



Whistleblowing Policy

Owner (job role):	Head of HR
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	21 st July 2022	Replaces previous policies held at LPLT & Impact MAT (Bromley)

Inspire, Respect, Flourish.

Statement of Intent

The Impact Multi-Academy Trust (the 'Trust') is committed to open and honest communication and ensuring the highest possible standards in integrity. We will always treat whistleblowing as a serious matter.

In line with the Trust's commitment to openness, probity and accountability, members of staff are encouraged to report concerns. This policy will work to ensure that, if an employee (also read volunteer) sees or suspects that something is wrong, they will raise this with the Trust and its schools. This is known as "blowing the whistle" – a phrase that is used throughout this policy and should be viewed as a positive action of speaking up.

This policy seeks to ensure that any member of staff who suspects malpractice knows how to raise concerns and what procedures are in place to deal with the concern.

Where this policy necessitates personal or special category data to be processed, it will be done so in accordance with the Trust's Data Protection Policy. This policy will not be confused with the procedure on dealing with harassment at work or the Trust's Grievance Policy and Disciplinary Policy and Procedure.

This policy will:

- Give confidence to members of staff when raising concerns about conduct or practice that is potentially illegal, corrupt, improper, unsafe or unethical, or which amounts to malpractice or is inconsistent with school or Trust standards and policies.
- Provide members of school staff with avenues to raise concerns.
- Ensure that members of staff receive a response to the concerns they have raised and feedback on any action taken.
- Offer assurance that members of staff are protected from reprisals or victimisation for whistleblowing action undertaken in good faith and within the meaning of the [Public Interest Disclosure Act 1998](#) (PIDA).

Under this policy, any of the following can raise a concern:

- Employees of the Trust or any of its schools or organisations
- Voluntary workers working with the Trust and its schools, including Trustees and Governors
- Trainees, such as student teachers or apprentices
- Independent contractors or agency staff

Note: All other individuals must use the Trust's complaint policy.

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1. Legal framework

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

- Public Interest Disclosure Act 1998
- Equalities Act 2010
- Employment Rights Act 1996
- ESFA (2022) 'Academy trust handbook 2022
- DfE (2022) 'Keeping children safe in education 2022'
- GOV.UK (2012) 'Whistleblowing for employees'
- This policy operates in conjunction with the following Trust policies:
 - Disciplinary Policy and Procedure
 - Records Management Policy
 - Complaints and Concerns Policy
 - Data Protection Policy

2. The Public Interest Disclosure Act

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.

In an individual school, the Headteacher is the first point of contact for whistleblowing queries. If the allegation is related to the Headteacher, the concern will be raised with the Trust CEO.

Any member of the Trust community or the general public is able to “blow the whistle”; however, the PIDA only protects employees. Section 6 of this policy includes further details on how whistleblowing affects non-employees.

3. Definitions

Whistleblowing is when an employee reports suspected wrongdoing, or ‘qualifying disclosures’, at work to their employer.

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, for example fraud.
- A person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject
- The company is breaking the law, for example does not have the right insurance.
- 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
- Information tending to show any matter falling within any of the preceding points has been, is being or is likely to be deliberately concealed – as in you believe someone is covering up wrongdoing.

In the public interests 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

Grievances 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, which is covered by a separate policy, and blowing the whistle.

4. Roles and responsibilities:

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 school community have access to this policy.
- Investigating, in liaison with the CEO/Headteacher, any concerns that are raised.
- Ensuring this policy provides an open and transparent framework where employees of the school can raise their concerns.
- Taking the necessary action against members of staff following an investigation into any alleged malpractice.
- Ensuring that the minutes of the Trust board include a record of the school's whistleblowing arrangements and who, both internally and externally, staff members should report concerns to.
- Appointing at least one Trustee and one member of staff to act as points of contact for staff members when reporting concerns. The appointed Trust level contact for the year 2022-23 is the CEO, Sarah Lewis. Within each school the respective Headteacher is the point of contact.
- The Chair of the Trust Board will be responsible for receiving any concerns raised about the CEO. Email: jphillipson@imat.uk and kosborne@imat.uk
- If there are any concerns raised about the Trustees, or if any person wishing to raise a concern then these can be reported to the Trust's Members via the Governance and Policy Manager leley@imat.uk

The CEO will be responsible for:

- Ensuring all members of staff have read and understood this policy.
- Receiving any concerns raised about the Trust Executive leaders including Headteachers, the Director of Education and any member of the Trust Central Team.

Each school's Headteacher will be responsible for

- Receiving, investigating and responding to any concerns that have been raised by school staff.
- Being the first point of contact regarding whistleblowing within the school

All members of staff will be responsible for:

- Raising any concerns that meet the definitions in section 3 of this policy.
- Being truthful and reasonable with any concerns that they have.
- Not raising malicious or unfounded concerns

5. Harassment and victimisation of staff

The Trust recognises that the decision to report a concern can be a difficult one to take, not least because of the fear of reprisal from those responsible for the malpractice or from the Trust as a whole; however, the Trust will not tolerate any such harassment or victimisation and will take appropriate action to protect staff who raise a concern in good faith.

Staff are protected in law by the PIDA, which gives employees protection from detriment and dismissal where they have made a protected disclosure, providing the legal requirements of the Act are satisfied, e.g. the disclosure was in the public interest.

Any member of staff who victimises or harasses a member of staff as a result of their having raised a concern in accordance with this policy will be dealt with under the Trust's Disciplinary Policy.

6. 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 Trust's Complaints Policy.

Trustees and 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.

7. Good practice principles

The Trust will implement the core whistleblowing principles, as outlined in the 'Freedom to speak up report', to ensure that whistleblowing procedures are fair, clear and consistent.

The Trust will implement a **culture of change** by ensuring the following principles are reflected in our ethos and values – there will be a culture:

- Of safety in our schools
- Where people feel confident with raising concerns
- Free from bullying
- Of visible leadership
- Of valuing staff
- Of reflective practice

By providing a clear procedure for mediating and resolving cases, as outlined in [section 8](#), the Trust will ensure that all cases are efficiently handled. This procedure includes:

- How to raise and report concerns
- How investigations will be conducted.
- How the Trust or school will mediate and resolve disputes

The Trust will implement **measures to support good practice** by ensuring adherence to the following principles:

- Offering relevant training to staff
- Providing the necessary support to staff
- Providing support to staff who are seeking alternative employment
- Being transparent
- Being accountable
- Conducting an external review of any concerns raised, where necessary
- Undertaking regulatory action as required

We will ensure there are **particular support measures in place for vulnerable groups** by adhering to the following principles:

- Ensuring non-permanent staff are taught, and receive training on, the same principles as permanent staff
- Ensuring trainees are subject to all the safeguarding and whistleblowing principles
- Ensuring staff from ethnic minorities and other groups are supported, as they may feel particularly vulnerable when raising concerns
- Ensuring staff are empowered and protected, enabling them to raise concerns freely

8. Procedure

When raising concerns, individuals will express them in **writing** to the Headteacher, or other relevant person as detailed in Section 4. If an individual is raising a concern about the Headteacher, they should express their concerns in writing to the CEO. Where this is the case, the CEO will take on the Headteacher's duties outlined in section 9.

When individuals raise their concern, they will include the following information as far as possible:

- The background and history of the concern
- Any relevant names, dates and places
- The reasons for the concern

The Trust encourages individuals to let their identity be known when they raise concerns, as anonymous concerns can be challenging to investigate. However, we recognise that you may nonetheless want to raise a concern in confidence. If you ask us to protect your identity, we will not disclose it without informing you. We will advise you when concerns raised formally about colleague cannot be presented to them or investigated without revealing your identity. If the situation arises where we are not able to resolve the concern without revealing your identity (for instance because your evidence is needed in court), we will discuss with you whether and how we can proceed. Anonymous complaints that are not supported by any evidence cannot be investigated. You should also be aware that we have a duty to protect colleagues from unfounded anonymous accusations.

While we will consider anonymous reports, it will not be possible to apply many aspects of this policy for any concerns raised anonymously.

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 3117 2520.

Once an individual has raised a concern, the Trust or individual 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 like they are unable to raise a safeguarding-related concern with the school, they are able to contact the NSPCC Whistleblowing Helpline on 0800 028 0285 or the Bromley LADO on 020 8461 7775 or 020 8831 0635.

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.

9. Next steps

The Headteacher (or other relevant person) will write to the individual within 10 term time days of receiving the concern to confirm that the concern has been received, as well as to indicate proposals for dealing with the matter.

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 Headteacher will establish if:

- There are grounds for a concern and that it is genuine.
- The concern was raised in accordance with this policy.

During the initial interview, the Headteacher will request the individual puts their concern in writing, if they have not already done so. The Headteacher will write a summary of the concern if the individual is unable to put it in writing.

The Headteacher will explain the following to anybody raising a concern:

- How they will communicate with the complainant throughout the process. It should be noted, the need for confidentiality may prevent the school giving the complainant specific details of any necessary investigation or any necessary disciplinary action taken as a result of the concern.
- That the complainant's identity will be kept confidential from the alleged wrongdoer.
- That the Trust board will do everything in its power to protect the complainant from discrimination.
- That if the concern is genuine, even if the concern is not confirmed, no disciplinary action will be taken against the complainant.

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

If an investigation is carried out, the whistleblower will be informed of the final outcome.

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.

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.

If the investigating officer needs to talk to the whistleblower, they are permitted to be accompanied by a trade union representative, a professional association representative, a friend 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.

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 school and to assist in monitoring the procedure.

The whistleblower will be informed of the results of the investigation, and any action that is proposed will be subject to third party rights. Where action is not taken, the individual will be given an explanation.

10. What the Trust asks of whistleblowers

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, e.g. the LADO or the Police
- 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.

11. Unfair treatment

An individual can take a case to an employment tribunal if they feel that they have been treated unfairly as a result of whistleblowing. Further information can be sought from the [Citizen's Advice Bureau](#), the whistleblowing charity [Protect](#), or from an individual's trade union. Any claims of unfair dismissal needs be made within **three months** of the investigation ending.

12. How to raise concerns about other matters

The Whistleblowing policy is designed to sit alongside the Trust's Safeguarding Policy, Grievance Policy, and Respect at Work Policy. As a guideline, concerns, which should be raised through these routes, are as follows:

- Safeguarding issues should be raised through Safeguarding procedures
- Employment related issues should be raised through the Trust's Grievance Policy
- Relationships with members of staff should be dealt with under the Respect at Work Policy
- The Trust's Complaints Policy and Respect at Work Policy can be used for any non-safeguarding complaints.

13. Monitoring and review

The Trust board will review this policy annually, ensuring that all procedures are up-to-date – the next review date for this policy is July 2023.

Any changes made to this policy will be communicated to all members of staff.

APPENDIX 1: Who to contact:

Person Concerned	Raising Concerns	If concern is about Headteacher	If concern is about executive leadership	If concern is about local Governance	If concern is about Trustees
School Employee	Headteacher	CEO	Chair of Trustees	Company Secretary /COO	Company Secretary if appropriate or relevant government department
Central Team Employee	CEO	CEO	Chair of Trustees	Company Secretary/COO	Company Secretary if appropriate or relevant government department
Trustee	CEO	CEO	Chair of Trustees	Chair of Trustees	Company Secretary if appropriate or relevant government department
School Governing Body Member	Headteacher	CEO	Chair of Trustees	Chair of Trustees or Company Secretary	Company Secretary or relevant government department
Headteacher /Head of School	CEO	N/A	Chair of Trustees	Chair of Trustees or Company Secretary	Company Secretary or relevant government department

If you are unsure whether to use this procedure or you want independent advice at any stage, you may contact:

Your trade union:

- UNISON 0800 0857 857
- Unite the union 020 8800 4281
- GMB 020 8202 8272
- NEU 0345 811 8111
- NASUWT 0333 014 5550
- NAHT 0300 30 30 333
- ASCL 0116 2991122

The independent charity Protect on 020 3117 2520. Their lawyers can give you free confidential advice at any stage about how to raise a concern about serious malpractice at work.

External contacts

While we hope this policy gives you the reassurance you need to raise such matters internally, we would rather you raised a matter with the appropriate regulator than not at all. Provided you are acting in good faith and you have evidence to back up your concern, you can also contact, for example:

- **Audit Commission Whistleblowing hotline** Tel: 020 7798 7999 (matters of fraud or corruption)
- **Health and Safety Executive**, Rose Court, 2 Southwark Bridge, London, SE1 9HS
www.hse.gov.uk
- **Equality and Human Rights Commission**, Third Floor, Windsor House, 50 Victoria St, LONDON SW1H 0TL Tel: 020 7832 7800
- **UK Disabled People's Council**, Litchurch Plaza, Litchurch Lane, DERBY DE24 8AA. Tel: 01322 295551
- **Independent Advocacy Service**, Bedworth Community centre, 4-6 Congreve Walk, Bedworth, CV12 8LY Tel: 024 7669 7443 If you do not feel able to raise your concern in the ways outlined above, you should consult the Public Interest Disclosure Act for information about other routes by which a disclosure may be made.

APPENDIX 2: Guidance for Headteachers

1. Headteachers should ensure that employees are aware of the Whistleblowing Policy and know where it can be located.
2. If you receive a disclosure in respect of any of the matters set out in the Whistleblowing Policy you must take the following action:
 - a) take the matter seriously and do not dismiss or belittle the information,
 - b) ask for evidence and make a secure record of any evidence submitted
 - c) respect as far as possible the confidentiality of the employee, and adhere to the policy where the employee has specifically asked for confidentiality
 - d) ensure that the employee understands the Whistleblowing procedure,
 - e) acknowledge the concern in writing within ten term time days.
 - f) discuss ways that the employee could be supported,
 - g) investigate the concern objectively, dealing with all parties with sensitivity and tact,
 - h) seek advice from the Trust's Governance and Policy Manager.
 - i) seek advice and involve Trustees if appropriate
 - j) set out clearly how the concern is to be taken forward,
 - k) ensure that records are made and kept of the process followed, notes of discussions etc.,
 - l) keep informed the person raising the concern about the progress made and outcome of the investigation
 - m) provide the CEO with details of the concern and inform them about the progress and outcome of the investigations.
3. If at the conclusion of your investigations you are of the view that the concern was not raised in good faith, seek further advice from the Trust Head of HR.
4. Note that if the concern relates to fraud, you should report it in-line with this policy.