EQUA Mead
Learning Trust
Every Child, Every Chance

Policy name	**Whistleblowing**
Policy Lead	**CFO**
Adopted by Trust Board	**April 2019**
Date last amended:	**June 2026**
Date of last review	**June 2026**
Next review date	**July 2027**

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1. Introduction

The Trust takes seriously its responsibilities for good governance, the delivery of effective public services and the appropriate and efficient use of public money and resources. Where any member of staff has a concern that might fall within the scope of this document, they are encouraged to report the matter to their line manager or the Trust Senior Leadership Team, as appropriate.

The Trust is committed to the highest possible standards of transparency and accountability. The Trust is also committed to improving the performance of all its functions.

This Code is intended to encourage and enable workers to raise serious concerns within the Trust by setting out the process to make a disclosure under the Public Interest Disclosure Act 1998.

The Trust accepts that some staff may prefer to do this in a confidential way to avoid any public disclosure of their identity. This Code makes it clear that workers can raise concerns of illegal or improper conduct without fear of victimisation, subsequent discrimination or disadvantage.

The Code applies to all **workers** of the Trust. To be a '**worker'** an individual must –

Work for the Trust under a contract of employment

1. Be contractually required to perform personal work or services for the Trust is not either a client or customer of a profession or business undertaking work carried out by that individual
2. Be on a work experience placement provided pursuant to a training course or programme or training for employment (or both)

2. Aims and scope

As a worker at this Trust this Code aims to:

Encourage you to feel confident in raising serious concerns of illegal or improper conduct, and to question and act upon concerns about practice.

1. Provide a way for you to raise those concerns and to be told of any action taken to address concerns.
2. Ensure that you receive a response to your concerns and that you are aware of how to pursue them if internal processes are not successful.
3. Reassure you that you will be protected from possible reprisal or victimisation if you have a reasonable belief that you have made any disclosure in the public interest.

3. Qualifying Disclosures

The law provides protection for workers who raise legitimate concerns about specified matters. These are called "qualifying disclosures". This code is not designed to replace or be used as an alternative to the grievance procedure.

A qualifying disclosure is one made in the public interest by a worker who has a reasonable belief that one of the following is being, has been or is likely to be committed:

- a criminal offence;
- a miscarriage of justice;
- an act creating risk to health and safety;

- an act causing damage to the environment;
- unauthorised use of public funds
- an act of fraud or corruption
- Sexual or physical abuse of pupils
- a breach of any other legal obligation; or
- concealment of any of the above;

4. Protected disclosures

The Trust is committed to good practice and high standards and wants to be supportive of workers. Any disclosure of information as detailed above will only be a protected disclosure if it is made in the reasonable belief of the worker that the **disclosure is in the public interest.**

No worker who uses this procedure in the reasonable belief that the disclosure is in the public interest will be penalised for doing so. A worker has the right not to be subjected to a detriment by any act or deliberate omission by another worker employed by the Trust on the ground that he or she has made a protected disclosure

The Trust will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect workers when they raise a concern that they believe is in the public interest to disclose.

Any worker that is found to have made an allegation frivolously, maliciously or for personal gain may be subject to disciplinary procedures.

5. Distinction with individual grievances

An employee disclosure about breach of their employment contract or an individual work concern will generally not be protected; these concerns should be raised using the Trust complaints and grievance procedure.

NB. Any general concerns about a colleague's professional capability should not be dealt with using this procedure

6. Confidentiality and anonymous allegations

A concern reported under this Code will be treated confidentially. Unless the worker agrees, their identity will not be disclosed by the Trust in dealing with their concern within this Code.

However, this Code encourages workers to put their name to allegations whenever possible. Concerns expressed anonymously will be considered at the discretion of the Trust.

In exercising this discretion, the factors to be taken into account include:

- The seriousness of the issues raised.
- The credibility of the concern.
- The likelihood of confirming the allegation from attributable sources.

In the event of a concern disclosing alleged criminal activity, the worker may be asked to help the police or other appropriate enforcement agency. In the event of disciplinary action taken by the Trust the worker may be asked to give evidence under the disciplinary procedure.

If a worker believes that the claim was made in the public interest, but the claim is not confirmed following investigation, no action will be taken against the worker. However, maliciously making a false allegation is a disciplinary offence. If a claim is made frivolously, maliciously or for personal gain, then disciplinary action may be taken against the worker.

7. How to raise a concern

As a first step, workers should raise concerns with their immediate manager or the Headteacher. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if the worker believes that Senior Leadership or the Headteacher are involved, they should approach the CFO or CEO of the Trust.

The earlier a concern is expressed, the easier it is to take action.

Depending on the nature of the concern, the complainant will need to demonstrate to the person contacted that there are reasonable grounds for their concern. Concerns may be raised verbally or, preferably, in writing. Staff who wish to make a written report are invited to use the following format:

- The background and history of the concern (giving relevant dates).
- The reason why you are particularly concerned about the situation.
- Why you think this concern is in the public interest to disclose

Advice/guidance on how to pursue matters of concern may be obtained from any of the names listed at the back of this policy.

Workers may invite a trade union representative, or a work colleague, to be present during any meetings or interviews in connection with the concerns that they have raised.

8. How the Trust will respond

Initially all concerns raised under this Code will be referred to the Headteacher of the school who may take legal and professional advice as required. If the complaint involves the Headteacher, please refer to the CFO. The reported matter may:

- be investigated by management, Internal Audit, or through the disciplinary process.
- be referred to the police.
- be referred to the external auditor
- form the subject of an independent inquiry.

In order to protect individuals and those accused of illegal or improper conduct, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take.

Concerns or allegations, which fall within the scope of specific procedures (for example, child protection or discrimination issues), will normally be referred for consideration under those procedures.

Some concerns may be resolved by the Board of Trustees without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

Within a reasonable period (usually within 5 working days - excluding periods of school closure) of a concern being referred to the Chair of Trustees, s/he will write to the complainant:

- Acknowledging that the concern has been received.
- Indicating how the matter is to be dealt with.
- Giving an estimate of how long it will take to provide a final response, telling you whether any initial enquiries have been made.
- Telling you whether further investigations will take place and if not, why not.

The amount of contact between the persons considering the issues and the complainant will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Trust may seek further information from the complainant.

The Trust will take steps to minimise any difficulties that complainants may experience as a result of raising a concern. For instance, if they are required to give evidence in criminal or disciplinary proceedings the Trust will arrange for advice on the process to be given.

The Trust accepts that the complainant expects to be assured that the matter has been properly addressed. The Chair of Trustees, subject to any legal constraints and Data protection, will inform you of the outcome of any investigation that may take place.

Please note, complainants will not be given any information regarding possible sanctions against the employee that the concerns were raised about.

9. The Responsible Officer

The Chair of Trustees has overall responsibility for the implementation of this code.

10. How the matter can be taken further

This Code is intended to provide workers with a way within the Trust to raise concerns. The Trust hopes staff will be satisfied with any action taken. If they are not, and feel they wish to take the matter outside the Trust, the following are possible contact points:

- The Trust's external auditor
- The Audit Commission (confidential reporting for suspected fraud)
- Your trade union
- Your local Citizens Advice Bureau
- Relevant professional bodies or regulatory organisations
- A relevant voluntary organisation
- The police

- The NSPCC whistleblowing helpline is available for staff who do not feel able to raise concerns regarding child protection failures internally. 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

If a worker chooses to disclose the matter outside the Trust, they must ensure that confidential information is not disclosed to any person who is not authorised to receive it.

An untrue allegation that a person has committed a criminal offence may be defamatory. Concerns raised within the Trust will normally be protected by qualified privilege as a defence to defamation proceedings unless made maliciously.