



**Minerva**  
Learning Trust

# Whistleblowing Policy

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## Changes to this edition

- 1 Transferred the policy to our standard template and re-formatted to fit this
- 2 Added new section 'Link to other documents' in line with template
- 3 Added employees, trainees and volunteers to 4.1
- 4 Added in 4.2 where the grievance procedure can be accessed
- 5 Added new section to outline the Public Disclosure Interest Act – see Section 5
- 6 Amended section previously titled Whistleblowing to become Definitions and added definitions under the legislation for clarity – see Section 6.
- 7 Expanded the roles and responsibilities to respond to queries raised regarding the role of Trustees and Local Governors as well as management of concerns against Trustees, Chief Executive Officer or Headteachers.
- 8 Amended the section on Raising a Concern – see Section 11, to provide clarity following queries about the process and concerns about Trustees, Local Governors and the Chief Executive or Headteachers.
- 9 Added in 'third party rights under 12.4 to clarify
- 10 Section 14 amended to signpost individuals to appropriate policies if they are not satisfied with how their complaint has been handled.
- 11 Updated references to external bodies and their contact details in Section 15
- 12 Added in sections 16 and 17 as per the new template

## **1. Purpose**

- 1.1 The Board of Directors at Minerva Learning Trust is fully committed to ensuring that standards within the Trust and its schools are high and that all statutory regulations and requirements are complied with.
- 1.2 Employees are encouraged to voice any concerns that they have in a professional, responsible way and this policy sets out the ways in which individuals may raise concerns.
- 1.3 The Trust will take seriously any concerns relating to malpractice within the organisation and believes it is important that all members of the school community feel safe in the knowledge that they can voice any concerns in confidence and that they will be taken seriously and dealt with appropriately.

## **2. Aims**

- 2.1 To provide an internal process for making a disclosure under the Public Interest Disclosure Act 1998 which enables all workers to feel confident in raising concerns at an early stage in the knowledge that these will be taken seriously and investigated appropriately.
- 2.2 To provide guidance on wider disclosure in the event that the employee feels there is no internal authority that can be contacted or they believe that the concern they have raised has not been taken seriously or acted upon correctly.
- 2.3 To provide reassurance to workers that they will be protected from possible reprisal or victimisation if they have made a disclosure in the public interest.
- 2.4 To provide clarity regarding roles and responsibilities within the Trust for managing disclosures made under the whistleblowing policy.

## **3. Links to other Documents**

- Trust Disciplinary Policy and Procedure
- Trust Safeguarding Policy
- Trust Low Level Concerns Policy
- Trust Complaints Policy
- Trust Data Protection Policy

## 4. Application

- 4.1 This policy applies to all employees and workers of the Trust, apprentices, casual workers, trainees and volunteers and agency workers engaged by the Trust or its schools.
- 4.2 This policy is for concerns where the interests of other people or the organisation are at risk and which are not covered by other procedures. It only applies if the concern is being raised in the public interest and not purely the interest of the individual concerned. Where the concern is about an employee's personal position in the school or the way they have been treated personally, this should be raised through the Trust's Grievance Procedure which can be accessed from the Heads PA in school or the Trust Central HR Team.

## 5. The Public Interest Disclosure Act

- 5.1 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.
- 5.2 The Trust recognises that the decision to report a concern can be a difficult one to take, not least because of fear of reprisal from those responsible for the malpractice or from the Trust or school 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. Any member of staff who victimises or harasses someone as a result of having raised a concern in accordance with this policy will be dealt with under the Trust Disciplinary Procedure.
- 5.2 Any member of the school community or the general public is able to "blow the whistle" however, the PIDA only protects employees. Irrespective of this, the Trust will not allow the harassment, dismissal or exclusion of any non-employee who raises a genuine concern. Where an individual, who is not employed by the Trust, feels that they have been unfairly treated after blowing the whistle they should make a complaint under the Trust Complaints Policy.
- 5.3 Trustees and Local 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.

## 6. Definitions

- 6.1 **Whistleblowing** is the term used when an employee or worker passes on information concerning alleged wrongdoing such as unlawful conduct, financial malpractice, causing a danger to children and young people, potential failures in safeguarding, causing a danger to staff, the public or environment, contravening the Trust or School policies or the Trust Code of Conduct, deliberate concealment of any of these alleged activities.
- 6.2 As outlined in the Public Interest Disclosure Act, '**qualifying disclosures**' are 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 and safety of an 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
- 6.3 **In the public interest** 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 wrong doing disclosed
  - the nature of the wrong doing disclosed
  - the identity of the alleged wrongdoer
- 6.4 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. Personal grievances should be raised under the Trust Grievance Policy.

## 7 Roles and Responsibilities

- 7.1 The Trust Board is responsible for approving this policy, monitoring its effectiveness, appointing one Trustee and one member of staff who act as points of contact when reporting concerns and ensuring it is published on the Trust website. The Trust Board will be responsible for receiving and addressing any concerns received about the Chief Executive Officer.
- 7.2 Local Governors are responsible for supporting the Trust Board in monitoring the effectiveness of the policy and working with the Chief Executive Officer in respect of the management of any concerns received by the Trust regarding the Headteacher.
- 7.3 The Chief Executive Officer is responsible for ensuring:
- employees and others do not suffer a detriment in the application of this policy and that anyone making a disclosure of wrongdoing or malpractice, in good faith, is protected against victimisation.
  - matters raised are treated seriously, swiftly, consistently, fairly and professionally
  - matters raised are addressed promptly and thoroughly investigated by an appropriate senior person
  - employees and others who, in good faith, raise a concern which turns out to be unfounded will not be penalised for being genuinely mistaken
  - receiving and addressing any concerns received about a Headteacher or member of the Executive Team
- 7.4 The HR Team are responsible for ensuring that all employees of the Trust are aware of this policy. The team will also ensure that:
- The policy is implemented fairly and consistently
  - Employees are aware of the protection available to them if they report areas of malpractice or wrongdoing and who to approach to report a concern
  - Whistle-blowers are treated with dignity and respect and offered access to appropriate support
- 7.5 Headteachers, Senior Leaders and Managers are responsible for ensuring they make sure all employees etc. have read and understood the policy, encourage employees to voice any concerns they have and provide confidence that disclosures will be managed appropriately under this policy.
- 7.6 All employees of the Trust have a responsibility to raise any genuine concerns they have and provide the Trust with the opportunity to resolve any issues that arise. It is expected that, wherever possible, employees raise concerns prior to malpractice or wrongdoing occurring however where this isn't possible the employee should raise the matter at the earliest opportunity.



## **8. Safeguarding**

- 8.1 All individuals must act on any concerns or information that gives them concern about the safety and wellbeing of a child, children or young people arising from circumstances or events in or outside of school. The Trust Safeguarding Policy sets out how concerns can be raised however that does not prevent a concern being raised under the whistleblowing policy.
- 8.2 Safeguarding concerns may relate to:
- the conduct or behaviour of another employee, worker, contractor or volunteer towards an individual child, children or young people.
  - information which suggests an individual may be unsuitable to work with children or young people
  - a belief that the Trust Board, Local Governing Body, Executive Team or Senior Leaders in the Trust have failed to take appropriate action in response to a safeguarding concern raised.

## **9. Confidentiality**

- 9.1 All concerns will be treated in confidence and the Trust is committed to protecting the identity of the whistleblower, as far as possible, where the individual has asked for this. There may however be occasions where it may not be possible to do this (for example, if the Trust is legally obliged to share information, for the purposes of seeking legal advice or if the individual is asked to give evidence).
- 9.2 The Trust recognises that raising concerns against a fellow colleague is not an easy thing to do and there may be concerns about jeopardising someone's career however the welfare of the children in our schools is paramount. Employees are able to raise concerns in confidence and this will be handled sensitively.
- 9.3 Confidentiality is important throughout any investigation and continues to be so once the investigation is on-going or completed. The Trust expects all employees to follow all guidelines relating to confidentiality but this should not prevent them from raising a genuine concern in the public interest.

## **10. Anonymous or False Allegations**

- 10.1 All those making disclosures under this policy are encouraged to put their name to concerns made as it will generally aid a more thorough investigation however the Trust will consider anonymous allegations and investigate these as far as possible in line with this policy.
- 10.2 The Trust encourages all employees to voice their concerns safe in the knowledge that those who make allegations that do not prove to be true will not be reprimanded however the Trust may act against an employee if they have knowingly made false or malicious allegations or allegations for personal gain.

## **11. Raising a Concern**

- 11.1 Where an individual has a concern they wish to raise under this policy, it should be reported, preferably in writing, to the Chief Executive Officer where the concern relates to a Headteacher or member of the Trust Central Team, or the Headteacher where the concern relates to an issue in school. If the concern relates to the Chief Executive Officer it should be raised with the Chair of the Trust Board.
- 11.2 Concerns in relation to the actions of the Trust Board or Local Governing Body may be raised with the Chair of the Risk and Audit Committee and/or the HR and Governance Director for the Trust in the first instance. If the individual raising the concern does not feel they can raise the issue internally they may consider a referral to an external body as set out in section 15.
- 11.3 When raising a concern, the individual should outline the background and history of the concern, any relevant names, dates and places and the reasons for their concern.
- 11.4 The Trust or the school, depending on the allegation, will investigate all allegations and concerns but the act of investigation does not indicate that the Trust or the school has accepted the allegations as true.
- 11.5 Usually the first course of action will be a referral to the Trust Director of HR and Governance so that confirmation of receipt of the concern can be provided to the whistleblower and consideration given to the process for dealing with the matter.

- 11.6 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 more formal action may be required such as:
- An investigation by an independent investigator, appropriate manager, internal audit or other suitable organisation
  - An investigation under other procedures such as safeguarding or disciplinary
  - An investigation under procedures designed to deal with allegations made against professionals
  - A referral to the police
  - A referral to the external auditor or other external investigation
  - An investigation under other forms of prosecution and inspection such as the protection of public health and safety
- 11.7 Any concerns that fall under specific procedures will be followed up as described in the specific policy e.g. safeguarding issues will be followed up as described in the Trust's or school's safeguarding policy
- 11.8 The individual may be accompanied by a trade union representative or colleague during any meetings to address their concerns or to investigate the alleged issue.

## 12. Investigation

- 12.1 Once an allegation has been brought to their attention, the manager/leader concerned will usually discuss the circumstances with the Director of HR and Governance or their representative and hold an interview with the person making the allegation. This will be in confidence and will take place at the earliest opportunity and usually within one working day if there is a concern that someone may be at risk of harm as a result of the alleged practice.
- 12.2 During the interview the investigating manager/Director of HR and Governance will:
- Gather as much information about the basis of the allegation as they can and will record what is discussed;
  - Discuss the next action points and steps that will be taken with the individual who has raised the allegation and ensure that they fully understand what is going to happen. If the standard whistleblowing procedure is not going to be followed, this should be explained and an alternative procedure outlined;
  - Provide support to the individual who has raised the allegation. It is recognised they may be worried about their position, getting someone else into trouble or what they suspect may be happening; and
  - Where the individual is employed by the Trust, ensure they are able to be accompanied by a trade union representative or colleague when being interviewed or in subsequent meetings.
- 12.3 On completion of the interview, the investigating manager will consider whether there is a cause for concern which requires further investigation or if there is no further action to be taken. This may be because:
- It is felt there is not enough evidence to warrant a continued investigation and that it is unlikely any malpractice has occurred or will occur;
  - There is a belief that the whistleblower is not acting in good faith or can demonstrate there is a genuine concern raised in the public interest; and
  - The matter has already been raised and is being investigated separately.
- 12.4 The whistleblower will be informed of the outcome of the investigation, subject to confidentiality and third-party rights. This will be in writing to their home address usually within five working days of completion of the investigation.

## **13. Recording, monitoring and evaluation**

- 13.1 All employees concerned and involved with any allegation or investigation should keep good records of meetings they attend, discussions held and any outcomes or action points that have been decided.
- 13.2 All whistleblowing allegations will be recorded in a central record and reported to the Trust Board on a termly basis. This will enable the Trust to cross reference these with other complaints and monitor any patterns across the Trust as well as ensuring action is taken to address concerns and monitor the effectiveness of the procedure. The Headteacher will report any allegations on completion of the investigation to the Local Governing Body for information.

## **14. Appeal Process**

- 14.1 If the employee who raised the concern is not satisfied with the way the matter has been handled, they can raise a grievance under the Trust Grievance Policy. If an individual who is not employed by the Trust is not satisfied they may make a complaint under the Trust's Complaints Policy.
- 14.2 An employee can take a case to an employment tribunal if they feel that they have been treated unfairly as a result of whistleblowing. Any claims of unfair dismissal need to be made within three months of the investigation ending.

## **15. Access to External Bodies**

- 15.1 All individuals are encouraged and expected to follow the internal procedure outlined in this policy to raise concerns at the earliest opportunity however the Trust understands that in some cases an individual may feel it necessary to take their concerns to external agencies.
- 15.2 They should only approach external agencies regarding their concerns without discussion internally first if:
- They feel that they are being discriminated against and that there is no internal authority that can be contacted within the Trust;
  - They reasonably believe they will be victimised if they follow internal procedures for whistleblowing; and
  - They believe that the concern that they have raised has not been taken seriously or acted upon correctly.

- 15.3 If, having exhausted internal procedures, an allegation is found to be unsubstantiated, the individual has the right to access an appropriate official and independent external body. An appropriate body may be the Trust auditors, the ESFA, Ofsted, an MP or local Councillor, the police, relevant professional bodies or a relevant voluntary organisation.
- 15.4 Such a step, however, may have serious implications for the Trust and should only be taken after careful consideration of internal options for raising concerns. Advice may be sought from 'Protect' which is a registered charity providing guidance on serious malpractice in the workplace and can advise individuals whether they can or should take the concern further. They can be contacted on 020 3117 2520 or through their website [Protect](#)
- 15.5 [The NSPCC whistleblowing advice line](#) is available as an alternative route for free, anonymous advice and support to professionals with concerns about how child protection issues are being handled in their own or another organisation. Individuals can call 0800 028 0285 or email: [help@nspcc.org.uk](mailto:help@nspcc.org.uk).
- 15.6 The media and social media are not appropriate mechanisms for raising whistleblowing concerns and employees should be mindful of Trust policies regarding use of social media, code of conduct and data protection. Should an individual resort to this, then it may be very damaging to the organisation and may result in disciplinary action against the individual concerned if they are found to have acted inappropriately.

## 16. Monitoring and Evaluation

- 16.1 The Trust Board will monitor whistleblowing complaints and these will be scrutinised by the Risk and Audit Committee on a termly basis as outlined in paragraph 13.2
- 16.2 This policy will be reviewed annually by the Trust Board to ensure the Trust is managing any whistleblowing concerns appropriately.

## 17. Equality Impact Assessment

- 17.1 The Trust will carry out Equality Impact Assessments in order to ensure that policies, procedures and practices cater for individuals who share protected characteristics in relation to the Equality Act 2010. The purpose of these assessments is to ensure that policies, procedures and practices within the organisation are fair to all. If unfairness is highlighted, the assessment will also seek to show how this can be changed and, where it can't be changed, how it can be improved. Equality Impact Assessments will be available via the Trust website and shared with trade union colleagues during consultation.