



Triumph Learning Trust

Aspiration - Collaboration - Innovation

Whistleblowing Policy

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1. Introduction

Triumph Learning Trust is committed to the highest possible standards of openness, professionalism and accountability. In reference to 'school' within this policy we are referring to all schools within the Trust. In line with that commitment we expect employees, and others that we deal with, who have serious concerns about any aspect of a Trust/School's activities or those who work for the Trust/School, to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis and anyone who raises a concern is protected by the Public Interest Disclosure Act 1998.

This policy document makes it clear that you can raise concerns without fear of victimisation, subsequent discrimination or disadvantage. This Whistleblowing Policy is intended to encourage and enable employees to raise serious concerns within the Trust/school rather than overlooking a problem or "blowing the whistle" outside. The policy also applies to contractors working for the Trust/school or on Trust/school premises. It also covers suppliers and those providing services under a contract with the Trust/school.

An important aspect of accountability and transparency is a mechanism to enable staff and other members of the organisation to voice concerns in a responsible and effective manner. It is a fundamental term of every contract of employment that an employee will faithfully serve his or her employer and not disclose confidential information about the employer's affairs. Nevertheless, where an individual discovers information which they believe shows serious malpractice or wrongdoing within the organisation then this information should be disclosed internally without fear of reprisal, and there should be arrangements to enable this to be done independently of line management (although in relatively minor instances the line manager would be the appropriate person to be told).

The Public Interest Disclosure Act, which came into effect in 1999, gives legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns. The Trust has endorsed the provisions set out below so as to ensure that no members of staff should feel at a disadvantage in raising legitimate concerns.

It should be emphasised that this policy is intended to assist individuals who believe they have discovered malpractice or impropriety. It is not designed to question financial or business decisions taken by the school nor should it be used to reconsider any matters which have already been addressed under harassment, complaint, disciplinary or other procedures.

2. Scope of Policy

This policy applies to all employees within the Trust as well as contractors.

Consideration should be made to the Trust Code of Conduct, Grievance, Complaints, Child Protection and Safeguarding, Bullying and Harassment and Disciplinary policies in determining if the Whistleblowing procedure is the most appropriate action in any given situation.

The requirement to have clear whistleblowing procedures in place is set out in the Academy Trust Handbook. This policy has been written in line with the above document, as well as

government guidance on whistleblowing. This policy is designed to enable employees of the school to raise concerns internally and at a high level and to disclose information which the individual believes shows malpractice or impropriety. We also take into account the Public Interest Disclosure Act 1998. This policy complies with our funding agreement and articles of association.

3. Responsibilities

The CEO and Chair of Trustees are responsible for the effective implementation of this policy.

All Staff are responsible for the success of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing. Staff are invited to comment on this policy and suggest ways in which it might be improved. Comments, suggestions and queries should be addressed to their Line Manager in the first instance.

4. Definition of Whistleblowing

Whistleblowing covers concerns made that report wrongdoing that is “in the public interest”. Examples of whistleblowing include (but are not limited to):

- Criminal offences, such as fraud or corruption;
- Pupils’ or staff health and safety being put in danger;
- Failure to comply with a legal obligation or statutory requirement;
- Breaches of financial management procedures;
- Attempts to cover up the above, or any other wrongdoing in the public interest;
- Damage to the environment.

A whistle-blower is a person who raises a genuine concern relating to the above. Not all concerns about the trust count as whistleblowing. For example, personal staff grievances such as bullying or harassment do not usually count as whistleblowing. If something affects a staff member as an individual, or relates to an individual employment contract, this is likely a grievance. When staff have a concern, they should consider whether it would be better to follow our grievance or complaints procedures.

5. Safeguarding Issues

Any allegation of abuse of a pupil/child by a member of staff must be reported to the Headteacher immediately, or, where the Headteacher is the subject of an allegation, the CEO. Additionally, any incident occurring outside of work which may affect an employee’s suitability to work with children should be reported as above. For any issues that involve the safeguarding of children/child protection the school policy and procedures will be invoked.

Ofsted Hotline

Anybody who has a whistleblowing concern about services or practice in any local authority can use Ofsted’s Whistleblowing Hotline or email address. Ofsted’s dedicated Whistleblowing Hotline (0300 1233155) is staffed from 8am to 6pm Monday to Friday. Whistleblowing disclosures can also be submitted to Ofsted by email to the Ofsted whistleblowing team (whistleblowing@ofsted.gov.uk) including:

- employees and former employees of local authorities;
- agency staff currently and formerly working within a local authority;
- current and former employees of local authority or independently run children's homes;
- volunteers and workers from the voluntary sector in local authority educational or care settings;
- foster carers or adopters;
- employees within secure provision for children and young people;
- workers in non-local authority services that are regulated and inspected by Ofsted;
- Ofsted employees in receipt of whistleblowing disclosures from any of the above.

6. Protection and Support for Whistle-blowers

This policy is designed to offer protection to those employees of the Trust who disclose such concerns provided the disclosure is made:

- in good faith;
- in the reasonable belief of the individual making the disclosure that it tends to show malpractice or impropriety and if they make the disclosure to an appropriate person. It is important to note that no protection from internal disciplinary procedures is offered to those who choose not to use the procedure. In an extreme case malicious or wild allegations could give rise to legal action on the part of the persons complained about.

Staff must not suffer any detrimental treatment as a result of raising a concern. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If a member of staff believes that they have suffered any such treatment, they should inform their Line Manager immediately, or if appropriate the Chair of Trustees. If the matter is not remedied the member of staff should raise it formally using the Trust's Grievance Policy.

Staff must not threaten or retaliate against whistle-blowers in any way. Anyone involved in such conduct will be subject to disciplinary action.

7. Confidentiality

The Trust will treat all such disclosures in a confidential and sensitive manner. The identity of the individual making the allegation may be kept confidential so long as it does not hinder or frustrate any investigation. However, the investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the evidence required.

The Trust will make every effort to protect the identity of the individual and will not disclose without their consent.

8. Anonymous Allegations

This policy encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously are much less credible, but they may be considered at the discretion of the Trust. In exercising this discretion, the factors to be taken into account will include:

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

If a member of staff is in any doubt they can seek advice from Protect, an independent UK whistleblowing charity, through their free phoneline (020 3117 2520) or through their [webform](#).

9. Untrue Allegations

If an individual makes an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against that individual. In making a disclosure the individual should exercise due care to ensure the accuracy of the information. If, however, an individual makes malicious or vexatious allegations, and particularly if they persist with making them, disciplinary action may be taken against that individual.

10. Procedures for Making a Disclosure

On receipt of a complaint of malpractice, the member of staff who receives and takes note of the complaint, must pass this information as soon as is reasonably possible, to the appropriate designated investigating officer as follows:

- Complaints of malpractice will be investigated by the CEO unless the complaint is against the CEO or is in any way related to the actions of the CEO. In such cases, the complaint should be passed to the Chair of Trustees. Complaints relating to the Headteacher will be referred to the CEO.
- In the case of a complaint, which is any way connected with but not against the Headteacher, the CEO will nominate a Senior Leader within the Trust to act as the alternative investigating officer.
- Complaints against the CEO should be passed to the Chair of Trustees who will nominate an appropriate investigating officer.
- The complainant has the right to bypass the line management structure and take their complaint direct to the Chair of Trustees. The Chair of Trustees has the right to refer the complaint back to management if they feel that the management can more appropriately investigate the complaint without any conflict of interest.

External Disclosures

Should none of the above routes be suitable or acceptable to the complainant, then the complainant may approach one of the external bodies mentioned within this policy. They can advise the complainant on the implications of the legislation and the possible internal and external avenues of complaint open to them.

In general, if a worker makes a disclosure to an external body they may lose their whistleblowing rights and protections. There are some exceptions to this however, known as prescribed people and bodies. A full list of such people and bodies can be downloaded at <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies-2/whistleblowing-list-of-prescribed-people-and-bodies>.

The list includes, but is not limited to, the following:

- The police;
- The DfE/ESFA;
- Member of Parliament;
- National Audit office;
- Health and Safety Executive.

If there is evidence of criminal activity then the investigating officer should inform the police. The Trust will ensure that any internal investigation does not hinder a formal police investigation.

11. Timescales

Due to the varied nature of these sorts of complaints, which may involve internal investigators and / or the police, it is not possible to lay down precise timescales for such investigations. The investigating officer should ensure that the investigations are undertaken as quickly as possible without affecting the quality and depth of those investigations. The investigating officer, should as soon as practically possible, send a written acknowledgement of the concern to the complainant and thereafter report back to them in writing the outcome of the investigation and on the action that is proposed. If the investigation is a prolonged one, the investigating officer should keep the complainant informed, in writing, as to the progress of the investigation and as to when it is likely to be concluded. All responses to the complainant should be in writing and sent to their home address.

12. Investigating Procedure

The investigating officer should follow these steps:

- Full details and clarifications of the complaint should be obtained;
- If it becomes apparent the concern is not of a whistleblowing nature, the recipient should handle the concern in line with the appropriate policy/procedure;
- The investigating officer should inform the member of staff against whom the complaint is made as soon as is practically possible. The member of staff will be informed of their right to be accompanied by a trade union or other representative at any future interview or hearing held under the provision of these procedures;
- The investigating officer should consider the involvement of Local Authority and the Police at this stage and should consult with the Chair of Trustees;
- The allegations should be fully investigated by the investigating officer with the assistance where appropriate, of other individuals / bodies;
- A judgement concerning the complaint and validity of the complaint will be made

by the investigating officer. This judgement will be detailed in a written report containing the findings of the investigations and reasons for the judgement. The report will be passed to the Chair of Trustees as appropriate;

- The Chair of Trustees will decide what action to take. If the complaint is shown to be justified, then they will invoke the disciplinary or other appropriate Trust procedures;
- The complainant should be kept informed of the progress of the investigations and, if appropriate, of the final outcome;
- If appropriate, a copy of the outcomes will be passed to the Board of Trustees to enable a review of the procedures.

If the complainant is not satisfied that their concern is being properly dealt with by the investigating officer, they have the right to raise it in confidence with the Chair of Trustees or one of the designated persons described above.

If the investigation finds the allegations unsubstantiated and all internal procedures have been exhausted, but the complainant is not satisfied with the outcome of the investigation, the Trust recognises the lawful rights of employees and ex-employees to make disclosures to prescribed persons (such as the Health and Safety Executive, the Audit Commission, or Ofsted), or, where justified, elsewhere.