Policy document

Whistleblowing

1 Introduction

1.1 The Heart of Mercia Multi Academy Trust (the Trust) has a duty to conduct its affairs in a responsible, legal, and transparent way, and is subject to the standards of public life enunciated in the report of the Nolan Committee (1995) and its seven principles for public life[1].

The Trust is committed to operating in an ethical and principled way, and to high standards of openness, integrity and accountability.

The purpose of this policy and procedure is to enable workers, trustees, governors, volunteers, contractors and other individuals associated with the Trust to raise genuine concerns about wrongdoing or malpractice at an early stage and in a safe and confidential manner. Through it serious concerns can be raised without fear of victimisation, subsequent discrimination or detriment.

1.2 This Whistleblowing Policy applies to all employees, workers, governors, trustees, contractors, agency staff, volunteers and any other individuals working for or on behalf of the Trust.

1.3 The Trust will:

- Take all concerns seriously.
- Treat concerns confidentially wherever possible
- Not tolerate harassment or victimisation of whistleblowers
- Ensure no individual suffers detriment for raising a concern in good faith.
- Investigate concerns promptly and fairly.

1.4 This policy has been written in accordance with the Public Interest Disclosure Act 1998 (PIDA) and relevant UK legislation (see Point 3).

2 Aims and scope

2.1 Reflecting the requirements of the **PIDA (1998)** and the amendments introduced in the **Enterprise and Regulatory Reform Act (2013)**, this policy and procedure aim to encourage workers to raise genuine concerns through internal Trust procedures. These:

- Ensure individuals feel supported and protected from victimisation
- Enable the Trust to investigate concerns appropriately and take necessary action

[1] These are: selflessness; integrity; objectivity; accountability; openness; honesty; and leadership. These should be embedded in the work of all public bodies.

Version 2	Date of review: April 2026	Trust Board: June 2026	LGB: Autumn 2026	Next Review Date: June 2028

The law allows certain individuals to raise such concerns externally and this policy informs those individuals how they can do so (see Point 2.3). However, not raising a concern under this procedure may result in a disclosure losing its protected status under the law.

2.2 This policy and procedure also seek to balance the need to allow a culture of openness against the need to protect other workers against vexatious allegations or allegations which are not well-founded.

2.3 This policy provides a structure for the handling of allegations of suspected malpractice or wrongdoing that are in the public interest by:

- All workers of the Trust
- Directors, Trustees, Governors
- Volunteers
- Agency workers, contractors, suppliers, and consultants
- Any individual working on behalf of the Trust

Henceforth in this policy and procedure they are referred to as 'a worker'.

It should be noted that issues relating to personal employment grievances should be raised under the Trust's Grievance Policy, unless they are in the public interest (see Point 2.4).

2.4 This policy covers concerns regarding the matters detailed in Point 3.3 and the deliberate concealment of any of these. It is not intended to cover personal grievances or allegations of bullying and harassment. These should be addressed through the Trust's Grievance Policy and Bullying and Harassment Policy respectively.

2.5 Learners at academies of the Trust are encouraged to raise genuine concerns about suspected wrongdoing at their academy with teachers, support staff, senior staff and/or governors.

Parents of learners at academies of the Trust are encouraged to use the Trust Complaints Policy to raise any concerns they have regarding the conduct of an academy of the Trust or a member of its staff.

This policy and procedure are designed solely for those persons detailed in Point 2.3.

2.6 The policy is designed to assist in investigating, and where appropriate, acting upon, a protected disclosure made by any 'worker' as defined in Point 2.3 within the Trust who become aware of information which they reasonably believe tends to show one or more of the matters identified in Point 2.4, whether it is by the Trust management in its wider sense, or an individual working for or on behalf of the Trust.

3 Legal Framework and definitions

3.1 The Public Interest Disclosure Act (PIDA)

This policy is written in accordance with the **PIDA (1998)**, which provides protection to whistleblowers who disclose information about wrongdoing in the public interest. This is the primary legislation governing whistleblowing in the UK and covers disclosures regarding the matters identified in Point 2.4 above.

PIDA protects individuals from:

- Dismissal.
- Detriment (e.g. disciplinary action, bullying, loss of promotion).

It states that a whistleblower will be protected if they:

- Make a qualifying disclosure.
- Reasonably believe the disclosure is in the public interest.
- Act in good faith.

3.2 Other relevant legislation and guidance

- Employment Rights Act 1996 (sections 43A–43L)
  https://www.legislation.gov.uk/ukpga/1996/18/part/IVA
- Employment Rights Act 2025
  https://www.legislation.gov.uk/ukpga/2025/36/contents
- Equality Act 2010
  https://www.gov.uk/guidance/equality-act-2010-guidance
- Health and Safety at Work etc. Act 1974
  https://www.hse.gov.uk/legislation/hswa.htm
- Human Rights Act 1998
  https://www.legislation.gov.uk/ukpga/1998/42/contents
- Bribery Act 2010
  https://www.legislation.gov.uk/ukpga/2010/23/contents
- Data Protection Act 2018 / UK GDPR
  https://www.legislation.gov.uk/ukpga/2018/12/contents
- Keeping Children Safe in Education (KCSIE)
  https://www.gov.uk/government/publications/keeping-children-safe-in-education--2
- Academy Trust Handbook (DfE)
  https://www.gov.uk/government/publications/academy-trust-handbook/academy-trust-handbook-2025-effective-from-1-september-2025
- ACAS Code of Practice
  https://www.acas.org.uk/whistleblowing-at-work

3.3 What is whistleblowing?

Whistleblowing is the disclosure of information that relates to suspected wrongdoing or dangers at work. This may include:

- a criminal offence has been committed, is being committed or is likely to be committed.
- an individual 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/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.
- administrative malpractice.
- financial malpractice.
- fraud.
- academic or professional malpractice.
- sexual harassment.
- improper conduct or unethical behaviour.
- information tending to show any of the above is being, or is likely to be, deliberately concealed.

Whistleblowing is about raising a concern in the public interest. It involves reporting suspected wrongdoing that affects:

- Pupils, staff, the public, or the Trust as a whole.
- The proper use of public funds.
- Legal or regulatory compliance.

Whistleblowing disclosures are protected under PIDA (1998), provided the individual <u>reasonably believes</u> the disclosure is <u>in the public interest</u>.

Whistleblowing concerns are raised using the Whistleblowing Policy and can be escalated internally or, in certain circumstances, to prescribed external bodies.

A worker should make a protected disclosure when:

- The concern is made in the public interest.
- It relates to one of the 12 specified types of wrongdoing.
- It is made to an appropriate person or body.
- The worker reasonably believes the information is true and the disclosure is made in good faith.

3.4 Whistleblowing or Grievance?

Sometimes a worker believes they are ‘blowing the whistle’ when, in fact, their concern or complaint is a personal grievance. Workers who make a protected disclosure under an organisation’s whistleblowing policy should reasonably believe that they are acting in the public interest. This means that personal grievances and complaints are not usually covered by whistleblowing law.

Whistleblowing is about raising a concern in the public interest; a grievance is about a personal employment issue. Grievances involve concerns that affect the individual personally, rather than the wider public or organisation. Some examples of grievances include:

- Pay, workload, or working hours.
- Disputes with colleagues or managers.

- Performance management concerns.
- Bullying or harassment directed at the individual.
- Contractual issues.

Personal employment grievances are important and should be raised under the Trust Staff Grievance Policy, or if relating to issues around bullying and harassment, the Trust Bullying and Harassment Policy.

It should be noted however, that if a concern starts as a grievance but raises wider issues (for example, bullying that reflects systemic management failure or safeguarding risks), it may be treated as whistleblowing.

Staff are encouraged to raise concerns in good faith — the Trust will help determine the correct process.

Further Guidance can be found here: https://www.acas.org.uk/whistleblowing-at-work/what-someone-can-whistleblow-about

3.5 Trade Unions and whistleblowing

Trade Unions can have an important role to play in relation to whistleblowing disclosures. This role is supportive of and advisory to the individual making the disclosure.

Under PIDA (1998), a protected disclosure must be made by ‘a worker’. It must also be based on information ‘the worker’ reasonably believes tends to show wrong-doing and disclosed via a recognised disclosure route. Importantly, the protection attaches to the individual worker, not to the content of the disclosure.

Under PIDA (1998), the protection afforded applies to the individual worker who makes the disclosure and not a trade union representative unless they themselves are the worker making the disclosure. The role of trade union representatives would normally be to advise and support their member in making a protected disclosure as they would in other instances (guidance, help with drafting correspondence, accompanying the worker seeking legal advice from the union).

Importantly, the union representatives cannot make the disclosure on behalf of another worker or workers, or indeed, non-workers.

4 Procedure for making a disclosure

4.1 Workers may raise concerns verbally or in writing with the following senior postholders of the Trust so that any appropriate action can be taken. The appropriate persons are:

- The Chief Executive.
- The Director of Governance.
- Academy Principals or Heads.

The disclosure must be made by the **worker** and can be:

- Written by the individual.
- Prepared with union or legal support.
- Submitted by a representative **on the worker's behalf**, with written consent.
- It must be **clearly attributable to the worker.**

A whistleblowing disclosure should be made by the worker raising the concern, clearly identified as a whistleblowing matter, and based on a reasonable belief that wrongdoing has occurred, is occurring or likely to occur, and that the disclosure is in the public interest.

Disclosures should normally be made internally using designated reporting routes and set out factual information rather than opinion. Workers may seek support from a trade union or adviser, but protection applies to the individual making the disclosure, not the content of the disclosure.

Anonymous disclosures are accepted by the Trust. However, it should be noted that they may be more difficult to investigate, and the Trust encourages individuals to provide their identity where possible.

4.2 Workers with a whistleblowing concern about a senior postholder should raise it directly with the Chair of the Trust or the Chair of the Audit and Risk Committee so that any appropriate action can be taken.

4.3 If the matter is raised verbally, which may assist in protecting confidentiality, a full note of the allegation will be made by the appropriate person (see Point 4.1) but this will not identify the whistleblower.

4.4 When a worker makes a disclosure, the appropriate person (see Point 4.1) within the Trust will acknowledge its receipt, in writing, **within 7 working days**.

The means of communicating with the worker making the disclosure will be agreed with the worker following their initial disclosure.

4.5 When a worker makes a disclosure, the appropriate person within the Trust (see Point 4.1) should notify the Trust HR Director and Trust Director of Operations without delay.

4.6 For further guidance in relation to this policy and procedure, or concerning the use of the disclosure procedure generally, workers should speak in confidence to the Director of Governance.

5 Safeguards for workers making a disclosure

5.1 PIDA (1998) and the Enterprise and Regulatory Reform Act (2013) protect workers who, out of a sense of public duty, want to reveal suspected wrongdoing or malpractice. UK law allows workers to raise what it defines as a 'protected disclosure'.

To be a protected disclosure, a disclosure must relate to a specific subject matter (see Section 2.3), and the disclosure must also be made in an appropriate way (see Section 3).

A 'protected disclosure' must, in the reasonable belief of the worker making it, also be made in the public interest. A protected disclosure must consist of information and not merely be allegations of suspected malpractice.

5.2 A worker making a disclosure investigated under this procedure can expect their matter to be treated confidentially by the Trust and, where applicable, their name will not be disclosed to anyone implicated in the suspected wrongdoing, without their prior approval.

5.3 The Trust will take all reasonable steps to ensure that any report of recommendations, or other relevant documentation, produced by the Trust does not identify the worker making the disclosure without their written consent, or unless the Trust is legally obliged to do so, or for the purposes of seeking legal advice.

5.4 No disciplinary action will be taken against a worker on the grounds of making a disclosure made under this policy or procedure.

This does not prevent the Trust from bringing disciplinary action against a worker where the Trust has grounds to believe that a disclosure was made maliciously or vexatiously, or where a disclosure is made outside the Trust without reasonable grounds.

5.5 A worker will not suffer dismissal or any detrimental action or omission of any type (including informal pressure or any form of victimisation) by the Trust for making a disclosure in accordance with this policy and procedure.

Equally, where a worker is threatened, bullied, pressurised, or victimised by a colleague for making a disclosure, disciplinary action will be taken by the Trust against the colleague in question under the appropriate Trust Staff Disciplinary policy.

6 Procedure for the investigation of a disclosure

6.1 Once a potential whistleblowing disclosure has been received the appropriate individual (see Point 4.1) will seek advice and support from the Trust HR Director and undertake an initial assessment (triage) of the disclosure.

They will confirm whether it could be a protected disclosure (public interest, wrongdoing, etc.) and assess the following:

- Seriousness (e.g. safeguarding, fraud, illegality)
- Urgency (immediate risk?)

They will then decide whether to:

- Investigate internally.
  or
- Escalate (e.g. safeguarding bodies, regulators, police)

The appropriate person receiving the disclosure is under an obligation to respect the confidentiality of the worker and initiate a full investigation.

They will acknowledge the concern expressed in writing and then report in writing the outcome of the investigation and details of any proposed action to the worker (subject to third party rights).

6.2 The appropriate individual, with support and advice from the Trust HR Director, will define the scope and terms of reference for the investigation. These will be established prior to an investigation commencing and cover what allegations are being investigated and where applicable, what does not fall under the scope of the investigation.

The appropriate individual will then appoint an Investigating Officer to investigate the disclosure.

The Investigating Officer should have no previous involvement in the issue raised and be an appropriate senior manager at the academy or Trust. In sensitive cases, an academy Principal or Head may ask for a member of the Trust central team to act as investigating officer.

All allegations should be investigated expeditiously and, if possible, within **10 working days** of the allegation being made.

The complexity and gravity of the allegation, however, may necessitate a longer time scale. If so, the worker concerned will be kept updated as to the progress of the investigation by the Investigating Officer and an estimated timeframe for its conclusion.

6.3 The Investigating Officer must, as soon as possible, invite the worker to an investigation meeting to investigate his/her disclosure.

At the meeting, the worker will have the opportunity to fully explain what has happened and the Investigating Officer will have the opportunity to ask any questions and discuss any points that require further discussion.

To ensure that the worker is protected, the Investigating Officer will

- Maintain confidentiality as far as possible.
- Avoid revealing their identity unless necessary.
- Put safeguards in place as appropriate.
- Monitor for any retaliation.

6.4 Without revealing the identity of the worker, the person, or persons about whom the disclosure is made will be informed of the disclosure, its substance and the evidence supporting it. They must be allowed to respond to the allegation and provide evidence to support their position before the investigation is concluded.

6.5 The Investigating Officer should meet with any witnesses cited by either the whistleblower or the alleged wrongdoer. Notes of these meetings should be taken, and the Investigating Officer may take statements from the individuals involved.

6.6 Where there is conflicting evidence, the Investigating Officer may wish to meet with any of the individuals again to clarify and complete the investigation.

6.7 The Investigating Officer should assess the evidence and author a report summarising the findings of the investigation and reaching a conclusion on the balance of probabilities.

The Investigating Officer will determine whether the disclosure is wholly or partially substantiated or unsubstantiated.

- When a worker makes a disclosure which has sufficient substance or merit warranting further action, the academy and/or Trust will take appropriate action. Possible actions could include:
  - action taken under an appropriate Trust policy.
  - changes to process and procedure.
  - referral to the Trust's auditors.
  - referral to relevant external bodies such as the police, DfE, Ofsted, the Health and Safety Executive or the Information Commissioner's Office.

- If the investigating officer considers that the disclosure does not have sufficient merit to warrant further action, the worker will be notified in writing of the reasons for the decision and advised that no further action will be taken by the academy and/or Trust under this policy and procedure.

Considerations to be considered when making this determination may include the following:

- if the Trust is satisfied that a worker does not have a reasonable belief that suspected malpractice is occurring; or
- if the matter is already the subject of legal proceedings or appropriate action by an external body; or
- if the matter is already subject to another appropriate Trust procedure.

6.8 The identity of any person making a disclosure under this policy will be kept confidential until a formal investigation is launched. Thereafter, the identity of the person making the allegation will be kept confidential unless this is incompatible with a fair investigation, or unless there is an overriding reason for disclosure.

7 Procedure for appeal

7.1 If the worker is dissatisfied with the outcome of the investigation for either of the reasons below, they have a right to lodge an appeal:

- they believe that procedures have not been properly followed.

- they believe that the decision is one which no reasonable person could have reached.

7.2 The appellant must submit their appeal in writing with any supporting documentation to the Chair of the Trust Board or the Chair of the Audit and Risk Committee within 10 working days of receipt of the outcome of the investigation.

Appeals received outside this timeframe may be considered at the Trust's discretion where there is a valid reason for delay.

7.3 The Chair of the Trust Board or the Chair of the Audit and Risk Committee will acknowledge receipt of the appeal within 5 working days and inform the appellant of the next steps and indicative timescales.

The Chair of the Trust Board or the Chair of the Audit and Risk Committee will then review the appeal. They may:

- Examine documentation from the original investigation.
- Request further information.
- Meet with the appellant and/or Investigating Officer.

The appeal is a review of the process and outcome, not a full reinvestigation unless deemed necessary.

7.4 Following the appeal, the Chair of the Trust Board or the Chair of the Audit and Risk Committee may:

- Uphold the outcome of the original investigation.
- Partially uphold the appeal and recommend further action.
- Overturn the original outcome and require a reinvestigation.

The appellant will receive a written outcome including:

- The appeal decision.
- Reasons for the appeal decision.
- Any actions to be taken.

The Trust will aim to conclude the appeal within 20 working days of acknowledgement. Where this is not possible, the appellant will be informed of delays and revised timelines.

The appeal decision is final within the Trust's internal procedures.

7.5 If the Trust finds the disclosure to be unsubstantiated, or to have been handled in a satisfactory manner by the Investigating Officer, the worker may still pursue the matter with an external agency (normally the Regional Schools Commissioner).

This recourse should only be used when internal procedures have been exhausted.

7.6 Deliberately false, vexatious and/or malicious accusations will be dealt with under the Trust disciplinary procedures.

8 Summary of roles and responsibilities within the Whistleblowing procedure:

	If	Report to
8.1	a worker has a whistleblowing concern about **another member of staff** they should report this to:	A **senior postholder** as detailed below: • Chief Executive of the Trust • Academy Principals/Heads • Director of Governance who will follow the procedures set out in Section 6
8.2	following investigation, the worker above is not satisfied that their concerns have been appropriately addressed, they may appeal the outcome by contacting:	Either: • Chair of the Trust Board • Chair of the Audit and Risk Committee who will follow the procedures set out in Section 7

8.3	a worker has a whistleblowing concern about a **senior postholder of the Trust,** they should report this to:	Either: • Chair of the Trust Board • Chair of the Trust Audit and Risk Committee who will follow the procedures set out in Section 6

8.4	the decision arrived at in Section 6 means the worker still remains dissatisfied with the outcome, they have a right of appeal as detailed in Section 7. This appeal **must be** submitted to:	Either: • Chair of the Trust Board • Chair of the Trust Audit and Risk Committee who will then appoint an independent person to hear the appeal as detailed in Section 7

9 Disclosure to external bodies

9.1 This policy and procedure have been implemented to allow workers to raise disclosures internally within the Trust.

A worker has the right to make a disclosure outside of the Trust where there are reasonable grounds to do so and in accordance with the law.

https://www.gov.uk/whistleblowing

9.2 Workers may make a disclosure to an appropriate external body prescribed by the law.

This list of 'prescribed' organisations and bodies can be found in information on the GOV.UK website:

https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2

8.3 Workers can also make disclosures on a confidential basis to a practising solicitor or barrister.

8.4 ACAS provide advice on whistleblowing at https://www.acas.org.uk/whistleblowing-at-work

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

https://www.nspcc.org.uk/keeping-children-safe/reporting-abuse/dedicated-helplines/whistleblowing-advice-line/

Workers can call 0800 028 0285 or email: help@nspcc.org.uk

8.5 If a worker seeks advice outside of the Trust, they must be careful not to breach any confidentiality obligations or damage the Trust's reputation in so doing.

9 Accountability

9.1 The Trust HR Director will keep a record of all concerns raised under this policy and procedure (including cases where the Trust deems that there is no case to answer and therefore that no action should be taken) and will report to the Trust Audit and Risk Committee on an annual basis as appropriate.

10 Further assistance for workers

10.1 A worker making a disclosure may want to confidentially request counselling or other support from the Trust's occupational health service. Any such request for counselling or support services should be addressed to the Trust's HR Director. Such a request would be made in confidence.

10.2 Workers can also contact the charity 'Protect' (formerly known as 'Public Concern at Work') for confidential advice on whistleblowing issues.

Protect
Speak up, stop harm

Contact details are as follows:

The Green House
244-254 Cambridge Heath Road
London E2 9DA

Free, confidential whistleblowing advice line: 020 3117 2520
Mon, Tue, Thur: 9:30am – 1pm, 2pm – 5:30pm.
Wed, Fri: 9:30am – 1pm

Website: https://protect-advice.org.uk/

Protect advice e-mail: whistle@protect-advice.org.uk

11 Equality Impact

11.1 The Trust's responsibilities towards promoting equality, diversity and inclusion have been considered when drafting this policy.