



## WHISTLEBLOWING POLICY

THIS POLICY APPLIES TO THE HEARTWOOD LEARNING TRUST BOARD, THE CENTRAL TEAM,  
AND ALL TRUST SCHOOLS/ACADEMIES

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## Policy Updates

Date	Page	Policy Updates
February 2023	8	Section 14.5 - Sentence Added
February 2023	6	Asterisk added to Section 8.2
February 2022	Whole Policy	The policy has been substantially revised following Union consultation
October 2023	Whole policy	Updated inline with the new Scheme of Delegation
January 2025	4	Introduction added in line with other Trust policies
January 2025	4	'Scope' and 'Aims' incorporated into a new Statement of Intent to reflect other Trust policies
January 2025	5	1 - Legal Framework updated
January 2025	5	2 - Roles and Responsibilities section re-written/expanded
January 2025	6	5 - Independent advice section updated and re-formatted
January 2025	8	6 - 'What is whistleblowing?' - Updated description and procedure for clarity
January 2025	8	7 - Updated wording on support available for whistleblowers, including how to access counselling support
January 2025	9	8 - Confidentiality section updated for clarification and to reflect anonymous reporting
January 2025	10	9 - Wording of untrue/malicious allegations updated to include applicable Trust policy
January 2025	10	10 - Details of how to make a disclosure updated for clarity
January 2025	10	11 - Details of how the Trust will respond to whistleblowing updated for clarification
January 2025	10	12 - Monitoring and Review section updated; renewal period changed from annual to bi-annual (will be reviewed earlier should there be any legal changes in this field)

## Introduction

Heartwood Learning Trust is an inclusive and collaborative Church of England multi-academy trust serving church, community and alternative provision schools. This policy is guided by our Christian ethos and the visions of our Trust and its schools/academies. We share a clear vision – to create schools where children and young people thrive, as we help them prepare to live life in all its fullness (John 10:10).

For us, a place to thrive means much more than a place simply to be comfortable. Instead, our aim is to develop schools and an educational offer which enable each pupil to flourish academically, practically, emotionally, socially and spiritually.

## Statement of Intent

This policy applies to all Members, Trustees, Governors, employees and volunteers. Groups of employees, service users and contractors may also raise concerns using this policy. The term employee is used throughout for ease of reference.

Heartwood Learning Trust is committed to the highest possible standards of honesty and integrity, and we expect all employees to maintain these standards in accordance with the Trust's **Code of Conduct Policy**. The Trust aims to promote a culture of openness and accountability, to reduce the risks of the organisation and its employees being involved in any unethical conduct.

The Trust acknowledges that employees are often the first to realise that there may be something seriously wrong within the organisation and recognises the importance of encouraging employees and others with concerns to come forward and voice them.

This policy aims to:

- Encourage employees to feel confident in raising concerns or suspected wrongdoing
- Reassure employees that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected
- Reassure employees that they should raise genuine concerns without fear of reprisals, even if they turn out to be mistaken
- Provide avenues for an employee to raise concerns and receive feedback on any action taken
- Ensure that employees receive a response to any concerns they have raised and if not satisfied, an explanation of how they may take the matter further

This policy has been implemented following consultation with the recognised Trade Unions. It has been formally adopted by the **Trust Board**. This policy does not form part of the employee's contract of employment and the Trust may amend it at any time, following consultation with the Trade Unions.

## 1. Legal Framework

- 1.1. This policy has due regard to all relevant **legislation** and **guidance** including, but not limited to, the following:
  - Public Interest Disclosure Act (PIDA) 1998
  - Employment Rights Act 1996
  - DfE: Education and Skills Funding Agency (ESFA) (2023) 'Academy Trust Handbook'
  - DfE 'Keeping children safe in education' (as amended)
  - GOV.UK (2012) 'Whistleblowing for employees'
  - Sir Robert Francis (2015) 'Freedom to speak up report'
- 1.2. This policy operates in conjunction with the following **Trust** policies:
  - Disciplinary Policy and Procedure
  - Complaints Policy and Procedures
  - Data Protection (UK GDPR) Policy and Data Retention Schedule
  - Safeguarding and Child Protection Policy
  - Grievance Policy and Procedures

## 2. Roles and Responsibilities

- 2.1. The **Trust Board** is responsible for:
  - Approval of this policy
  - Reviewing the effectiveness of actions taken in response to concerns raised under this policy
  - Maintaining confidentiality regarding any information reported to them
  - Listening to concerns raised and appointing at least one member of staff (usually the **Principal** or **Chief Operating Officer (COO)**, as appropriate) and at least one **Local Governor** (or **Trustee**, as appropriate) who will carry out an investigation into the concerns raised
  - Seeking advice from the **Director of HR** or the Trust's legal representative, where appropriate
- 2.2. The **Director of HR** are responsible for:
  - Reviewing and updating this policy every two years
  - Monitoring the overall implementation and effectiveness of this policy
  - Maintaining records/minutes of the adoption of this policy
  - Providing advice and support to **Whistleblowing Representatives** and the **Principal** or **COO**, as required
  - Informing all employees of the Trust's whistleblowing arrangements
  - Maintaining confidentiality regarding any information reported to them
- 2.3. The **Compliance Officer** is responsible for:
  - Ensuring that this policy is available on the Trust's website for all employees to access at any time
- 2.4. The **Principal** is responsible for:
  - Being approachable for any persons who wish to report any concerns and directing them to the appropriate persons (e.g. their local **Whistleblowing Representative**)
  - Listening to concerns raised and reassuring the employee that they do not need to be in fear of reprisals
  - Carrying out investigations into reported concerns, where appropriate

- Seeking advice from the **Director of HR** or the Trust's legal representative, where appropriate
- Maintaining confidentiality regarding any information reported to them
- Reporting whistleblowing concerns to the **Police** as appropriate

2.5. The **Chief Operating Officer (COO)** is responsible for:

- Being approachable for any persons who wish to report any concerns and directing them to the appropriate persons (e.g. their local **Whistleblowing Representative**)
- Listening to concerns raised and reassuring the employee that they do not need to be in fear of reprisals
- Carrying out investigations into reported concerns, where appropriate
- Seeking advice from the **Director of HR** or the Trust's legal representative, where appropriate
- Maintaining confidentiality regarding any information reported to them
- Reporting whistleblowing concerns to the Police as appropriate

2.6. The **Whistleblowing Representative** is responsible for:

- Being approachable for any persons who wish to report any concerns
- Listening to concerns raised and reassuring the employee that they do not need to be in fear of reprisals
- Carrying out investigations into reported concerns, where appropriate
- Seeking advice from the **Director of HR** or the Trust's legal representative, where appropriate
- Maintaining confidentiality regarding any information reported to them
- Reporting whistleblowing concerns to the **Police** as appropriate

2.7. **Line Managers** are responsible for:

- Being approachable for any persons responsible to them who wish to report any concerns and directing them to the appropriate persons (e.g. their local **Whistleblowing Representative**)
- Listening to concerns raised and reassuring the employee that they do not need to be in fear of reprisals
- Carrying out investigations into reported concerns, where appropriate
- Seeking advice from the **Director of HR** or the Trust's legal representative, where appropriate
- Maintaining confidentiality regarding any information reported to them

2.8. **All employees** are responsible for:

- Conducting themselves appropriately and in accordance with the **Code of Conduct Policy**
- Adhering to this policy and disclosing any suspected danger or wrongdoing as soon as possible
- Maintaining confidential records of any suspected danger or wrongdoing, where appropriate

### 3. The Public Interest Disclosure Act

- 3.1. The **Public Interest Disclosure Act 1998 (PIDA)** protects employees who “blow the whistle” where the employee reasonably believes that the disclosure falls within the remit of the prescribed person or body and that the information and any allegations are substantially true. Disclosures made under this procedure will be monitored for statistical purposes as required under the **PIDA**. The details of any disclosure will remain confidential.

- 3.2. Any member of the Trust or school/academy community or the general public is able to “blow the whistle”; however, the **PIDA** only protects employees.

## 4. External Disclosures

- 4.1. This policy is intended to provide employees with an avenue to raise concerns within the Trust and to give the reassurance employees need to raise such matters internally.
- 4.2. If employees are not satisfied with the response, and feel it is right to take the matter outside the Trust they should contact a prescribed person or body. Guidance is available from [GOV.UK - Blowing the whistle: list of prescribed people and bodies](#)). This includes a list of public bodies, which can deal with particular areas of concern e.g. Education, Finance etc. A disclosure can also be made to a solicitor or the Police.
- 4.3. An employee should tell the prescribed person or body if they think that the Trust:
- Will cover the issue up
  - Treat them unfairly if they complain
  - Hasn't responded satisfactorily after a concern has been raised

## 5. Independent Advice

- 5.1. If an employee is unsure whether or how to raise a concern, or do not feel comfortable raising this with the Trust initially, they are advised to seek advice from a support organisation such as the below:

Organisation	Support Available	Telephone Number	Email Address
<a href="#">Protect</a>	Independent advice on whether and how to raise a concern	02031 172 520	<a href="#">Web Form (Advice Line)</a>
<a href="#">Citizens Advice</a>	Advice on employment law	08001 448 848 08082 787 900	<a href="#">Advice Request Form</a> (York) <a href="#">Advice Request Form</a> (Hull) <a href="#">Advice Request Form</a> (North Yorkshire)
<a href="#">ACAS</a>	Advice on employment law	03001 231 100	
<a href="#">National Society for the Prevention of Cruelty to Children (NSPCC)</a>	Concerns regarding child protection failures	08088 005 000	<a href="mailto:help@nspcc.org.uk">help@nspcc.org.uk</a>

## 6. What is Whistleblowing?

- 6.1. Whistleblowing is when an employee discloses information which relates to suspected wrongdoing or dangers at work.

- 6.2. The law protects employees who raise legitimate concerns, also known as "qualifying disclosures". A qualifying disclosure is one made in the public interest by a worker who has a reasonable belief that there are wrongdoing or dangers at work.
- 6.3. As outlined by the **PIDA**, qualifying disclosures pertain to when the whistleblower reasonably believes that one or more of the following matters is either happening now, took place in the past, or is likely to happen in the future:
- A criminal offence has been committed, is likely to be committed or is being committed
  - A person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject
  - A miscarriage of justice has occurred, is occurring or is likely to occur
  - The health or safety of any individual has been, is being or is likely to be endangered
  - The environment has been, is being or is likely to be damaged
  - Information tending to show any matter falling within any of the preceding points has been, is being or is likely to be deliberately concealed
- 6.4. A whistleblower is a person who raises a genuine concern relating to any of the above. If an employee has any genuine concerns related to suspected wrongdoing or danger affecting any of the Trust's activities (a whistleblowing concern) they should report it under this policy.
- 6.5. This policy should not be used for complaints relating to an employee's own personal circumstances, such as the way they have been treated at work. In those cases employees should follow the Trust's **Grievance Policy and Procedures**.
- 6.6. There may be circumstances where a concern relates to an employee's own personal circumstances but includes wider concerns which may fall under the public interest, such as a serious breach of the Trust's policies and procedures. Employees should discuss with the **HR Team** which reporting route is the most appropriate under these circumstances.
- 6.7. The following considerations are often used as a test to establish whether something is within the scope of public interest:
- The number of people in the group whose interests the disclosure served
  - The nature of the interests and the extent by which individuals are affected by the wrongdoing disclosed
  - The nature of the wrongdoing disclosed
  - The identity of the alleged wrongdoer
- 6.8. If an employee is not certain about whether something falls within the scope of this policy, they are advised to seek advice from the **HR Team**.

## 7. Protection and Support for Whistleblowers

- 7.1. The Trust recognises that the decision to make a disclosure can be a difficult one to make, and that employees may sometimes be worried about possible repercussions. The Trust encourages openness and will support employees who raise genuine concerns under this policy, even if they turn out to be mistaken.



- 7.2. The Trust aims to reassure employees that we will protect employees from reprisal from those responsible for the suspected malpractice or from other employees. The Trust will not tolerate bullying, harassment or victimisation and will take action to protect employees when they raise a concern using this policy.
- 7.3. Whistleblowers will not suffer any detrimental treatment as a result of raising a concern. Detrimental treatment includes dismissal (including selection for redundancy), disciplinary action, threats or other unfavourable treatment connected with raising a concern. Employees who make a disclosure that is deemed to be in the public interest are protected from suffering a detriment in their employment under the **PIDA**. If an employee feels that they have been subjected to detrimental treatment having raised a concern, they should report this formally using the Trust's **Grievance Policy and Procedure**.
- 7.4. Employees must not threaten or retaliate against whistleblowers in any way. Anyone involved in such conduct will be subject to disciplinary action as per the Trust's **Disciplinary Policy**. In some cases, the whistleblower could have a right to sue an individual personally for compensation in an employment tribunal.

#### **Counselling Service**

- 7.5. A confidential support and counselling hotline is available to whistleblowers who raise concerns under this policy.
- 7.6. The [counselling service](#) can be contacted via the following means:
- Telephone: 08000 280199
  - 'Wisdom' (Health Assured) app: please contact the HR team to be provided with access to the Trust's unique code

## **8. Confidentiality**

- 8.1. The Trust would like employees to feel able to voice whistleblowing concerns openly under this policy. However, we understand that in some cases employees may want to raise concerns confidentially.
- 8.2. The Trust will not disclose any information which would allow the employee to be identified, subject to legal obligations and constraints. If the situation arises where the Trust is not able to resolve the concern without revealing an employee's identity (e.g. a statement by the employee may be required as part of the evidence) the Trust will discuss this with the employee to agree how to proceed.

#### **Anonymous Reporting**

- 8.3. The Trust encourages employees not to report their concerns anonymously where they feel comfortable doing so. Investigations into concerns expressed anonymously may be more difficult for the Trust to consider and respond to effectively. The Trust will carry out an initial fact finding exercise, however it may be more difficult to establish whether concerns or allegations raised are credible if we are unable to obtain further information from the employee.
- 8.4. In exercising discretion, the factors to be considered would include:
- The seriousness of the issues raised
  - The credibility and plausibility of the concern; and
  - The likelihood of confirming the allegation from attributable sources

## 9. Untrue or Malicious Allegations

- 9.1. If an employee makes an allegation that they reasonably believe is true but is not confirmed by the investigation, no action will be taken against them.
- 9.2. If an investigation takes place which determines that an employee makes malicious or vexatious allegations, following further investigation disciplinary action may be taken against them in accordance with the Trust's **Disciplinary Policy**.

## 10. How to Make a Disclosure

- 10.1. Concerns should be raised with the employee's **Line Manager** in the first instance, where possible.
- 10.2. If it is believed that the employee's **Line Manager** is involved, the employee should instead seek out their local **Whistleblowing Representative** who will decide the best course of action.
- 10.3. If the employees' concerns are of a serious nature, the issues involved are sensitive or who is thought to be involved in the suspected malpractice is a person with authority (e.g. decision making capacity), the employee is advised to seek out their local **Whistleblowing Representative** who will decide the best course of action.
- 10.4. Please visit our website to access contact details of our **Whistleblowing Representatives**. Alternatively employees can email [hr@hlt.academy](mailto:hr@hlt.academy). This inbox is monitored by the **COO** and the **Director of HR**.
- 10.5. Concerns can be raised verbally but the Trust would encourage employees to put these in writing to ensure they are accurately recorded. Employees are invited to set out the background and history of the concern, providing as much detail as possible, including names, dates and locations, and the reason why they are concerned. If an employee does not feel able to put their concern in writing, they can telephone or meet the appropriate person to discuss their concerns.
- 10.6. Employees are encouraged to express any concerns at the earliest opportunity to limit the impact of any unethical behaviour. Employees should aim to provide as much detail as possible to demonstrate that there are sufficient grounds for their concern.
- 10.7. Employees may invite their Trade Union representative to raise a concern on their behalf.
- 10.8. Employees are expected to conduct themselves in a professional manner when raising concerns and throughout their involvement in any whistleblowing situation.

## 11. How the Trust will Respond

- 11.1. The action taken by the Trust will depend on the nature of the concern. The matters raised may:
  - Be investigated internally
  - Be referred to the Police or other appropriate body (such as the **Local Authority Designated Officer (LADO)**)
- 11.2. In order to protect individuals and the Trust, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The Trust may arrange a meeting with the whistleblower to discuss their concerns. The employee may bring a trusted colleague or trade union

representative to the meeting with them if they do not feel comfortable attending alone. The Trust will listen to any concerns, documenting the facts and determine if any action is needed.

- 11.3. The Trust make seek clarification regarding specific details, such as who else may be involved. The Trust will consider how the whistleblower's confidentiality can be maintained and what support they might need during this process.
- 11.4. Concerns or allegations which fall within the scope of specific procedures (for example, child protection) will normally be referred for consideration under the applicable policies and procedures. Some concerns may be resolved by agreed action without the need for investigation.
- 11.5. Within **ten working days** of a concern being received, the Trust will write to the employee:
- Acknowledging that the concern has been received
  - Indicating how the Trust proposes to deal with the matter/next steps
  - Providing an estimate of how long it will take to provide a final response/outcome
  - Telling the employee whether any initial enquiries have been made
  - Telling the employee whether further investigations will take place or not, and the reasons for this decision
- 11.6. The amount of contact between those considering the issues and the employee, will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from the employee.
- 11.7. When any meeting is arranged, the employee may be accompanied by a Trade Union representative or a work colleague who does not have a conflict of interest.
- 11.8. The Trust recognises that employees need to be assured that the matter has been properly addressed and as such, where possible, the Trust will provide information in this regard.

## **12. Monitoring and Review**

- 12.1. The approver of this policy and the next scheduled review date is shown on the cover page of this document.