



Whistleblowing Policy

(The procedure for protected disclosures)

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Vita Multi Academy Trust Whistleblowing
Policy

Section 1: Vita Multi Academy Trust is Committed to Accountability

The Trust Board of Vita Multi Academy Trust ('The MAT') is committed to the values of accountability and transparency. The MAT expects the highest standards of conduct from all employees, members, trustees, and local governors and will treat seriously any concern raised about illegal or improper actions.

This document is in place to help people working for and with The MAT ("colleagues") to question and act upon their concerns. It is important to the MAT that colleagues report any fraud, misconduct or wrongdoing, and that The MAT deals with it properly.

The Trust Board will therefore respond to anyone who raises a genuine concern about the conduct of colleagues, which is in the public interest.

This policy sets out the principles for this. The accompanying Procedure describes how individuals may raise concerns and how The MAT will deal with them.

Section 2: The MAT Encourages all Colleagues to Report their Concerns

If any colleague has reason to believe that another colleague or group of colleagues, either directly employed by The MAT or otherwise associated with The MAT, are involved in:

- A criminal offence
(e.g. fraud, corruption, sexual or physical abuse of pupils/students or others);
- A failure by a person to comply with any legal obligation to which they are subject;
- A miscarriage of justice;
- A danger to the health or safety of any individual;
- Environmental damage;
- A deliberate attempt to conceal any of the above matters.

...they should report their concerns immediately.

There is a fuller description of these concerns, at the end of this policy.

For concerns related to public examinations, please refer to the Whistleblowing Policy (Exams).

Section 3: The MAT will Protect Whistleblowers

The Trust Board recognises that the decision to report a serious concern can be difficult. However, any colleague making a disclosure in good faith should know that they are doing their duty. It is in the best interests of the schools and the wider MAT community. The Trustees are committed to protecting whistleblowers from any recrimination or reprisal.

Any colleague who makes a disclosure under this policy will be protected under the law from any recriminations or reprisal resulting from this disclosure. This is set out in The Public Interest Disclosure Act 1998 (PIDA). The colleague will be protected from reprisal where the following conditions apply.

- They are an employee, casual employee, agency employee, local governor, trainee, intern or work experience student, trustee, member, person contracted to work on or for the MAT or one of its schools, such as builders or drivers, or they are employed by any supplier or person providing services under contract to The MAT.
- They believe that malpractice in the workplace is happening, has happened in the past, or will happen in the future
- They are revealing information of the right type (a 'qualifying disclosure'), which is listed in section 2.
- They reveal it to the right person, and in the right way (making it a 'protected disclosure') as set out in Section.

The Trust Board will protect the confidentiality of the whistleblower unless there is a legal reason why they are not able to do so.

The Trust Board will not tolerate any individual being victimised, harassed, or otherwise disadvantaged as a result of invoking the Whistle Blowing Procedure. If any such action takes place against an individual making a disclosure, the Disciplinary Procedure will apply.

Section 4: There is a Clear Escalation Route This is called Making a Protected Disclosure

Raising such a concern is referred to as '*making a protected disclosure*'. The procedure for this is contained within the Manual of Personnel Practice and Procedure (MOPP). A copy is attached as Appendix A of this Policy.

In the first instance the colleague should discuss the matter with their immediate manager.

Where this is not successful or the concern relates to the manager, employees may raise the matter with the Chief Executive Officer (CEO).

Where the matter concerns the CEO, the colleague should raise the matter with the Chair of Trustees.

Where a matter relates to a safeguarding issue the colleague should refer to the relevant Child Protection/ Safeguarding Policies.

Where the matter relates to an individual's treatment at work the colleague should refer to the Grievance Procedure.

If a colleague is not satisfied with the response they receive they may raise a formal complaint via the Complaints Procedure.

Where the above channels are not appropriate or in situations where criminal activity or serious malpractice is suspected colleagues may consider notifying an appropriate external authority (see below).

Schedule of The MAT Contacts

Should you need to make a disclosure, the current post-holders are:

Chief Executive Officer:	Mr Steve Jones	Contact:	sjones@perins.hants.sch.uk
Chair of Trustees:	Mrs Michelle Andrews	Contact:	mandrews@theperinsmat.org

Where such matters cannot be resolved internally, the matter can be taken to an appropriate external authority.

Appropriate External Authorities

- The appropriate safeguarding authority
For example: the Local Authority child protection officer
This is not for individual cases where the Child Protection and Safeguarding Policy would apply, but would refer only to concerns of widespread negligence or non-compliance with the law
- A trade union
- A local Member of Parliament
- An appropriate professional association or inspectorate
(eg: Ofsted or the Health and Safety Inspectorate)
- A 'prescribed person' as designated by the Act, a full list of whom can be found on the Gov.uk website under "Whistleblowing: list of prescribed people and bodies".
- The police

Section 5: You Should Consider what Support is Appropriate

A colleague is entitled to ask their trade union representative, or another representative, to help them with the procedure. Where this is the case they should make it clear to their representative that they intend to make a protected disclosure.

Where a colleague decides that the matter should be taken to an appropriate authority outside of The MAT, they are strongly urged to obtain legal advice to ensure that their rights and the rights of any other person involved are protected. This can be obtained from:

- A solicitor
- The Citizens Advice Bureau
- Public Concern at Work – independent advisors (pcaw.org.uk)
- Trade Unions

Section 6: You Should Consider Your Actions with Care

Do not take matters into your own hands

A colleague making a disclosure should not approach or accuse any individuals directly or try to investigate the matter themselves.

Whilst a colleague should retain any written evidence of their concern, they should not make this available to anyone other than the person they approach through the escalation route in section 4 or the appropriate external authority described in sections 4 and 5. They must ensure that the confidentiality of any other person associated with, but not responsible for the matter of concern, is maintained. You must not breach your responsibilities under GDPR.

Do not make frivolous allegations

If a colleague makes an allegation frivolously, maliciously or for personal gain, then The MAT may take disciplinary action against them. In such cases, the Disciplinary Procedure will apply.

You must follow The MAT's procedures

Colleagues must follow the procedure associated with this policy.

Colleagues may not disclose or discuss any matter relating to this concern with any other party, including the media. Colleagues who are found to have done so will be subject to disciplinary action, and the Disciplinary Procedure will apply.

Situations where Protected Disclosure (Whistleblowing) Procedures would apply. This section is for guidance only and does not form a part of the policy.

Situations where the Whistleblowing Procedures apply include:

- Conduct which is an offence or a breach of law, including:
 - The unauthorised use of public funds
 - Fraud or corrupt practices
- A breach of any legal obligation
- Disclosures related to miscarriages of justice
- Dangerous procedures, including:
 - Practices risking Health and Safety
 - Risks to the public as well as other employees
- Damage to the environment
- Practice which falls below established standards or practice, including:
 - Inappropriate use of Standing Orders, Financial procedures or Contract Regulations

- Action which is contrary to the code of conduct for employees Sexual or physical abuse of pupils or others
 - Other unethical conduct
- Concealment of any of the above

These are for guidance only and are not a legal interpretation of The Public Interest Disclosure Act 1998 (PIDA).

Vita Multi Academy Trust

Whistleblowing Procedure

1.1 Introduction

This procedure is intended to operate in accordance with the provisions of the Public Interest Disclosure Act 1998 (as amended) (hereafter known as 'the Act'). The Act gives protection to staff and workers who report colleagues they believe are doing something wrong or illegal, or who are neglecting their duties. The matters that come within scope of the Act and this procedure are set out in Step 2 of the procedure below.

The 'Whistleblowing' procedure has been developed for use in maintained schools and can also be adopted by, and used in, Academy schools. It is intended to enable staff to report wrongdoing in the school where it would be in the public interest to do so. The wrongdoing has to be such as to potentially affect the general public, rather than simply being a complaint of an individual nature, such as a personal grievance*, which is not normally covered under whistleblowing law. [*An individual personal grievance will normally need to be dealt with via other internal school procedures.]

The 'Whistleblowing' procedure provides for matters to be referred externally where necessary, ultimately to a 'prescribed person' (see Step 5 of the procedure below). However, the procedure encourages staff to raise their concerns initially within the school as a first priority, rather than to make a disclosure outside of the school. In the vast majority of cases this will enable matters to be dealt with much more efficiently and speedily.

The Act applies to all workers as well as staff and this procedure applies to all teaching and other staff, whether employed by the County Council or employed directly by the school, external contractors providing services on behalf of the school or the County Council, teacher trainees and other trainees, volunteers and other individuals who work for or provide services on behalf of the school. These individuals are collectively referred to in this procedure as staff or staff members.

1.2 Principles

The Trust Board of the MAT will treat all disclosures made under the procedure very seriously and allegations about such matters will be dealt with quickly and with appropriate confidentiality at all times.

The procedure gives protection from victimisation, discrimination or disadvantage to staff who make such a disclosure in the public interest. This protection applies in respect of such a detriment arising from an act, or a failure to act, either by the employer or by a fellow worker, whether the latter be with or without the employer's knowledge. The procedure also ensures that the person making the disclosure receives an appropriate response to their disclosure and is made aware of how they may pursue the matter outside of the MAT if the response given is not satisfactory.

This "Whistleblowing" Procedure should not be confused with others, such as individual or collective grievance procedures that exist to enable staff to raise concerns about their own employment. It is designed to deal with issues that fall outside of the scope of those procedures and therefore excludes all matters that are more appropriately covered by them.

1.3 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 are included within this procedure, they exist to ensure that disclosures are dealt with as quickly as possible, and to ensure a prompt initial response from management. 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.

1.4 Representation

Staff 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. Staff should specify that they are making a disclosure under this procedure.

1.5 Unfounded or improperly made allegations

If an allegation is unfounded or unsubstantiated (i.e. there is no factual basis or evidence to support the allegation) but the staff member has made the allegation honestly and in the reasonable belief that it was in the public interest, no action will be taken against them.

If an allegation is deemed to have been made falsely, maliciously, frivolously or for personal gain, then the person making the allegation may face disciplinary action. Care should be taken in dealing with such allegations as some facts may not be wholly untrue. Some parts of an allegation may have been fabricated or exaggerated but elements may be based on truth.

1.6 Model Procedure

Step 1 - Raising a concern

Concerns under this procedure should initially be raised with the staff member's immediate line manager. If the staff member believes their manager is involved in the malpractice, they may raise their concerns with a more senior member of staff, including the Headteacher / Head of School. If the staff member believes it is not appropriate to raise the matter with the Headteacher / Head of School, they may approach the Chair of Trustees. (In the event that the matter cannot be raised within the MAT, the staff member may raise their concerns in accordance with Step 5). The relevant manager is encouraged to take advice from Education Personnel Services who may involve other departments of Hampshire County Council or other relevant external organisations where appropriate.

Within ten working days of a concern being raised, the person receiving it will write to the staff member acknowledging receipt and indicating what initial steps will be taken to deal with it. Where possible an estimate will be given of the time it will take to provide a final response.

Concerns may be raised orally or, preferably, in writing. These disclosures should provide as much information as possible about the matter, including dates, individuals involved, other possible sources of information, etc. Staff must be able to demonstrate to the person hearing the disclosure that there are reasonable grounds for making the allegations.

Staff may wish to make anonymous disclosures although it may be important for the investigating manager to know the source of information to enable a full investigation. The manager would also need to take into account the nature and credibility of an allegation before deciding to proceed with an investigation. However, staff should be re-assured that all disclosures will be treated in

confidence and every effort will be made to preserve anonymity. The Act provides protection against victimisation to anyone who makes a protected disclosure in good faith.

Step 2 – Determine whether the concern raised is a Protected Disclosure

Qualifying disclosures are disclosures of information where the staff member reasonably believes (and it is in the public interest) that one or more of the following matters is either happening, has taken place, or is likely to happen in the future:

- a criminal offence (e.g. fraud, corruption, sexual or physical abuse of pupils/students or others);
- a failure by a person to comply with any legal obligation to which they are subject;
- a miscarriage of justice;
- a danger to the health or safety of any individual;
- damage to the environment, or
- a deliberate attempt to conceal any of the above matters.

Following disclosure of one of the above matters, the person receiving the disclosure must determine whether it is a 'qualifying disclosure' under the Act, by considering the following:

- whether any factual information was actually disclosed, as opposed to opinion only, to the employer (or relevant person);
- whether the individual making the disclosure believed that the information tended to show that one of the matters above has occurred, is occurring or is likely to occur; and
- whether that belief was reasonable.

If the above criteria are met, the disclosure will qualify as a protected disclosure, and the remainder of this procedure will apply. If the criteria are not all met but the staff member's disclosure was made in good faith, investigations should still take place into the allegations and the staff member should not be discriminated against because they have raised such an allegation. If it is found that the disclosure was made for malicious purposes or for personal gain, the MAT should deal with this under the disciplinary procedure, where relevant ([guidance on disciplinary issues](#) can be found in the Manual of Personnel Practice).

Step 3 - Investigation

A preliminary investigation will need to be undertaken to establish whether the alleged act or omission could actually have occurred, be occurring or be likely to occur in the future. The investigation is not, at this stage, to determine whether the alleged act or omission has actually occurred, but to determine the facts of the case (e.g. was the alleged individual actually where they were purported to be, what does the evidence show). More about [investigations](#) can be found in the Manual of Personnel Practice:.

Allegations that have some foundation to them should be followed up with a full internal investigation, which may result in one or more of the following:

- no case to answer;
- disciplinary action taken against the alleged individual;
- referral to Social Services or the Police, or other relevant organisation;
- referral to the Counter Fraud Unit or other County Council directorates (for County Council maintained schools).

If the allegations are unfounded (no evidence or proper basis that supports the allegation), or unsubstantiated (can neither be proven nor disproven), no action need be taken by the MAT,

although it would be pertinent to determine why the staff member felt the need to raise the allegation in the first place, e.g. is there a training need within the MAT?

If it is found that the allegation was made for malicious purposes or for personal gain, the MAT should deal with this under the disciplinary procedure ([guidance on disciplinary issues](#) can be found in the Manual of Personnel Practice).

Step 4 - Communication

Subject to legal constraints and the need to protect the rights of individuals, following completion of the internal investigation, the staff member will be advised if the case is being taken forward and given a summary of how the concern is being dealt with. Such information will not include confidential details about formal action taken against another staff member.

For reasons of sensitivity and confidentiality, all communications with a staff member who takes action under this procedure will be sent to their home address, unless an alternative arrangement has been mutually agreed.

Step 5 - Taking the matter further

In the event that a staff member feels that their concerns have not been resolved through the above process, they may write to the Chair of Trustees, if they have not already been involved, outlining their concern, the action taken to date and the reasons for their dissatisfaction.

Within 10 working days of a concern being raised, the Chair of Trustees will write to the staff member to acknowledge that the concern has been received and indicate what further steps will be taken, as well as providing an estimate of the time it will take to provide a final response. The Chair of Trustees may decide to set up a small group of governors, where appropriate, to investigate the concerns. The Chair of Trustees will then inform the staff member of the outcome of this process on the same basis as required of the manager above.

Where appropriate, the Chair of Trustees should also involve the relevant Diocese at an early opportunity.

In the event that the matter cannot be satisfactorily resolved within the MAT the staff member may escalate their concerns further. How they do this will depend on the status of the school, as follows:

Schools where Hampshire County Council is the employer and/or where the subject matter of the disclosure concerns the legal responsibilities of Hampshire County Council

Staff should raise their concerns, in writing, with the following officers of the County Council, and in the following order:

- a. County Education Manager for the relevant school
- b. Director of Children's Services
- c. Chief Executive of Hampshire County Council

These officers will follow the same basic procedure outlined above in the same timescales and will feed back the outcome to the staff member. The address for all of the above is: Children's Services Department, Hampshire County Council, Elizabeth II Court West, The Castle, Winchester, SO23 8UG or childrens.services@hants.gov.uk.

If a staff member is dissatisfied with the response of the Trust Board and the County Council, and subject to the concern being a protected disclosure (see step 2 above), they can raise the matter, as appropriate, with any of the following:

- an elected Member of the County Council;
- the Local Government Ombudsman;
- others as set out below.

All schools

Staff in schools who are dissatisfied after having raised concerns in the sections above, can raise their concerns, as appropriate, with any of the following, subject to the concern being a protected disclosure (see step 2 above):

- a relevant professional body or inspectorate (e.g. Ofsted or Health & Safety Executive);
- A 'prescribed person' as designated by the Act, a full list of whom can be found on the Gov.uk website under "Whistleblowing: list of prescribed people and bodies"
<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>

Staff can only make a disclosure to a prescribed person if they:

- make the disclosure in good faith;
- reasonably believe the information is substantially true;
- reasonably believe they are disclosing the issue to the appropriate person or body (e.g. Health and Safety issues to the HSE).

In taking their concern outside of The MAT, staff must ensure that, as far as possible, the matter is raised without personal information relating to other staff, or confidential information about unrelated matters, being disclosed. A staff member who approaches an accredited legal advice centre, e.g. Protect (formerly known as Public Concern at Work, 020 3117 2520 or <https://protect-advice.org.uk>) or Citizens Advice Bureau, must not breach the duty of confidence in this procedure to the Trust Board.

1.7 Failure to follow this procedure

If you unreasonably and without justification raise such issues on a wider basis, such as with the press, without following the steps and advice in this procedure, you may be liable to disciplinary action under the Disciplinary Procedure.

If you approach or accuse any individuals directly or try to investigate the matter yourself, you may be liable to disciplinary action under the Disciplinary Procedure.

If you make an allegation frivolously, maliciously or for personal gain, you may be liable to disciplinary action under the Disciplinary Procedure.