

# Excel Learning Trust

---

## Whistleblowing Policy

Approved by Trustees:	December 2024
Version:	3.0
Review Timetable:	3 years
Renewal Date:	June 2027
Union Consultation:	May 2024

---

### 1. INTRODUCTION AND DEFINITION

- 1.1 Excel Learning Trust is proud of its track record of probity and high ethical standards. However, the Trust acknowledges that it must not be complacent and recognises that serious wrongdoing can occur. It is possible that a member of staff may, at some point, have concerns about what is happening at work.
- 1.2 Whistleblowing is the term used when a worker passes on information concerning wrongdoing. It is legally known as ‘making a disclosure in the public interest’.
- 1.3 The type of concerns around wrongdoing which would be issues that would be covered by whistleblowing law and which are qualifying disclosures include:
- A criminal offence
  - A miscarriage of justice
  - A breach of a legal obligation by an organisation
  - Health and safety risks, including those to the public as well as other employees and pupils
  - Damage to the environment
  - A belief that somebody is covering up wrongdoing in relation to the above
- 1.4 To be covered by whistleblowing law (the Public Interest Disclosure Act 1998), somebody who makes a disclosure must reasonably believe the following:
- That they are acting in the public interest

- That the disclosure and any information/allegations contained within the disclosure is substantially true

1.5 It is not necessary for there to be proof that the concern which prompted the whistleblowing is being or has been committed; reasonable belief is sufficient. It is the Trust's responsibility to ensure that investigation into the concern takes place.

1.6 If a member of staff has a concern or personal grievance in relation to their own employment, this is not covered by whistleblowing law unless their particular case is in the public interest. Employees should refer to the Trust's Grievance Policy and Procedure in the case of personal grievances. The Grievance Policy is available from the school's Business Manager or via the MAT policies folder on the v:drive.

1.7 Linked policies and documents to the Whistleblowing Policy include:

- Code of Conduct
- Grievance Policy and Procedure
- Health and Safety Policy
- Disciplinary Policy and Procedure
- Anti-Fraud, Bribery and Corruption Policy
- Academy Trust Handbook

## **2. PURPOSE & SCOPE**

2.1 The Trust recognises the importance of creating a culture where any instances of wrongdoing, which might take place within individual schools or across the Trust, can be reported.

2.2 This policy is brought to the attention of all staff during their induction process and is available from the school's Business Manager or via the MAT policies folder on the v:drive. This policy is also published on the Trust's website.

2.3 This policy applies to all employees of the Trust. It also applies to any other people working for the Trust or its schools, such as agency staff and consultants. Governors may also raise concerns through this policy.

2.4 It is possible that contractors who work for the Trust or individual schools may come across matters which cause them concern and which relate to the actions of the school or its employees. Contractors are invited to follow the procedures set out in this policy and are assured that they will not suffer any form of retribution for having raised a genuine concern, even if it proves to be unfounded.

- 2.5 The Trust wants all parties to feel able to raise any concerns about any such malpractice at an early stage and in the right way. In other words, it is important to raise the matter when it is just a concern rather than wait for proof.
- 2.6 This Whistleblowing Policy is primarily for concerns where the interests of the Trust, or of a relevant other party, are at risk and there is a public interest in such a disclosure being made.
- 2.7 It is good practice to seek to raise the concern initially with a senior member of staff, so that the Trust has an opportunity to respond internally and resolve the concern, since it may be the case that senior staff are unaware of the issue. Where the concern relates directly to a senior member of staff, this may not be appropriate.
- 2.8 It may be that a complaint has an effect both on the individual employee and to the Trust, e.g. if a teacher was told to take an excessive number of students on a school trip without the appropriate staffing levels, then this would affect them as an individual and also create an unacceptable risk to the Trust. In such cases, it is better to raise a concern than to ignore it until something has gone wrong.

### **3. THE TRUST'S ASSURANCES TO YOU**

#### **3.1 Your safety:**

The Trust is committed to this policy. If you raise a genuine concern under this policy (even if it proves to be mistaken) you will not be at risk of losing your job or suffering any form of detriment or retribution as a result. Not only is the Trust committed to this, but you also have legal protection under the Public Interest Disclosure Act 1998. This protection does not apply to someone who maliciously raises a matter they know is untrue. If an investigation finds an allegation has been made frivolously, maliciously or for personal gain, disciplinary investigation and action in line with the Trust's Disciplinary Policy is likely to be taken.

- 3.2 **Your confidence:** We will not tolerate the harassment or victimisation of anyone raising a genuine concern. Disciplinary investigation and action may be taken against those who victimise a person reporting a concern.

- 3.3 **Confidentiality:** It is preferable that concerns are raised openly (i.e. not anonymously) as this will make it much easier to resolve any issues. However, there is a right to raise a concern in confidence under this policy. If a request is made to protect your identity by keeping your confidence, we will not normally disclose it without your consent. If the situation arises where we are not able to resolve the concern without revealing your identity (for instance because your evidence is needed in court) we will discuss with you whether and how we can proceed. Despite your request for confidentiality, there may be circumstances therefore, where the investigation must disclose your

identity.

3.4 **Anonymous disclosures:** Remember that if you do not reveal who you are, it will be much more difficult for the Trust to look into the matter, or to protect your position, or to give you feedback. Accordingly, while we will consider anonymous reports where appropriate, this policy is not well suited to concerns raised anonymously.

3.5 Concerns expressed anonymously are much less powerful but they may be considered at the discretion of the Trust. In exercising this discretion the factors to be taken into account would include:

- the seriousness of the issue raised
- the credibility of the concern, and
- the likelihood of confirming the allegation from other sources

#### **4. HOW THE MATTER WILL BE HANDLED**

4.1 Once you have raised your concern, it will be looked into to assess initially what action should be taken. This may involve an internal inquiry or a more formal investigation. We will confirm in writing who is handling the matter, how you can contact them and whether your further assistance may be required

4.2 When you raise your concern, you may be asked how you think the matter might best be resolved. If you do have any personal interest in the matter, we ask that you tell us at the outset. If your concern falls more properly within another policy we will tell you.

4.3 While the purpose of this policy is to enable us to investigate possible wrongdoing and take appropriate steps to deal with it, we will give you as much feedback as we properly can and confirm this in writing. Please note, however, that we may not be able to tell you the precise action we take where this would infringe a duty of confidence owed by us to someone else.

#### **5. HOW TO RAISE A CONCERN**

5.1 Concerns may be raised with the Trust orally or in writing. You may also wish to seek advice from your trade union representative in the first instance. Whether a written or oral report is made, it is important that relevant information is provided covering:

- Your name and a contact number or email. As previously referenced, it will be more difficult for the Trust to pursue issues if concerns have been raised anonymously
- The background and history of the concern (giving relevant dates and names and positions of those who may have contributed to or potentially witnessed your concern)

- The reason why you are particularly concerned about this situation

5.2 You may be accompanied by your trade union representative or a colleague at any meetings or interviews in connection with the whistleblowing concerns you have raised. You will be given at least 10 working days' notice of the date of any meetings.

## 6. HOW TO REPORT A CONCERN INTERNALLY

6.1 **Step One:** If you have a concern about wrongdoing within your school, please raise it first with the Principal/Head of School. They will consider the nature of your concerns and decide on the most appropriate course of action.

6.2 **Step Two:** If you feel unable to raise the matter within the school, or if your concern relates to the Principal/Head of School or is a Trust-related concern, you can contact the Director of HR or CEO via the Trust's Executive Assistant on [z.french@elt.org.uk](mailto:z.french@elt.org.uk)

6.3 **Step Three:** If your concern relates to the CEO, or you feel uncertain about who to raise your concern with, you may wish to share your concern with the nominated Trust Board members for whistleblowing concerns; the Chair of the Trust Board and/or the Vice Chair of the Trust Board. They can be contacted via the Trust's independent clerk, on [clerk@elt.org.uk](mailto:clerk@elt.org.uk).

## 7. HOW TO REPORT A CONCERN EXTERNALLY

7.1 While the aim of this policy is to provide employees with the reassurance they need to raise matters internally, we would rather you raised a matter with the appropriate regulator than not at all.

7.2 Provided you have a genuine concern and are acting in the public interest you can also contact:

The Audit Commission: 0303 444 8346 or <a href="http://www.audit.commission.gov.uk">www.audit.commission.gov.uk</a>
Health & Safety Executive: 0300 003 1647 or <a href="http://www.hse.gov.uk/contact/whistleblowers">www.hse.gov.uk/contact/whistleblowers</a>
Protect: 020 3117 2520 or <a href="http://www.protect-advice.org.uk/contact-protect-advice-line">www.protect-advice.org.uk/contact-protect-advice-line</a>
Ofsted: 0300 123 3155 or <a href="mailto:whistleblowing@ofsted.gov.uk">whistleblowing@ofsted.gov.uk</a>
Ofqual: 0300 303 3344 or <a href="mailto:whistleblowing@ofqual.gov.uk">whistleblowing@ofqual.gov.uk</a>
Secretary of State for Education: 0370 000 2288 or <a href="http://www.gov.uk/contact-dfe">www.gov.uk/contact-dfe</a>
ACAS: 0300 123 1100 or <a href="http://www.acas.org.uk">www.acas.org.uk</a>
HMRC: 0800 788 887 or <a href="http://www.gov.uk/government/organisations/hm-revenue-customs">www.gov.uk/government/organisations/hm-revenue-customs</a>
Financial Conduct Authority: 020 7066 9200 or <a href="mailto:whistle@fca.org.uk">whistle@fca.org.uk</a>
Environment Agency: 03708 506 506 or <a href="http://www.gov.uk/government/organisations/environment-agency">www.gov.uk/government/organisations/environment-agency</a>
Serious Fraud Office: <a href="http://www.sfo.gov.uk/contact-us">www.sfo.gov.uk/contact-us</a>

7.3 You can also contact your legal advisor or your MP.

7.4 The above bodies can also be contacted if you are dissatisfied with the Trust's response to your whistleblowing concern.

## **8. INDEPENDENT ADVICE**

8.1 If you are unsure whether to use this policy or you want independent advice at any stage, you may contact the independent whistleblowing charity Protect on 020 3117 2520 or at [www.protect-advice.org.uk/contact-protect-advice-line](http://www.protect-advice.org.uk/contact-protect-advice-line). They can provide you with free confidential advice at any stage about how to raise a concern about serious wrongdoing at work.

If applicable, you can also contact your trade union or professional association for advice.

## **9. RESPONSIBILITY FOR THIS POLICY**

9.1 The Board of Trustees has overall responsibility for this policy, and for reviewing the effectiveness of any actions taken in response to concerns raised under this policy.

9.2 All staff are responsible for ensuring that they use this policy to disclose any suspected danger or wrongdoing.