



Learners' Trust Whistleblowing Policy

Monitoring and Review

This statement is reviewed annually by the Board of The LEARNERS' Trust, with a formal process to seek external advice to ensure continuous alignment with the latest legislation. Any changes made to this policy will be communicated to all members of staff. All members of staff are required to familiarise themselves with all processes and procedures outlined in this policy as part of their mandatory annual training. Next scheduled review date for this policy is: September 2027.

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1. Statement of Intent

Schools within the LEARNERS' Trust are 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, all workers are encouraged to report concerns.

This policy works to ensure that, if a worker sees or suspects that something is wrong, they know how to raise this with the Trust or an independent channel. This is known as "blowing the whistle"—a phrase that should be viewed as a positive action of speaking up.

This policy will:

- Give confidence to all workers 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 Trust standards and policies.
- Provide avenues for workers to raise concerns, including confidential and independent channels.

- Ensure that workers receive a response to the concerns they have raised and feedback on any action taken, subject to third-party rights.
- Offer assurance that workers are protected from reprisals or victimisation for whistleblowing action undertaken in good faith and within the meaning of the Public Interest Disclosure Act.

Under this policy, any of the following can raise a concern, and all will be treated with respect and due process:

- Employees of the school
- Voluntary workers working with the school
- Trainees, such as student teachers
- Agency staff, contractors, and other individuals defined as a 'worker' under the Public Interest Disclosure Act (PIDA).

2. Legal Framework and Statutory Guidance

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

- Public Interest Disclosure Act 1998
- Employment Rights Act 1996
- Academy trust handbook (which mandates a whistleblowing procedure)
- Keeping children safe in education (Most Current Version)
- Freedom to speak up report (Sir Robert Francis, 2015)
- Guidance from the Advisory, Conciliation and Arbitration Service (Acas).

This policy operates in conjunction with the following Trust policies:

- Disciplinary Policy and Procedure
- Records Management Policy
- Complaints Procedures Policy
- Data Protection Policy
- Grievance Policy
- Safeguarding and Child Protection Policy

2.1 Integration with Safeguarding

A robust whistleblowing policy for an educational setting must be clearly linked to the Trust's child protection and safeguarding policies. If your concern relates to an immediate

risk of harm to a child, you must follow the statutory guidance outlined in the Safeguarding and Child Protection Policy immediately. Do not delay your report.

For concerns that fall under both whistleblowing and safeguarding (e.g., an allegation against a member of staff), the designated safeguarding lead or the Headteacher will ensure that the procedures in both this policy and the Safeguarding Policy are followed to avoid any confusion or delayed reporting of a critical issue.

3. Definitions and Examples

Whistleblowing and Protected Disclosure

Whistleblowing is when a worker reports suspected wrongdoing, or a 'qualifying disclosure,' at work. A disclosure is a Protected Disclosure where the worker has a reasonable belief that the wrongdoing is occurring, has occurred, or is likely to occur. The information does not, in fact, need to be proven true, but the belief must be reasonable at the time of disclosure. The disclosure must also be made in the public interest. The standard is a reasonable belief that the information is likely to show a wrongdoing.

Qualifying Disclosures¹

As outlined by the PIDA, qualifying disclosures pertain to when any of the following takes place:²

- A criminal offence has been committed, is likely to be committed or is being committed³
- A person has failed, is⁴ 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
- Information tending to show any matter falling within any of the preceding points has been, is being or is likely to be deliberately concealed
- Concerns raised in relation to sexual harassment disclosures.

To aid employee understanding, here are some non-technical, fictional examples of reportable concerns that would qualify under this policy:

- You suspect a colleague is falsifying attendance or financial records.
- You believe a senior leader has intentionally breached a safeguarding policy.
- You are concerned that a member of staff is consistently ignoring health and safety regulations, putting others at risk.

Other Key Definitions

- **Worker:** The PIDA protects a broad category of "workers", including employees and certain other individuals such as trainees, agency staff, and contractors. This definition is much broader than just 'employees' and includes those listed in Section 1.
- **Grievances:** Grievances involve an individual filing a complaint because they personally have been mistreated in some way. Whistleblowing must be in the public interest. This policy should not be confused with the Grievance Policy.
- **Blacklisting:** Refers to an individual being refused work because they are viewed as a whistleblower.

More information can be found at <https://protect-advice.org.uk/what-is-whistleblowing/>

4. Roles and Responsibilities

Role	Responsibility Highlights
The Board of Trustees	Responsible for establishing and agreeing the whistleblowing procedure, ensuring it is published, monitoring its effectiveness with an annual, substantive review, and taking the necessary action against staff following an investigation. They must ensure a formal mechanism for monitoring the policy's effectiveness is established, including tracking disclosure data.
Senior Leaders/Headteachers	Responsible for ensuring all staff have read and understood this policy, and for receiving, investigating, and responding to concerns. They are the first point of contact for staff concerns.
All Workers	Responsible for raising any concerns that meet the definitions in this policy, being truthful and reasonable, and not raising malicious or unfounded concerns.

Reporting Channels for Workers:

Concern	Initial Contact
Concern about staff in school	Headteacher
Concern about the Headteacher	Trust Partner (contact HR if unsure of Trust Partner contact details)
Concern about the COO, CFO, HR Officer and Trust Partners	CEO
Concern about the CEO	Chair of Trustees

Independent Channel	Freedom to Speak Up Guardian / Independent Third-Party Service (See Section 6)
External Disclosure	Prescribed Person (e.g., DfE, Ofsted) or appropriate regulatory body (See Section 6.4 and link below: Blowing the whistle to the Department for Education - GOV.UK)

Procedural Clarification

If your concern involved your direct line manager or the person listed as the usual contact for your concern, you should **bypass** them and report to the next person in the escalation route shown in the table, or the independent channel. This instruction applies to any case where reporting the concern to the usual contact would create a conflict of interest.

5. Protection of Workers

The Trust recognises the fear of reprisal and will not tolerate any harassment or victimisation, taking appropriate action to protect all workers who raise a concern in good faith.

- **Statutory Protection:** Workers are protected in law by the PIDA, which gives protection from detriment and dismissal where a protected disclosure has been made.
- **Harassment/Victimisation:** Any worker who victimises or harasses a member of staff as a result of their having raised a concern will be dealt with under the Trust's Disciplinary Policy and Procedure.
- **Non-Employees:** The Trust will not allow harassment, dismissal, or exclusion for any non-employee who raises a genuine concern, despite PIDA not offering the same legal protection as it does to 'workers'.
- **Malicious Allegations:** If clear evidence is uncovered that the worker's concern is malicious or unfounded, disciplinary action may be brought against them. However, if the concern is genuine, even if the concern is not confirmed by the investigation, no disciplinary action will be taken against the worker.

6. Best Practice Principles and Independent Channels

The Trust is committed to implementing best practice principles, including those from the Sir Robert Francis 'Freedom to Speak Up' review.

6.1 Independent Channel

The policy will implement a dedicated, independent reporting channel to ensure staff can raise concerns outside of the direct management line, mitigating any fundamental conflict of interest.

- Recommended Independent Channel: The Board will explore appointing a 'Freedom to Speak Up' guardian or, preferably, engaging an independent, third-party service (e.g., an external hotline) that provides a confidential and impartial channel and trained investigators.

6.2 Anonymous Disclosures

The Trust will explicitly state that all anonymous disclosures will be reviewed and will provide a dedicated mechanism for anonymous reporting via the independent channel. While anonymous concerns can be challenging to investigate, the Trust will not discount them, as they are often the most serious, and a preliminary review will always be conducted.

The Trust encourages workers to reveal their identity, as it makes the investigation process more robust, but it will not be a requirement.

6.3 Culture and Training

- Training: The Trust will implement mandatory, annual training for all staff, with a separate, more detailed module for managers and trustees. The training will cover procedures, the ethical importance of "speaking up," and the absolute prohibition of retaliation.
- Accountability: Performance reviews for leaders and managers will be tied to their adherence to whistleblowing policies and their effective handling of disclosures.

6.4 External Advice and Prescribed Persons

- External Advice: Workers who would like to seek professional and confidential advice should contact Protect, a registered charity that advises on whistleblowing queries.
 - Protect Contact Details: Phone: 020 3117 2520, Website: protect-advice.org.uk
- Disclosures to Prescribed Persons: A worker may make a protected disclosure to an appropriate external body (known as a "prescribed person" under PIDA) in certain circumstances. These may include, but are not limited to, the Department for Education, the Chief Regulator of the Office of Qualifications and Examinations Regulation, the Office for Standards in Education, Children's Services and Skills, or the relevant regulatory body for the concern (e.g., the police for criminal matters).

[Blowing the whistle to the Department for Education – GOV.UK](#)

7. Procedure for Raising a Concern

When raising concerns, workers are encouraged to express them in writing. The communication must include, as far as possible:

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

The worker should use the contact appropriate to the subject of their concern, as outlined in Section 4, or the independent channel in Section 6.

8. Investigation, Communication, and Outcome

8.1 Communication Protocol

The communication protocol has been revised to commit to regular, proactive updates with the whistleblower.

- **Acknowledgement:** The person/body receiving the disclosure will acknowledge receipt of a disclosure in writing within 10 working days.
- **Dialogue:** The policy will adopt a proactive communication protocol. The Trust will commit to providing a timeline for the investigation, acknowledging receipt, and providing a final outcome. The Trust will engage in dialogue with the whistleblower and provide regular, proactive updates, subject to the needs of the investigation and the preservation of third-party rights.
- **Confidentiality:** The worker's identity will be kept confidential from the alleged wrongdoer. The need for confidentiality may prevent the Trust from giving specific details of any necessary disciplinary action taken.

8.2 Investigation Steps

- **Initial Assessment:** The Headteacher (or appropriate designated person) will conduct an initial interview and establish if there are grounds for a concern and that it is genuine.
- **Investigation:** The concern may be investigated by management, an internal audit, or through the disciplinary process. It may also be referred to the police or an external auditor, or form the subject of an independent inquiry, depending on the severity.
- **Support:** 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 worker not involved in the area of work.

8.3 Outcome and Records

- **Feedback:** The worker will be informed of the final outcome of the investigation and any action that is proposed, subject to third party rights. Where action is not taken, an explanation will be given.

- Records: A record of the nature and outcome of the concern will be kept and stored confidentially in line with the Records Management Policy.

9. 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 submit a formal appeal/review request to the Chair of Trustees outlining the grounds for their dissatisfaction. The Chair of Trustees will determine the appropriate mechanism for review, which may include using the Trust's Grievance Policy.

10. Unfair Treatment and Legal Recourse

A worker 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 need⁵ to be made within three months of the investigation ending.

11. Glossary of Key Terms

- Blacklisting: Being refused work because an individual is viewed as a whistleblower.
- Grievances: A complaint made because an individual personally has been mistreated. This is distinct from whistleblowing, which is in the public interest.
- PIDA: The Public Interest Disclosure Act 1998, the primary piece of legislation that protects whistleblowers.
- Protected Disclosure: A disclosure made by a worker who has a reasonable belief that wrongdoing is occurring, has occurred, or is likely to occur, and that the disclosure is in the public interest.
- Qualifying Disclosures: The specific types of wrongdoing that can be reported under PIDA (e.g., a criminal offence, failure to comply with a legal obligation, danger to health/safety).
- Worker: A broad term for individuals protected under PIDA, which includes employees, trainees, contractors, and agency staff.