Whistleblowing Policy

Version 6

This policy has been implemented after consultation with relevant recognised trade unions.

This policy applies to all NCLT settings.

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1.0 Introduction and Scope of the Policy

1.1 New Collaborative Learning Trust (NCLT) is committed to the highest possible standards of openness, probity and accountability. The Trust supports a 'speak-up' culture and staff are encouraged to come forward and express any concerns without fear of victimisation, subsequent discrimination or detriment. Concerns should not simply be ignored.

1.2 This policy aims to:

- Encourage individuals affected to report suspected wrongdoing as soon as possible in the knowledge that their concerns will be taken seriously and investigated, and that their confidentiality will be respected.
- Let all staff in the Trust know how to raise concerns about potential wrongdoing in or by the Trust, including providing multiple accessible reporting channels.
- Set clear procedures for how the Trust will respond to such concerns, ensuring that staff know that concerns raised by whistleblowers will be responded to promptly and fairly.
- Let all staff know the protection available to them if they raise a whistleblowing concern.
- Assure staff that they will not be victimised for raising a legitimate concern through the steps set out in the policy, even if they turn out to be mistaken (though vexatious or malicious concerns may be considered a disciplinary issue).
- Ensure staff know that they are protected by law and that a non-disclosure agreement, confidentiality clause or 'gagging clause' in a settlement agreement or employment contract cannot stop them from making a protected disclosure in the public interest.
- Ensure staff know that appropriate corrective action will be taken where wrongdoing is found.

1.3 This policy does not form part of any employee's contract of employment and may be amended at any time.

1.4 This policy applies to all employees and trustees. Other workers, including consultants, contractors, agency staff and those on work placements, are also encouraged to use it.

2.0 Definition of Whistleblowing

2.1 Whistleblowing covers concerns made that report wrongdoing that is "in the public interest".

2.2 Examples of whistleblowing include (but are not limited to):

- Criminal offences, such as fraud or corruption.
- Students' or staff health and safety being put in danger.
- Failure to comply with a legal obligation or statutory requirement.
- Breaches of financial management procedures.

- Sexual harassment (in effect from 6 April 2026).
- Attempts to cover up the above, or any other wrongdoing in the public interest.
- Creating or ignoring a serious risk to health, safety or the environment.

2.3 A whistleblower is a person who raises a genuine concern relating to the above. These concerns should be reported under this policy.

2.4 Not all concerns about the Trust, or individual schools/colleges in 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 (see Grievance Procedure or Anti-Bullying and Harassment Procedure).

If a complaint involves personal circumstances alongside wider concerns (eg, student health and safety), the staff member must consult with Human Resources to decide the most appropriate reporting procedure.

3.0 Public Interest Disclosure

3.1 It is clearly established in law (Public Interest Disclosure Act 1998) that the disclosure of confidential information in the public interest is a lawful act and that individuals can raise concerns without fear of victimisation, subsequent discrimination or detriment from their employer and other employees, providing that the claimant has followed the stages of this policy, has acted in the interest of the public and not for personal gain or out of personal motives.

3.2 A disclosure will usually be in the public interest where the concern goes beyond the individual making the report and relates to a wider risk, pattern of behaviour, or potential impact on others. This may include concerns about repeated or systemic sexual harassment, or failures to prevent or address such behaviour.

3.3 A disclosure does not need to be proved, only reasonably believed.

3.4 A disclosure can still qualify as protected even if it affects a small group (such as team level harassment).

3.5 Disclosure to the media is not encouraged and will not normally be legally protected.

4.0 Protection from Detriment

4.1 No individual making a protected disclosure, including disclosures about sexual harassment, will suffer any form of detriment, including:

- Dismissal, which will be treated as automatically unfair where linked to the disclosure.
- Disciplinary action.
- Negative performance action, such as career blocking, exclusion, withholding of training or advancement opportunities etc.

4.2 Subjecting an individual to detriment as a result of raising a concern under this policy will not be tolerated and will be dealt with as a disciplinary matter. An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, workers should not agree to remain silent.

4.3 These protections apply irrespective of the person's length of service.

4.4 Protection covers witnesses and third parties, not just victims.

5.0 Procedure for Staff to Raise a Whistleblowing Concern

5.1 It is important staff raise any concerns as early as possible, to enable us to take action whilst the facts and details can be more easily recalled, helping us investigate the matter fully.

5.2 Staff should report their concern to the Headteacher/Principal (or the Chief Operating Officer (COO) in the case of Central Trust staff). If the concern is about the Headteacher/Principal/COO, or it is believed they may be involved in the wrongdoing in some way, the staff member should report their concern to the Chief Executive Officer (CEO) in the first instance (or to the Chair of the Board of Directors if the concern relates to the CEO).

5.3 Upon receipt of a whistleblowing concern, the Headteacher/Principal/COO must notify their HR Representative who can support with the process and ensure a log is kept of all concerns raised under this policy.

5.4 Concerns should be made in writing wherever possible. However, in order to encourage reporting, alternative accessible ways to report include via the 'Speak Up' link on the Trust SharePoint page – anonymously or otherwise (please see section 10 of this policy) or via the HR Representative on email, in person or by telephone.

5.5 Although individuals are not expected to prove beyond doubt the truth of an allegation, they will need to demonstrate that there are reasonable grounds for concern. It would be useful to provide relevant information where possible, such as:

- the background and history to the case
- the reason why the employee is particularly concerned
- any specific details available including names, date, times and places
- details of any particular conversation that supports the concerns
- copies of any documents that the employee may have relating to the matter
- details of personal interest that the employee may have in the matter
- how the employee thinks that things may be put right, if possible.

5.6 Staff are encouraged to give their name when reporting an allegation, to help the Trust take the investigation further. However, a complainant's right to anonymity will be respected.

5.7 A proper investigation may be more difficult or impossible if further information cannot be obtained from the staff member. This will also make it more difficult to establish whether any allegations are credible.

6.0 Trust Procedure for Responding to a Whistleblowing Concern

6.1 When a concern is received by the recipient (as identified above) they will:

- Send a confidential written acknowledgement to the complainant within 5 working days of receipt of the complaint.
- Make initial enquiries to decide whether an investigation is appropriate and if so, what form it should take. Some concerns may be resolved by agreed action without the need for investigation.
- Meet with the person raising the concern within 10 working days of the receipt of the complaint. The person raising the concern may be joined by a trade union representative.
- Get as much detail as possible about the concern at this meeting and record the information. If it becomes apparent that the concern is not of a whistleblowing nature, the recipient should handle the concern in line with the appropriate policy/procedure.
- Reiterate, at this meeting, that they are protected from any unfair treatment or risk of dismissal as a result of raising the concern. If the concern is found to be malicious or vexatious, disciplinary action may be taken.
- Establish whether there is sufficient cause for concern to warrant further investigation. If there is:
  - The recipient should then conduct further investigation into the matter, if appropriate. In some cases, and following advice from HR, they may need to bring in an external, independent body to investigate. In others, they may need to report the matter to the police.
  - The person who raised the concern should be informed of how the matter is being investigated and an estimated timeframe for when they will be informed of the next steps/final outcome.
- Explain to the complainant the reasons why, if no further investigations will take place.

6.2 Throughout any investigation, the Trust will provide wellbeing check-ins for both the complainant and the subject(s) of a concern. Where appropriate, support and signposting to manage expectations, protect emotional wellbeing and maintain professional confidence will be offered.

6.3 All correspondence regarding the concern raised will be sent to the complainant's home address or personal email address, not via internal channels, unless otherwise agreed.

6.4 Once the investigation is complete, the investigating person(s) will prepare a report detailing the findings and confirming whether or not any wrongdoing has occurred. The report will include any recommendations and details on how the matter can be rectified and whether or not a referral is required to an external organisation or police (where there is evidence of criminal activity).

6.5 They will inform the person who raised the concern of the outcome of the investigation, though certain details may need to be restricted due to confidentiality.

6.6 Beyond the immediate actions, the CEO, trustees and other staff, if necessary, will review the relevant policies and procedures to prevent future occurrences of the same wrongdoing.

6.7 While we cannot always guarantee the outcome sought, we will try to deal with concerns fairly and in an appropriate way.

7.0 Malicious or Vexatious Allegations

7.1 Staff are encouraged to raise concerns when they believe there to potentially be an issue. If an allegation is made with the reasonable belief that the disclosure is in the public interest and meets the definition of whistleblowing as listed in this policy, but the investigation finds no wrongdoing, there will be no disciplinary action against the member of staff who raised the concern.

If, however, an allegation is shown to be deliberately invented or malicious, the Trust will consider whether any disciplinary action is appropriate against the person making the allegation.

8.0 Request for Review / Escalating Concerns Beyond the Trust

8.1 If an individual is not satisfied with the way in which their concern has been handled as they believe:

- evidence was overlooked, and/or
- the process was flawed

they can request a review by writing to the Trust Governance Manager.

8.2 A review will be escalated to the Board of Directors or the Audit Committee who will review the matter themselves or appoint an independent senior manager or an external party, where relevant.

8.3 If the Trust procedure has been exhausted and the allegation(s) found to be unsubstantiated, individuals have the right to raise the matter directly with a 'prescribed person' – the list can be found here.

They may also contact the Department for Education: https://www.gov.uk/guidance/blowing-the-whistle-to-the-department-for-education

8.4 The Trust encourages staff to raise their concerns internally, in line with the procedure in this policy before taking their concerns outside the organisation.

9.0 Confidentiality

9.1 All disclosures will be handled as confidentially and sensitively as possible.

9.2 Nothing in this policy, or in any other agreement (such as a confidentiality clause), prevents a worker from making a **protected disclosure**, including in relation to sexual harassment.

9.3 All investigations, papers, reports, witness statements and subsequent outcomes will be dealt with in the strictest of confidence and shared only on a need-to-know basis.

10.0 Anonymous Reports

10.1 Individuals may raise concerns anonymously, although this may affect the Trust's ability to fully investigate the matter.

10.2 This policy encourages individuals to put their name to an allegation whenever possible. Concerns expressed anonymously are much less powerful and will 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
- whether the allegations pertain to other policies and therefore should be dealt with in accordance with alternative procedures (such as Safeguarding).

10.3 Anonymous allegations also make it difficult for us to provide the whistleblower with any feedback, where appropriate.

10.4 We will take all reasonable steps to maintain the confidentiality of the whistleblower where it is requested (unless we are required by law to break that confidentiality, such as by a court order). However, it must be appreciated that the investigation process may reveal the source of the information without us revealing the whistleblower's identity directly and in some circumstances a statement by the whistleblower may be required as part of the evidence.

11.0 Equality, Monitoring and Review

11.1 All stages of the policy will operate in accordance with the Equality Act 2010. Records of all concerns raised under this policy will be kept, along with outcomes and actions taken. Data will be analysed to identify trends and risks. Lessons learned will inform organisational improvements.

12.0 Related Policies

Anti-bullying and Harassment Policy
Grievance Policy
Disciplinary Policy
Financial Regulations
Staff Code of Conduct
Safeguarding Policy