THE HOWARD
Academy Trust

Whistleblowing POLICY

Applicable to:	All staff in all Academies and Central Support Services including individuals employed by the Trust, contractors and agency staff. All Members and Trustees.
Dissemination:	The policy will be available to staff via the Trust's Policy Centre and website.
Training:	This will be part of Principals and trust leaders' professional development.
Review Frequency:	The policy will be reviewed annually. The policy will be reviewed earlier if needed in the light of new evidence, legislation, and guidance.
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Executive Policy Owner:	Kyle Taylor – Interim CEO
Approval by:	Level 2 – Finance, Audit and Resources Committee
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1.Statement of intent

The Howard Academy Trust (THAT) 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 sees or suspects that something is wrong, they will raise this with the school. 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 person suspecting 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 THAT's Data Protection Policy.

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 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 raise 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 PIDA.
- Under this policy, any of the following can raise a concern:
- Employees of the school
- Voluntary workers working with the school
- Trainees, such as student teachers

2.Legal framework

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

- Public Interest Disclosure Act 1998
- Employment Rights Act 1996

- Keeping Children Safe in Education 2025

This policy has been created with regard to the following guidance documents:

- The Academy Trust Handbook
- GOV.UK (2015) 'Whistleblowing for employees'
- Sir Robert Francis (2015) 'Freedom to speak up report'
- NSPCC Whistleblowing Advice Line

This policy operates in conjunction with the following Trust policies:

Disciplinary Policy and Procedure

Records Management

Complaints Procedures

GDPR/Data Protection Policy

3.Introduction

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.

The Principal is the first point of contact for whistleblowing queries. If the allegation is related to the Principal, the concern will be raised with the Chair of The Local Academy Board.

Any member of the school community or the general public is able to "blow the whistle". However, the PIDA only protects employees. Section 7 includes further details on how whistleblowing affects non-employees.

4.Definitions

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

Qualifying disclosures: 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
- Information tending to show any matter falling within any of the preceding points has been, is being or is likely to be deliberately concealed

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

Blacklisting refers to an individual who is being refused work because they are viewed as a whistleblower.

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 and blowing the whistle.

5.Roles and Responsibilities

The Board of Directors' Finance, Audit and Resources (FAR) Committee 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 Principal, any concerns that are raised.
- Ensuring this policy provides an open and transparent framework where members of the school community 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 Board of Directors includes a record of the school's whistleblowing arrangements and who, both internally and externally, staff members should report concerns to.
- Appointing one Trustee and one member of staff to act as points of contact for staff members when reporting concerns.

The Principal will be responsible for:

- Ensuring all members of staff have read and understood this policy.
- Receiving, investigating and responding to any concerns that have been raised by the school community.
- Being the first point of contact regarding whistleblowing.

The Chief Executive of THAT will be responsible for receiving any concerns raised about the Principal.

The Chair of the Board of Directors will be responsible for receiving any concerns raised about the Chief Executive.

All members of the school community will be responsible for:

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

Where a staff member feels unable to raise an issue with their employer, or feels that their genuine concerns are not being addressed, other whistleblowing channels may be open to them:

- general guidance on whistleblowing can be found via: Advice on Whistleblowing; and
- the NSPCC's what you can do to report abuse dedicated helpline is available as an alternative route for staff who do not feel able to raise concerns regarding child protection failures internally or have concerns about the way a concern is being handled by their school or college. Staff can call 0800 028 0285 – line is available from 8:00 AM to 8:00 PM, Monday to Friday and email: help@nspcc.org.uk.

6.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/school as a whole. However, THAT 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 Public Interest Disclosure Act, 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 because of their having raised a concern in accordance with this policy will be dealt with under the Trust's Disciplinary Policy and Procedure.

7.Non-employees

The PIDA and the Employment Rights Act 1996 does not protect non-employees as far as whistleblowing is concerned.

Irrespective of 7.1, 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 Procedures Policy.

Directors/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.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 the school.
- 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 9, the Trust/school will ensure that all cases are efficiently handled. This procedure includes:

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

The school 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 students and trainees are subject to all the safeguarding and whistleblowing principles
- Ensuring staff from ethnic minorities are supported, as they may feel particularly vulnerable when raising concerns
- Ensuring staff are empowered and protected, enabling them to raise concerns freely

9.Procedure

When raising concerns, individuals will express them in writing to the Principal

If an individual is raising a concern about the Principal, they should express their concerns in writing to the Chief Executive. Where this is the case, the Chief Executive will delegate the duties of Principal's duties as appropriate.

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

THAT encourages individuals to let their identity be known when they raise concerns, as anonymous concerns can be challenging to investigate.

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 (www.protect-advice.org.uk), or they can be contacted on 020 31172520.

Once an individual has raised a concern, the school/Trust 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 DFE, they should use the online contact form.

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.

10.Next steps

The Principal will write to the individual within 10 working days of the initial meeting to confirm that the concern has been received, as well as to indicate proposals for dealing with the matter.

11.What the Trust asks of you

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 take the concern outside the school, e.g. gossiping.

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.

12.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 make a complaint under the Trust's Complaints Procedure Policy.

13.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, or from an individual's trade union.

Any claims of unfair dismissal needs be made within three months of the investigation ending.

14.Monitoring and review

The Finance, Audit and Resources Committee will review this policy annually, ensuring that all procedures are up-to-date.

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