not intended to replace the Trust's standard procedures, rather to supplement them. The aim of the procedure is to:

- provide a process in which serious concerns (which fall outside the scope of other procedures) can be raised and dealt with
- 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. It is important to note that the employee will not receive

information regarding the detail of the investigation, nor any actions taken

- protect employees from reprisals or victimisation for 'whistleblowing' made in good faith.

Principles

This procedure is based on the following principles:

- The Trust has a duty of care to children and young people, and other users of our services as well as to colleagues; to ensure they feel safe and supported
- Employees raising concerns will be offered full support
- Concerns raised internally will be dealt with seriously and will be thoroughly investigated
- The Trust will not tolerate any harassment, bullying or detriment to employees raising legitimate concerns
- The Trust will not tolerate employees making malicious and vexatious allegations.

Concerns to which the Whistleblowing Procedure can apply

The Confidential Reporting (Whistleblowing) Procedure applies when a person has a serious concern that wrongdoing by the Academy or the Trust; (its staff, volunteers, contractors or suppliers) which may be about something that is either already happening, has taken place, or is likely to happen in the future.

For example: a breach of recognised standards of professional practice;

- suspected conduct which is an offence or a breach of the law, including criminal activity
- suspected breach of St. Bart's Multi-Academy Trust policies/procedures
- fraud, corruption or unauthorised use of public funds
- practice which poses a danger to health and safety
- physical, sexual, emotional abuse or neglect (including from individuals in senior roles and/or a position of trust)
- personal contact with children and young people which is contrary to the organisation's policies and codes of conduct
- inappropriate sexualised behaviour
- improper conduct / unprofessional behaviour inside or outside of the academy, such as name calling, bullying or racial abuse
- behaviour likely to bring the Trust or one of its academies into disrepute
- conduct which may be deemed unethical

- knowledge about an individual's personal circumstances which may indicate they could be a risk to children or unsuitable to work with children
- cover up of any wrongdoing, such as the examples listed above.

This list is not exhaustive.

It is not necessary for the employee to have proof that such an act is being, has been, or is likely to be committed - a reasonable belief is sufficient. The staff member has no responsibility for investigating the matter - it is the Trust's responsibility to ensure that an investigation takes place.

This procedure should not be used for complaints relating to your own personal circumstances, such as disciplinary matters, grievance issues, job evaluation or pay. In these instances, please contact the Principal or Trust Head of People for advice on which procedure is the most appropriate to address the issue.

The Public Interest Disclosure Act

The Public Interest Disclosure Act protects the public interest by providing a remedy for individuals who suffer workplace reprisal for raising a genuine concern, whether it is about child safeguarding, financial malpractice, danger or other wrongdoing. The Act covers all workers including agency staff. It does not cover the selfemployed or volunteers. The Act also provides protection should individuals have difficulty gaining a reference from an employer because they have raised a concern.

Protection under the Act extends to disclosures concerning wrongdoing that took place overseas, and, where the law applying to the misconduct, was outside of the United Kingdom.

For employees to rely on this legal protection you should reasonably believe that the disclosure is in the public interest and

- a) that a criminal offence has been committed, is being committed or is likely to be committed;
- b) that a person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject;
- c) that a miscarriage of justice has occurred is occurring or is likely to occur;
- d) that the health and safety of any individual has been, is being or likely to be endangered;
- e) that the environment has been, is being or is likely to be damaged, or;
- f) that information tending to show any matter falling within any one of the preceding paragraphs has been, or is likely to be deliberately concealed.

Even when you do not have the protection of the law, the Trust will protect and support you so long as you act in good faith.

Who can use this Procedure?

The Confidential Reporting (Whistleblowing) Procedure may be used by:

- an employee (including permanent, temporary, fixed term, and casual staff or a student on placement)
- a volunteer working in the academy
- an employee in an organisation which provides a service under contract to the academy / Trust (this includes private contractors, external partner agencies and the Local Authority)
- an agency worker or supply Teacher provided to the academy, via a contract with an employment agency

NB the term "employee" is referenced throughout this procedure, however, this includes an individual within any category above.

How do you raise a serious concern?

Concerns can be raised verbally or in writing. The employee should set out the background and history of the concerns, giving names, dates and places where possible, and the reasons why they are particularly concerned about the situation. Employees must state they are raising an issue under the Confidential Reporting (Whistleblowing) Procedure and specify whether you wish your identity to be kept confidential. Employees raising a concern should also include details of any personal interest in the matter.

The earlier an employee expresses the concern, the easier it is to act.

Academy-based staff should normally report their concern to the Principal in the first instance. Employees who feel unable to approach their Principal may contact the CEO or Trust Head of People.

If the concern is about the Principal/ CEO or Trust Head of People, or it is believed they may be involved in the wrongdoing in some way, the staff member should report their concern to the Trusts appointed trustee for Whistleblowing: Colin Hopkins - chopkins@sbmat.org.

Trade Union members may wish to contact their union representative for assistance or advice on raising an issue.

Further advice can be sought from <https://protect-advice.org.uk>

The person to whom your disclosure is made will ask you to formalise your concerns in writing either before or after the first meeting if you have not already done so. Your formal written disclosure will be acknowledged and the person dealing with it will keep a record of further action taken.

You are entitled to be accompanied by a work colleague or trade union representative at any meeting in relation to your disclosure. Your companion will be asked to respect the confidentiality of your disclosure and any subsequent disclosure.

When to raise a concern

Employees should consider the examples in section 4 when deciding whether their concern is of a whistleblowing 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.

Trust Procedures for responding to a whistleblowing concern

In the first place, the recipient (Principal/CEO/Trust Head of People/Trustee), the person who receives the disclosure needs to make sure that no one is at serious risk or in danger. If they are, concerns must be reported immediately so that the relevant people or external agencies are alerted, to ensure that prompt action is taken to protect them.

The person to whom the report is made (recipient) should assess whether the issues raised are ones to which the confidential reporting procedure applies. If they are not the employee will be referred to the correct procedure to follow, for example the Grievance Procedure.

- If the matter appears to be one to which the confidential reporting procedure applies, the person to whom the employee raised the complaint will meet with the employee within a reasonable timeframe to discuss the issues raised and to obtain full details of the concerns using the initial assessment form (Appendix 1)
- The "recipient" will reiterate, at this meeting, that the employee is 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 13)

Following the initial meeting, the person to whom the concerns have been raised will write to the employee within a reasonable timeframe (no more than 10 working days) and provide them with the following:

- A copy of this procedure
- A written record of the meeting
- Confirmation as to whether the concerns will be investigated and if not, why not
- How the concerns will be dealt with in the short term, including whether any initial enquiries have been made

- An estimate of how long the investigation will take to provide a final response (see section 9.1 Investigating the concern below)
- Support available during the process
- A point of contact to be contacted during the investigation should the employee experience any detriment as a result of raising the concerns

Investigating the concern

Investigations may be undertaken by the Principal, CEO, Trust Head of People or Whistleblowing Trustee. In some cases, the matter will need to be referred to the police for an independent inquiry. In others, the Trust may need to bring in a third party or an external, independent body to investigate.

As far as possible, the person conducting the investigation will endeavour to complete it within 28 working days. However, complex investigations may take longer. Any investigation taking longer than 28 working days will be reviewed and the employee will be kept informed of any delays.

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 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.

Whilst the Trust cannot always guarantee the outcome sought, it will try to deal with concerns fairly and in an appropriate way.

Anonymous Reporting

Anonymous concerns are much more difficult to deal with and employees are encouraged to put their name to the allegation.

In deciding whether it is possible to deal with anonymous concerns the following will be taken into account;

- the seriousness of the issues raised;
- the credibility of the concern;
- the likelihood of being able to confirm the allegation.

Anonymous allegations cannot be guaranteed to be investigated if the above criteria are not satisfied.

In addition, proper investigation may prove difficult if the investigator cannot obtain further information from the individual, or give feedback, and the investigating officer is unable to ascertain whether the disclosure was made in the reasonable belief that the disclosure was in the public interest.

The individual should reveal their identity to the person with whom the concerns are raised, and measures can then be taken to preserve confidentiality as appropriate.

Confidentiality

Every effort must be made to keep the identity of an individual who makes a disclosure under this procedure confidential, at least until any formal investigation is under way. In order not to jeopardise the investigation into the alleged malpractice, the individual will also be expected to keep the fact that they have raised a concern, the nature of the concern and the identity of those involved confidential. Although every effort will be made to preserve the anonymity of the individual raising the concern, there may be exceptional circumstances in which, because of the nature of the investigations or disclosure, it will be necessary to disclose the identity of the individual. This may occur in connection with associated disciplinary or legal investigations or proceedings. If in the view of the investigating officer such circumstances exist, the employee will be informed that their identity is likely to be disclosed. If it is necessary for the employee to participate in an investigation, the fact that they made the original disclosure will, so far as is reasonably practicable, be kept confidential and all reasonable steps will be taken to protect them from any victimisation or detriment as a result of having made a disclosure.

Support Available

Individuals who raise serious concerns will inevitably feel anxious or may experience shock if witnessing something unpleasant. The person receiving the information is responsible for ensuring support. Employees should feel confident that their concerns will be treated seriously and sensitively. The process of investigating concerns can be lengthy. The employee will be kept informed of developments and supported throughout. Employees who have genuine concerns should not be put off either raising them in the first place or seeing them through the investigation process because of a lack of support. The academy / Trust will ensure that the employee is not left feeling vulnerable and isolated.

Members of staff who raise genuinely held concerns in good faith under this procedure should not be subjected to any detriment as a result of their disclosure.

Detriment includes unwarranted disciplinary action, victimisation or threats. If the individual believes they have been subjected to a detriment within the workplace as a result of raising concerns under this procedure they should inform the person to whom the disclosure was made immediately. If the matter is not remedied the employee may raise a grievance under the *Grievance Procedure*.

In all circumstances you (the employee) may wish to contact the Principal, CEO, Trust Head of People or a Trade Union representative for support. They may also seek advice and support from Life & Progress (Telephone number: 0800 083 3375) and/or the Education Support Service (Telephone number: 08000 562 561).

What Happens if the Concerns Are Not Founded?

If the employee has acted in the public interest, they will not be penalised in any way. In such cases, the Trust will do what it can to support both parties. However, the Trust must protect the organisation and its staff from false and malicious claims. Disciplinary action will be considered where any member of staff is found to have raised concerns frivolously, maliciously or for personal gain.

How to take the matter further

Although every attempt should be made to deal with serious concerns internally in the first instance, if an employee believe that the concerns they have raised have not been dealt with satisfactorily, or, they reasonably believe that they might be victimised or vital evidence stolen or destroyed, they can make an "external disclosure".

To make an external disclosure an employee must:

- Make the disclosure in the reasonable belief that the disclosure is in the public interest
- Reasonably believe that the information disclosed, and any allegation contained in it, are true;
- Ensure the disclosure is not for personal gain;
- Ensure that in all circumstances of the case it is reasonable to make the disclosure.

A list of prescribed bodies to whom staff can raise concerns with is included [here](#):

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

If an employee raises matters outside the academy / Trust, they must not disclose confidential information, for example individual's names or personal circumstances. An employee should not take concerns directly to the media and is strongly advised to contact their Trade Union representative for **advice**.

External Contacts List Safeguarding Children Boards

Individuals who would like to seek professional and confidential advice should contact Protect, 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 020 31172520.

Once an individual has raised a concern, the school will be responsible for investigating it.

In certain instances, it may be appropriate for the individual to raise the concern with an outside agency, e.g. the police, depending on the severity of the concern. Equally, it may be appropriate for the individual to request that their trade union raises the matter.

If a member of staff feels they should report a concern to the ESFA, they should use the [online contact form](#).

Appropriate whistleblowing procedures will be put in place for concerns about poor or unsafe practice and potential failures in the school's safeguarding system to be raised with the SLT.

If a member of staff feels like they are unable to raise a safeguarding-related concern with the school, or feels that their genuine concerns are not being addressed, they are able to contact the NSPCC Whistleblowing Helpline on 0800 028 0285 or the [LADO](#).

The school, or the appropriate external agency, will acknowledge receipt of a disclosure but, unless additional information is required, will not contact or engage in dialogue with the whistleblower, as this may undermine the legitimacy of the investigation outcome.

Appendix 1 - Issues to consider at Initial Assessment / Fact Finding meeting

Priorslee Academy

Issues To Consider At Initial Assessment / Fact Finding Meeting

Before meeting:	Notes:
Date of Meeting:	
Persons present:	
Who else has been made aware of the employee's disclosure? Consider friends, family, colleagues, external agencies etc.	
Confidentiality Discuss the requirement for the employee themselves to maintain confidentiality, including the fact they have raised a concern, the nature of the concern and the identity of those involved	
After meeting: Write to the employee providing the following:	Notes:
A copy of the Confidential Reporting (Whistleblowing) Procedure	
A written record of the meeting in the section "discussion notes"	
Confirm whether the concerns will be investigated and if not, why not	
Confirm how concerns will be dealt with in	

the short term and if any initial enquiries have been made	
Confirm support available during the process	
Confirm point of contact	