

Whistleblowing Policy

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1. Introduction

Rayleigh Schools Trust is committed to the highest standards of openness, integrity, and accountability. All employees, workers, governors, trustees, and volunteers are encouraged to raise genuine concerns about wrongdoing at work without fear of reprisal.

This Whistleblowing Policy outlines the process for reporting concerns that are in the public interest, such as suspected malpractice, fraud, safeguarding failures, or other serious misconduct.

The Trust recognises that individuals are often the first to identify issues and plays a vital role in maintaining a safe, lawful, and ethical environment for pupils, employees, and the wider community.

Concerns raised under this policy will be treated seriously, investigated appropriately, and handled with confidentiality. Whistleblowers will be protected from detriment, in accordance with the Public Interest Disclosure Act 1998.

2. Principles

- The Trust promotes a culture of openness and transparency where employees feel confident to raise concerns without fear of retaliation.
- All whistleblowing concerns will be taken seriously, treated sensitively, and investigated appropriately.
- No whistleblower will suffer any detriment for raising a concern in good faith, even if it proves to be unfounded.
- The Trust is committed to protecting individuals who raise concerns and to addressing wrongdoing to uphold ethical and legal standards.
- Malicious or knowingly false allegations may result in disciplinary action.

3. Purpose & Scope

The purpose of this policy is to provide a clear framework for raising serious concerns about wrongdoing in the public interest. It is designed to ensure individuals can report such concerns safely and without fear of reprisal.

This policy applies to all employees, workers, governors, trustees, volunteers, and contractors working within or on behalf of the Trust.

It covers concerns that fall outside of standard grievance or complaints procedures, including (but not limited to):

- Criminal activity or fraud
- Misuse of public funds
- Safeguarding failures
- Health and safety risks
- Bribery or corruption
- Unethical or improper conduct
- Attempts to conceal any of the above

Concerns raised that relate to personal employment matters (e.g., bullying, line management concerns, contract terms) should be dealt with under the relevant Grievance or Bullying & Harassment policies.

4. Roles & Responsibilities

- All employees and workers are encouraged to report genuine concerns and will be supported throughout the process.
- Line managers should listen to concerns raised and refer them appropriately in line with this policy.
- The Headteacher is responsible for ensuring the policy is communicated and followed in their school.
- The CEO and/or Chair of Trustees will consider more serious concerns, particularly those involving senior leaders or systemic issues.
- The Trust Board has overall responsibility for the effectiveness of this policy and ensuring concerns are acted upon fairly and appropriately.
- HR will provide advice, ensure compliance with legal protections, and monitor the use of the policy across the Trust.

5. Monitoring & Review

This policy will be monitored to ensure concerns are handled fairly, promptly, and consistently. Anonymised data on whistleblowing cases may be reported to the Trust Board to identify trends or areas for improvement.

A formal review of this policy will take place once a year unless there is a significant change in relevant legislation or Trust requirements which triggers an earlier review.

6. Public Interest Disclosure Act 1998

Under the Public Interest Disclosure Act 1998 (PIDA), employees and workers are legally protected when they raise genuine concerns in the public interest about serious wrongdoing, known as “qualifying disclosures.” Although volunteers and other individuals engaged to work at or provide services to the school, including agency workers and contractors, are not always covered by PIDA, they are encouraged to raise concerns under this policy.

To be protected under this legislation, individuals must reasonably believe that the concern falls into one or more of the following categories:

- A criminal offence has been, is being, or is likely to be committed.
- There has been, or is likely to be, a breach of legal obligations.
- There is, or is likely to be, a danger to health and safety.
- There has been a miscarriage of justice.
- The environment is being, or is likely to be, damaged.
- Information about any of the above is being deliberately concealed.

In the context of a school or Trust setting, qualifying disclosures may include, but are not limited to:

- Fraud or misuse of public funds.
- Serious safeguarding concerns.
- Breaches of statutory or ethical responsibilities.

- Health and safety risks to employees or pupils.
- Conduct that falls significantly below the standards expected within the Trust.

Individuals do not need to have conclusive evidence to raise a concern. A reasonable belief that wrongdoing has occurred or is likely to occur is sufficient.

For the purposes of this policy, an individual raising a concern is referred to as a whistleblower.

7.Raising a Concern/Making a Disclosure

Initial Concern

The Board encourages the whistleblower to raise the matter internally in the first instance. Concerns should normally be raised with a senior manager, the headteacher or the Chair of Trustees.

Members of the school community are particularly reminded of their obligation to report all safeguarding concerns immediately and as set out in the school's Safeguarding Policy and Code of Conduct.

If the whistleblower considers the matter too serious or sensitive to raise internally, they may refer the matter to an external prescribed body.

A prescribed body is an organisation, normally with some regulatory function, for example the Health and Safety Executive (HSE), which is prescribed by the Secretary of State for the purposes of the Public Interest Disclosure Act to who an individual may make a protected disclosure. Any such disclosure to a prescribed body will qualify for protection under the Act. A list of prescribed bodies is available at the following link:

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

If the whistleblower feels a disclosure should be referred to an external prescribed body, some of the relevant bodies are also set out below:

Nature of disclosure:	External reporting/Prescribed body:
Fraud or financial malpractice	Education & Skills Funding Agency https://www.gov.uk/government/organisations/education-and-skills-funding-agency
Child Protection/ Safeguarding issues	Local Authority Designated Officer (LADO) lado@essex.gov.uk / 03330 139 797 NSPCC Whistleblowing helpline: 0800 028 0285 Email: help@nspcc.org.uk
Data protection issues	Information Commissioner https://ico.org.uk/
Health and Safety issues	Health and Safety Executive http://www.hse.gov.uk/

If a concern is raised verbally, it should be followed up in writing wherever possible.

The whistleblower has no responsibility for investigating the matter as it is the school's responsibility to ensure that an appropriate investigation takes place.

Where the complaint is serious, for example involving fraud, theft, or other potential gross misconduct by an employee, the whistleblower should act quickly to report it but should not mention it to the subject of the complainant or other colleagues as this could affect the investigatory process.

The timescales for handling disclosures will differ depending on the nature of the disclosure made but all disclosures, whether formal or informal, will be acknowledged as promptly as possible, and ideally within 2 working days.

8. Investigation

The senior manager, Headteacher, or Chair of Trustees will arrange an investigation into the matter either by investigating the matter themselves or immediately passing the concern to an appropriate person, except where they are the subject of the disclosure whereby an alternative, suitable person will be appointed. The investigation may involve the whistleblower and other individuals involved providing a written statement. Any investigation will be undertaken promptly and confidentially.

If a whistleblower wishes to remain anonymous this should be raised with the person to whom the initial disclosure is made. In some cases, this may be possible but in more serious cases where disciplinary action may have to be taken against others, this may be more difficult. The school is committed to protecting the wellbeing of the whistleblower whilst this policy is followed.

The whistleblower's statement (where available) will be taken into account, and they will be asked to comment on any additional evidence obtained. The person responsible for the investigation may ask the whistleblower to attend a meeting to gather all the information needed to ensure a clear understanding of the situation.

Where a meeting is held, the whistleblower will be permitted to be accompanied by a trade union representative or work colleague if they wish and where possible the dates/times will be agreed to facilitate this, or in the case of a third party, by an appropriate person (e.g. friend, family, colleague). Legal professionals will not normally be allowed to attend such meetings.

9. Investigation Outcome

The person who carried out the investigation will take any necessary action, which may include reporting the matter to the Headteacher/appropriate Manager/Chair of Trustees or an appropriate prescribed body, if this has not already taken place.

On conclusion of any investigation, the whistleblower will be told the outcome of the investigation in as much detail as is deemed appropriate in the circumstances, and what action is to be taken or is proposed. If no action is to be taken, the reason for this will be explained.

Where concern is raised anonymously, the school will not ordinarily be able to provide feedback to the whistleblower and any action taken as a result of an anonymous disclosure may be limited. The school will take all appropriate steps to investigate such a disclosure in line with the level of information provided. If an anonymous whistleblower wishes to seek feedback from the school, an appropriate anonymised email address should be provided.

10. Further Action

Where having raised an initial concern and the whistleblower has a genuine belief that the school has failed to take appropriate action or investigate the issue properly and they wish to pursue the matter further, they may report their concern to the Headteacher/Chair of Trustees or in exceptional circumstances, to an appropriate prescribed body, if this has not already been reported.

The Headteacher/Chair of Trustees may arrange for further investigation to be carried out, make any necessary further enquiries and/or make their own report. On the conclusion of any further investigation, they will take appropriate action which may include reporting the matter to a prescribed body if this has not taken place at an earlier stage in the process.

Should the whistleblower remain dissatisfied with the management of the concern, they are entitled to raise the matter with an appropriate prescribed body, ensuring they follow any relevant requirements for protected disclosures.

11. Other Issues

Concerns Raised by Member of the Public

Where complaints are received from members of the public, the school's formal complaints procedure will be followed, unless the complaint relates to the specific conduct or performance of an individual employee in which case the Disciplinary Procedure may need to be instigated.

Criminal Issues/Fraud

In the event of the allegation being of a very serious nature, for example relating to fraud or other potential gross misconduct offence, there may be a need to involve the school's auditors and/or the police or other appropriate authorities. This should normally be agreed initially by the Headteacher/Chair of Trustees who should, in turn, and where appropriate, keep the Local Authority informed in view of any possible implications concerning public monies.

The school must notify the Secretary of State via the Education & Skills Funding Agency of any instances of fraud, theft or irregularity where the value exceeds £5,000 individually, or £5,000 cumulatively in any financial year. Any unusual or systematic fraud, regardless of value, must also be reported.

12. Protecting Whistleblowers

Any whistleblowers who make protected disclosures in line with this procedure have the right not to be dismissed, subjected to any other detriment, or victimised, because they have made a disclosure. This means continued employment and opportunities for promotion or training will not be affected because the whistleblower has raised a legitimate concern.

Any form of discrimination or victimisation against a whistleblower for raising a genuine concern is strictly prohibited and may also contravene the Equality Act 2010. Whistleblowers should report any harassment or victimisation to an appropriate manager as soon as practicable. The school will take all reasonable steps to prevent/address such harassment or victimisation. Victimisation of a whistleblower for making a protected disclosure will be considered a disciplinary matter and will be dealt with under the Disciplinary Procedure.

Whistleblowers may find the process of reporting a concern/wrongdoing difficult and uncomfortable. The school will take all reasonable steps to support the whistleblower which may include access to an external counselling service. The whistleblower may also be referred to the charity Protect (previously known as Public Concern at Work) <https://protect-advice.org.uk/> for information and advice.

13. Malicious Allegations/Disclosures

If, following appropriate investigation, it is considered that an employee has made a malicious allegation without real substance and/or which could not be reasonably considered to be in the public interest; this will be taken as a serious matter and may potentially lead to disciplinary action in line with the Disciplinary Procedure.

For the purposes of this policy, 'malicious' means knowingly making a false statement or acting in bad faith with the intent to harm another individual or the organisation.

Where other individuals engaged by the school make a malicious allegation, the school will investigate the allegation thoroughly and take appropriate action, which may include terminating the contract/arrangements with the individual.

If disciplinary action is required, the person who carried out the investigation will report the matter to HR to start the disciplinary procedure.

If a third party has made a malicious allegation the Board may take legal advice about steps open to it where appropriate.

14. Data Protection

When an individual makes a disclosure, the Trust will process any personal data collected in accordance with the Data Protection Policy and General Data Protection Regulation (GDPR) and the Data Protection Act 2018. Data collected from the point at which the individual makes the disclosure is held securely and accessed by, and disclosed to, individuals only for the purposes of dealing with the disclosure.

15. Employee Assistance Programme (EAP)

If any employee feels that these matters are affecting their health or wellbeing, we encourage them to speak to their line manager, a trusted colleague, or HR, who can provide support. In addition, our commitment to employee welfare includes access to our Employee Assistance Programme (EAP).

The EAP provides a confidential support network available 24/7, offering expert advice and compassionate guidance on a wide range of personal and work-related issues. The service offers not only reactive support when needed, but also proactive and preventative support to deliver the best possible outcomes.

All colleagues can access the service by calling 08000 856 148.

More information can also be found in the People Hub.

Appendix A – Whistleblowing Process Flowchart

