

## Whistleblowing Policy

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# HISP Multi Academy Trust Whistleblowing Policy

## Our Trust's Whistleblowing Policy

From 2024 we write our policies through a particular lens: these documents are vital to the underpinning for our Trust to be one Trust. References to “you” are intended to explain the important role you, the reader, have in our Trust and references to “we” refer to the responsibilities we recognise HISP has as an employer. Together we are One Trust.

### 1. Introduction

1.1 This policy aims to:

- Encourage you to report suspected wrongdoing as soon as possible in the knowledge that your concerns will be taken seriously and investigated and that your confidentiality will be respected
- Explain how to raise concerns about potential wrongdoing in or by our Trust
- Set clear procedures for how we will respond to such concerns
- Confirm the protection available to you if you raise a whistleblowing concern
- Provide assurance that you 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.

1.2 The policy applies to all employees or other workers who provide services to the Trust in any capacity including self-employed consultants or contractors who provide services on a personal basis and agency workers.

1.3 This Policy does not form part of your contract with us. We reserve the right to amend or remove this Policy.

### 2. Legislation

2.1 The requirement to have clear whistleblowing procedures in place is set out in the [Academy Trust Handbook](#).

2.2 This policy has been written in line with the above document, as well as [government guidance on whistleblowing](#). We also take into account the [Public Interest Disclosure Act 1998](#), (“the Act”).

2.3 This policy also complies with our funding agreement and Articles of Association.

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### 3. What is whistleblowing?

- 3.1 “Whistleblowing” is the name given to the reporting of certain types of wrongdoing by people who work for us. This will usually, although not always, be something you have seen or noticed at work. We aim to maintain high standards of integrity in everything we do. However, all organisations can occasionally be affected by conduct that is dangerous, against the law or that breaches ethical or professional codes. We will take your concerns seriously; they will be investigated, and you can be assured there will be no reprisals.
- 3.2 The types of concerns you may want to ‘blow the whistle’ about include but are not limited to any activity which you suspect:
- Is criminal, or
  - Shows a failure to comply with any legal, professional or regulatory obligation, or
  - Poses a danger to the health and safety of any individual, or
  - **Relates to sexual harassment, including where you reasonably believe that sexual harassment has occurred, is occurring, or is likely to occur, or**
  - May damage the environment, or
  - May breach our financial management procedures, or
  - Shows a miscarriage of justice, or
  - May facilitate tax evasion, or
  - Shows financial fraud or mismanagement or the deliberate concealment of any of the above matters or any other wrongdoing in the public interest.
- 3.3 Such genuine concerns raised in relation to any of the above are likely to amount to whistleblowing (or “qualifying protected disclosures”) if:
- You disclose to us factual information, as opposed to opinion only;
  - you believe that the information tended to show that one of the matters above has occurred, is occurring or is likely to occur; and
  - your belief is reasonable.

In the first instance, always speak to your line manager, your Headteacher / Head of School / Head of Organisational Unit (e.g. IFT Lead or Head of HISP Central Team) or HR if you have any concerns. It is likely that another staff policy (such as the Trust’s safeguarding policy) is the correct route by which your concern can be addressed and to ensure the correct procedures are followed. **Where a concern relates to safeguarding or child protection, you must immediately report this to your Headteacher/Designated Safeguarding Lead / Head of Organisational Unit** and should this concern involve the conduct of another employee, the Local Authority Designated Officer (LADO) will then be informed.

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The LADO is responsible for managing and overseeing allegations made against adults working with children in an education setting. HISP's procedure for managing allegations follows the guidance provided by the Department for Education and the local authority's safeguarding protocols.

- 3.4 In addition, Protect (formerly Public Concern at Work) has [further guidance](#) on the difference between a whistleblowing concern and a grievance that staff may find useful if unsure and a free and confidential [advice line](#). Details are given in section 13.1.

### 4. What you should do if you have a concern but are not 'blowing the whistle'

- 4.1 If you have a concern or issue which does not fall into the categories listed above or relates to a matter that affects you as an individual or relates to an individual employment contract, then these should generally be raised using our Grievance Policy or Trust-wide complaints procedures. For example, personal grievances such as the conduct of others towards you do not usually count as whistleblowing and you should refer to our Grievance Policy.

### 5. How to raise a whistleblowing concern

- 5.1 You should usually report your concern to the Headteacher / Head of school / Head of Organisational Unit. However, if the concerns relate to one of these roles, it should be reported to an Executive Headteacher or Executive Director of Education (EDoE). If the concern is in relation to an Executive Headteacher the EDoE needs to be informed; if the concern is in relation to the EDoE, it must be reported to the CEO. If it relates to the CEO, it should be reported to the Chair of our Trust.
- 5.2 Concerns should be made in writing wherever possible and refer to this being a disclosure under this Policy. You need to include the names of those you believe have or are committing wrongdoing, dates, places and as much evidence and context as possible. You should also declare whether you have personal interest in the matter.

### 6. How will we respond?

#### Investigating your concern

When you have raised your concern with the relevant person we will:

- 6.1 Meet with you within a reasonable time to discuss the issues you have raised. You may be joined by a trade union or professional association representative.
- 6.2 Get as much detail as possible about the concern at this meeting and record the information.

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If it becomes apparent the genuine concern is not of a whistleblowing nature at any stage, we will handle the concern in line with the appropriate policy/procedure and the general protections afforded from this Policy will still apply.

- 6.3 Reiterate, at this meeting, that you are protected from any unfair treatment or risk of dismissal because of raising the concern. If the concern is, however, found to be malicious or vexatious, disciplinary action may be taken (see section 12 of this policy).
- 6.4. Establish whether there is sufficient cause for concern to warrant further investigation and investigate your concerns in full. We will keep you informed of our progress insofar as we can and be given an estimated timeframe for advising you of next steps. However, there may be elements which we decide should remain confidential.
- 6.5. During any further investigation into the matter, we may involve relevant senior colleagues or Trustees, as appropriate. In some cases, we may need to bring in an external, independent body to investigate. In other cases, we may need to report the matter to the police.

### **Outcome of the investigation**

- 6.6 Once the investigation – whether this was just the initial investigation of the concern, or whether further investigation was needed – is complete, the investigating person(s) will prepare a report detailing the findings. The report will confirm whether or not any wrongdoing has occurred, include any recommendations on how the matter can be rectified and whether or not a referral is required to an external organisation, such as the local authority or police.
- 6.7. We will confirm the outcome of our investigation to you insofar as we can as certain details may need to be restricted due to confidentiality. If you are dissatisfied with the process in any way, you should raise this with your HR contact in the first instance.
- 6.8 Beyond immediate actions, there will be a review of the relevant policies and procedures to prevent future occurrences of the same wrongdoing, and this review will be logged on the appropriate action log/register within our Trust to ensure completion.
- 6.9 Whilst we cannot guarantee a particular outcome sought, we will deal with concerns fairly and in an appropriate way.

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### 7. Confidentiality

- 7.1 We discourage you from making anonymous disclosures as they are very difficult for us to investigate. Anonymous disclosures will be considered where there is sufficient information to investigate, although anonymity may limit our ability to investigate fully.
- 7.2 We will protect anyone who blows the whistle when you reasonably believe the information tends to show one of the relevant forms of wrongdoing and that the disclosure is made in the public interest, even if we do not agree that the concerns they raise are correct. You should feel able to openly raise issues with us under this Policy. However, we understand that the subject matter covered by whistleblowing can be sensitive. If you are concerned about possible reprisals, whether from colleagues or others, you should talk to your HR contact who will be able to provide you with appropriate support and reassurance.
- 7.3 The sensitive nature of whistleblowing investigations means that, aside from those involved in the whistleblowing process set out above, we will try to keep your personal involvement confidential. There may be circumstances where we cannot do this, and in those circumstances, we will discuss the matter with you to explain our position.

### 8. Escalating concerns beyond our Trust (external disclosures)

- 8.1 This Policy outlines the process for raising, investigating and resolving wrongdoing in the workplace. Whilst we encourage you to use it, we recognise that you may feel the need to report a concern to an external body. That might be the case if you believe, for example, that someone senior is involved in a cover-up. Protect (see contact details in section 13.1) has a list of the prescribed bodies with whom you can raise a concern.
- 8.2 This Policy also covers the actions of third parties such as suppliers, service providers and clients, as well as those of our employees. Should you have concerns about a third party, you are encouraged to raise them with us before approaching anyone else. Your line manager or Headteacher/Head of School/Head of Organisational Unit will be able to explain how you should proceed.
- 8.3 Telling the media about a concern – particularly before or during an internal investigation – is almost never justified or appropriate in any situation. We strongly discourage you from doing so. We would normally expect you to have taken all reasonable steps to deal with the matter internally or with an external regulator and to have taken full advice from a lawyer or from Protect before being justified in approaching the press.

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### **9. Protection for Whistleblowers**

- 9.1 If you raise genuine concerns under this Policy, even if you turn out to be mistaken, we will support you and you will not face any action as a result.
- 9.2 We will not dismiss you, or treat you less well, because you have blown the whistle in accordance with this Policy.
- 9.3 You must not treat others badly if they have raised concerns under this Policy, nor must you threaten them in any way. If you do, you may face disciplinary action which could include dismissal for gross misconduct. The whistleblower may also be able to bring legal action against you.
- 9.4 If you believe that you have been treated badly in any way after having raised a whistleblowing concern with us, then you should raise this matter with your line manager and/or raise a grievance under our Grievance Policy.

### **10. Time Limits**

There are no time limits on raising concerns under this procedure, but they should be raised at the earliest opportunity. Where time limits may be included within the procedure, they exist to ensure that disclosures are dealt with as quickly as possible, and to ensure a prompt initial response from us. The investigation that takes place after a disclosure is made is not time limited but will be conducted as quickly as possible within the circumstances of the disclosure.

### **11. Representation**

You are entitled to representation by a professional association/trade union representative/work colleague at any meeting or interview held in relation to the disclosure made.

### **12. Abuse of this Policy**

- 12.1 Anyone raising a concern under this Policy must reasonably believe the information tends to show one of the relevant forms of wrongdoing and that the disclosure is made in the public interest. If you raise a concern that is unfounded or unsubstantiated (i.e. there is no factual basis or evidence to support the allegation) but you raised it honestly and in the reasonable belief that it was in the public interest, no action will be taken against you.
- 12.2 If, at any stage, we believe that you have raised issues under this Policy which you knew were untrue, were made maliciously, frivolously or for personal gain, then we will deal with this as a disciplinary matter under our Disciplinary Policy. You may be subject to sanctions up to and including dismissal for gross misconduct.

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- 12.3 Care will be taken in dealing with such concerns (as set out in 12.2) as some facts may not be wholly untrue. Some parts of a concern may have been fabricated or exaggerated but elements may be based on truth.
- 12.4 If you unreasonably and without justification raise concerns on an external basis, such as with the press, you should be aware we will view as a serious disciplinary issue. You may be subject to sanctions up to and including dismissal for gross misconduct unless exceptional circumstances exist.

### **13. Useful links and contacts**

- 13.1 The following policies contain additional information and may be relevant:
- Disciplinary Policy
  - Grievance Policy
  - Dignity at Work Policy
  - Child Protection Policy and Safeguarding procedures
  - Complaints Procedure
- 13.2 You can get further advice on whistleblowing, confidentiality, and protection from reprisals at <https://protect-advice.org.uk/>. Protect is an independent charity that also offers an advice line ([020 3117 2520](tel:02031172520)).

### **14. Administration of the Whistleblowing Policy**

This policy and its procedures will be reviewed and agreed annually by the Trust Board. The HISP Governance Professional is responsible for the administration of the Whistleblowing Policy. Should you have any feedback, please contact [info@hispmat.org](mailto:info@hispmat.org) in the first instance.