WHISTLEBLOWING

Learning Academies Trust

Version:	Version 4		
Approved by:	LAT Trust Board	Ratified date:	22 June 2026

LEARNING ACADEMIES TRUST

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CHANGES

Policy date	Summary of change	Author	Version	Review date
01/01/2024	Policy has been reviewed, no procedural changes.	Amy Bosworth HR Lead & Business Partner	3.0	01/01/2026
01/06/2026	Policy updated to include and capture sexual harassment	Amy Bosworth HR Lead & Business Partner	4.0	01/06/2028

1. WHAT IS 'WHISTLEBLOWING'?

Whistleblowing inside the work place is the term used to describe reporting by employees or ex-employees, of wrongdoing on the part of management, the Learning Academies Trust Board, the Local Governing Body or by fellow employees. Wrongdoing may include for example, fraud, corruption, malpractice, sexual harassment (occurred or likely to occur), breach of health and safety law, any other illegal or unethical act or breaches of the Trust Code of Conduct. Employees may, for this purpose include, for example, contractors and agency workers.

2. PROTECTING THE WHISTLEBLOWER

Under the Public Interest Disclosure Act 1998 a Whistleblower is protected from detriment and unfair dismissal. The Trust will support and not discriminate against concerned employees who apply the Whistleblowing procedure, provided any claim is made in good faith.

3. USING THE WHISTLEBLOWING POLICY

3.1 WHEN SHOULD THE WHISTLEBLOWING POLICY BE USED?

If an employee has concerns about wrongdoing at the Trust and feels that those concerns are sufficiently serious to require reporting, this procedure outlines what should be done.

Each individual member of staff should feel able to speak freely on such matters. However, the Trust and colleagues have the right to protect themselves against unfounded false or malicious accusations.

Whistleblowing should only be used when the party implementing the procedure (Representor) has reasonable grounds for believing that a serious offence has been or may be committed. It must never be used without good grounds, falsely or maliciously.

3.2 WHEN IS THE WHISTLEBLOWING POLICY NOT APPROPRIATE?

Whistleblowing is not appropriate for dealing with issues between an employee and the Trust which relate to the employee's own employment or rights or employment conditions generally. Alternative dispute resolution procedures for that purpose are outlined in the employment terms and conditions.

Whistleblowing is not appropriate for dealing with pupil complaints, which will be dealt with under separately published procedures.

Whistleblowing is not appropriate to specific cases of child safety or safeguarding which will be dealt with under the procedures specified in that connection. If any staff member has concerns that a pupil is being dealt with unfairly in school, they should raise their concern, in the first instance with the Headteacher or the Designated Safeguarding Lead and refer to the Child Protection & Safeguarding Policy.

4. THE PROCEDURE

Any issue raised will be kept confidential while the procedure is being used.

- The person raising the concern (Representor) should raise their concern with their line manager. This may be done orally or in writing.
- If the concern relates to the Representor's line manager or any person to whom they report, other than the Headteacher, the Representor should raise the issue with the Headteacher / Executive Headteacher.
- If the concern relates to the Headteacher / Head of School, the Representor should raise the matter with the Executive Headteacher / CEO.
- If the concern relates to the Executive Headteacher / CEO, the Representor should raise the matter with the Chair of Learning Academies Trust Board. In this instance, please make contact by emailing hr@learningat.uk.
- If the Representor is unhappy with any of the above options, they may take their concern straight to an allocated independent member of the LAT Trust Board who will then follow the process outlined below in exactly the same way as any other allocated Assessor. This named person and their contact details can be found by contacting the Trust Governance Professional governance@learningat.uk

4.1 THE PERSON WITH WHOM THE MATTER IS RAISED (ASSESSOR) WILL:

- Interview the Representor as soon as possible within seven working days, in confidence.
- Early interviews will be essential if the concern relates to an immediate danger to loss of life or serious injury or risk to pupils;
- Obtain as much information as possible from the Representor about the grounds for the belief of wrongdoing;
- Consult with the Representor about further steps which could be taken;
- Advise the Representor of the appropriate route if the matter does not fall under this Procedure;
- Other than in the case of the concern relating to the Executive Headteacher/CEO, report all matters raised under this procedure to the Chair of the Trustees.

4.2 THE INTERVIEW

At the interview with the Assessor, the Representor may be accompanied by a recognised trade union representative or a work colleague. The Assessor may be accompanied by a member of the Trust staff to take notes.

The Assessor may at any time disclose the matter to a professionally qualified lawyer for the purpose of taking legal advice. The Assessor may also discuss the issue, in confidence, to other suitable professionals, such as independent HR consultants or school governance providers in order to assess the nature of the case and to inform the outcome of the investigation.

4.3 FOLLOWING THE INTERVIEW

Promptly within ten working days of the interview, the Assessor will recommend one or more of the following:

- The matter be further investigated internally by the Trust;
- The matter be further investigated by external consultants appointed by the Trust;
- The matter be reported to an external agency;
- Disciplinary proceedings be implemented against an employee;
- The route for the Representor to pursue the matter if it does not fall within this procedure; or
- That no further action is taken by the Trust.

4.3.1 THE GROUNDS ON WHICH NO FURTHER ACTION IS TAKEN INCLUDE:

- The Assessor is satisfied that, on the balance of probabilities, there is no evidence that wrongdoing within the meaning of this procedure has occurred, is occurring or is likely to occur;
- The Assessor is satisfied that the Representor is not acting in good faith;
- The matter is already (or has been) the subject of proceedings under one of the Trust's other procedures or policies;
- The matter concerned is already (or has been) the subject of legal proceedings or has already been referred to an external agency.

4.4 THE RECOMMENDATION

The recommendation of the Assessor will be made to the Headteacher / Executive Headteacher. However, should it be alleged that the Headteacher / Executive Headteacher is involved in the alleged wrongdoing; the recommendation will be made to the Trust Board.

The Headteacher / Executive Headteacher or Chair of the Trust Board, as appropriate, will ensure that the recommendation is implemented unless there is good reason for not doing so in whole or in part. Such a reason will be reported to the next meeting of the Trust Board.

The Representor's identity will be kept confidential unless the Representor otherwise consents or unless there are grounds to believe that the Representor has acted maliciously. In the absence of such consent or grounds, the Assessor will not reveal the identity of the Representor except:

- Where the Assessor is under a legal obligation to do so;
- Where the information is already in the public domain; or
- On a legally privileged basis to a professionally qualified lawyer for the purpose of obtaining legal advice.

The conclusion of any agreed investigation will be reported by the Assessor to the Representor promptly within twenty eight working days of the initial interview.

All responses to the Representor will be made in writing and sent to the Representor's home address.

If the Representor has not had a response within the above time limit or such reasonable extension as the Trust requires, the Representor may go to an appropriate external agency, under paragraph 6, but will inform the Assessor before doing so.

The Representor may at any time disclose the matter on a legally privileged basis to a professionally qualified lawyer for the purpose of taking legal advice.

5. MALICIOUS ACCUSATIONS

A deliberately false or malicious accusation made by a Representor is a disciplinary offence and will be dealt with under the Trust disciplinary procedure, as well as potentially exposing the Representor to legal liability.

6. INFORMING EXTERNAL AGENCIES

6.1 CONFIDENTIALITY

Within the Trust all staff have a duty of confidentiality. The duty of confidentiality is implied by the law in every contract of employment and prohibits employees from publicly disclosing employers' confidential information, unless it is in the public interest that the information is disclosed or unless the Trust fails to follow required procedures. Other legal restrictions on the disclosure of information, for example under data protection legislation, may also apply.

6.2 APPROPRIATE AGENCIES

Whistleblowing to an external agency without first going through the internal procedure is a breach of the Trust's Code of Conduct. The external agencies which may be used if disclosure is permitted under paragraph 6.1 are:

- Department for Education (DfE) / Education and Skill Funding Agency (ESFA). In these circumstances, the DfE/ESFA will assess whether all school processes have been applied and that the Assessor has done everything possible to resolve the issue. If this is not the case, the DfE/ESFA will refer the matter back to the Assessor;
- Member of Parliament;
- National Audit Office;
- Health and Safety Executive;
- Police.

Whistleblowing to the media is not appropriate or permitted in any circumstances.

7. CONFIDENTIAL EMPLOYEE ENQUIRIES

Employees may, on a confidential basis seek prior guidance from the Headteacher or Executive Headteacher/CEO if they wish to establish whether any course of conduct on their part or on the part of another employee may amount to wrongdoing under these procedures. Such enquiry shall be kept confidential. He/she will attempt to provide guidance on the basis of the information provided, but such guidance shall not prejudice the rights of the Trust or any person under these procedures.

8. MONITORING, EVALUATION AND REVIEW

The Trust Board will assess the implementation and effectiveness of this policy. The policy will be promoted and implemented throughout the Trust and its schools and reviewed every 2 years.