INSPIRE MULTI-ACADEMY TRUST

Trust Suite of HR Policies:

Whistleblowing Procedure

Version	V5
Approved by:	Board of Trustees
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Inclusion – Improving education for everyone.

Integrity – We are consistently open, honest, ethical, and genuine.

Initiative – We have the courage to always seek a better way to a better future.

Involvement –We encourage our community to take ownership and responsibility.

Inspiration – We use our drive and commitment to energise, engage and inspire.

Table of revision

Sept 25	**At 4.2.1** added 'wherever reasonably practicable' **At 7.1** added DfE and Service Director for Education to bullet points **At 7.1** added LADO and sentence beginning 'Employees may also refer…' **Added item 8**

Contents

Introduction 4

Staffing Policy Statement 5

Whistleblowing Procedure – INMAT 13

1. Introduction 13

2. Background 13

Trust Suite

Introduction

High quality employees are essential to the success of every school. INMAT intend to be outstanding employers, recruiting and developing the best employees for the benefit of students.

As an outstanding employer, INMAT require HR policies that are:

- Compliant with latest law/regulations and case-law
- Fit for purpose for an Academy
- Fair to the employer and employee
- Clear and easily understood

These policies will be reviewed annually at a minimum.

Detailed support documentation, including procedures and template forms/letters, accompany these policies.

The Trust is the employer of employees at an academy, with the Governing Body having the responsibility for the leadership and management of the academy, ensuring appropriate policies are in place are part of that responsibility.

These policies are operational from:

1 January 2020

Staffing Policy Statement

1. Introduction

1.1. INMAT is committed to the employment of high caliber employees who support school improvement through exceptional work performance. It is expected that all employees will contribute toward clearly defined organisational standards and objectives. Employees will be supported in doing this by a set of staffing procedures, all of which follow the guiding principles set out in this document.

1.2. This Staffing Policy Statement should be read and implemented in conjunction with the appropriate staffing procedure.

1.3. Collectively the Staffing Policy Statement and staffing procedures are referred to as INMAT Staffing Policy and Procedures.

2. Staffing Policies

2.1. INMAT is committed to having Staffing Policy and Procedures that are:

- Supportive of school improvement
- Comprehensive and fit for purpose
- Legally compliant
- Clear, consistent and easy to understand
- Fair to the employer and employee
- Regularly reviewed with the review date clearly stated
- Supported by templates and guidance as appropriate

2.2. The Staffing Policy and Procedures are non-contractual and may be amended at any time following consultation unless it is stated otherwise in an individual staffing procedure.

2.3. The Staffing Policy and Procedures apply to all employees of INMAT unless it is stated otherwise in an individual staffing procedure.

2.4. The processes that are set out in the Staffing Policy and Procedures, including any time limits, may be varied as appropriate in any case.

3. Accountabilities

3.1. The Trustees are accountable for INMAT Staffing Policy and Procedures.

3.2. The CEO is responsible for the implementation of INMAT Staffing Policy and Procedures, ensuring that they are applied consistently and communicated to employees appropriately.

3.3. The Executive Officers will ensure that:

- The Staffing Policy and Procedures are readily available and accessible to all employees
- New employees are given access and made aware of the Staffing Policy and Procedures during their induction period

3.4. Cases against the Chief Executive Officer will be managed by the Trustees in accordance with the process set out in the appropriate staffing procedure.

3.5. Cases against a Headteacher will be managed by the CEO in accordance with the process set out in the appropriate staffing procedure.

4. Definitions

4.1. The following terms and definitions apply in all staffing policies in which they are used:

Board of Trustees: The Trustees of INMAT. This may refer to a panel of trustees formed to manage a process rather than the full board of trustees.

Chief Executive Officer: The Chief Executive Officer of INMAT. This also refers to any other title used to identify the Chief Executive Officer, or other senior manager delegated to deal with a matter by the Chief Executive Officer, as appropriate

Local Academy Committee: The Local Academy Committee of a School within INMAT. This may refer to a panel of governors formed to manage a process rather than the full Governing Body.

Headteacher: The Headteacher of a School within INMAT. This also refers to any other title used to identify the Headteacher, or other senior manager delegated to deal with the matter by the Headteacher or CEO, as appropriate.

Executive Officer: A member of the Trust senior leadership team.

School Senior Manager: A member of a School's senior leadership team within INMAT. This may be a Deputy Headteacher, Head of Department, School Business Manager, or other senior employee delegated to deal with a matter by the Headteacher or CEO

Line Manager: An employee with line management responsibility for a member of staff.

Teaching Staff: Those employees employed by INMAT whose terms and conditions are covered by the Conditions of Service for School Teachers in England and Wales (the Burgundy Book).

Support Staff: Those employees employed by INMAT whose terms and conditions are covered by the National Joint Council for Local Government Services Conditions of Service (the Green Book). Support Staff include HLTA's and TA's.

Companion: A representative of a trade union or workplace colleague chosen by the employee to accompany them to a formal meeting, where this provision is stipulated in the relevant staffing procedure. A companion may make representations and ask questions but should not answer questions on the employee's behalf.

HR Adviser: A HR professional appointed to support a process being followed. This may be a member of INMAT HR team or an external adviser.

Investigating Officer: A senior manager or external person appointed by the Board of Trustees or CEO to investigate an allegation.

Designated Safeguarding Lead (DSL): To act as the first point of contact for any safeguarding or child protection incident or concern in the setting and even sometimes outside of the workplace.

Data Protection Officer (DPO): Aids your business to fulfil various data protection duties**: Identify and monitor the data processors whilst at work,** ensuring that they deal with data in a manner consistent with the key data protection principles. Process and respond to all requests for information, correction, or erasure by data subjects. Ensure data remains up-to-date and is destroyed when necessary.

5. Trade Union Officials

5.1. INMAT Staffing Policy and Procedures apply to all employees. Where an employee is a trade union representative, wherever possible, no formal action will be taken until the circumstances of the case have been discussed with the relevant professional trade union officer.

6. Probation

6.1. Concerns raised during an employee's probationary period may be taken into account in determining whether or not the probationary period is completed satisfactorily. Where this is the case, the matter will normally be dealt with in accordance with the Trust's probation procedure and not the individual staffing procedure to which the issue relates, for example, sickness absence or disciplinary.

7. Confidentiality

7.1. All parties must treat information relating to cases being dealt with in accordance with the Staffing Policy and Procedures as confidential, unless there is recourse to legal action or if there is police or LADO involvement in which case appropriate information will be shared by INMAT in accordance with Data Protection policies.

7.2. The employee and anyone accompanying the employee (including witnesses) must not make electronic recordings of any meetings or hearings conducted under this procedure. Failure to observe confidentiality could be a reason for disciplinary action under the School's disciplinary procedure unless expressly authorised and agreed by all parties.

8. Equalities

8.1. The Staffing Policy and Procedures will be operated in accordance with INMAT Equality and Diversity Policy. The Trust is committed to developing, maintaining and supporting a culture of equality and diversity in employment. The impact of INMAT Staffing Policy and Procedures will be monitored in accordance with the Equality Act 2010.

9. Formal Meetings

9.1. The following arrangements relate to formal meetings, convened in accordance with a staffing procedure. The individual staffing procedure indicates when a meeting constitutes a formal meeting.

10. Arrangements Prior to the Formal Meeting

10.1. An employee invited to a formal meeting convened in accordance with a staffing procedure will be provided with:

a) 10 working days' notice of the meeting

b) The date, time and location of the meeting

c) Information about the purpose of the meeting, including allegations, where appropriate

d) Possible consequences of the meeting, including dismissal, where appropriate

e) Notification of their right to be accompanied by their companion

f) Copies of documents to be discussed

g) Names of people attending the meeting and their role

h) An additional copy of correspondence for the employee's companion where requested

i) The opportunity to request special arrangements, e.g., relating to disability, language requirements

10.2. An employee invited to a formal meeting is required to confirm their attendance, provide the name of their companion where relevant and provide any other requested information at least three working days prior to the meeting.

10.3. The employee must take all reasonable steps to attend meetings. Failure to do so without good reason may be treated as misconduct.

10.4. If the employee is unable to attend a formal meeting at the scheduled time, the Trust will make a reasonable attempt to reschedule it for an alternative date. In the event that the employee is unable to attend a rescheduled formal meeting, they may be given alternative options to provide information and be advised that it may go ahead in their absence. Alternatives may include the following, as appropriate to the circumstances of the case:

- Meet in another venue or at their home
- Attend via telephone conference
- Send a companion to represent them, providing appropriate written consent
- Provide a written submission
- Request that the meeting takes place in their absence

10.5. Any manager visiting an employee's home will be accompanied by another manager.

10.6. A meeting may be adjourned if the chair of the meeting is awaiting receipt of information, needs to gather further information or give consideration to matters discussed at a previous meeting. The employee will be given a reasonable opportunity to consider any new information obtained before the meeting is reconvened.

10.7. If the employee's chosen companion is unavailable to attend a formal meeting at the scheduled time and will not be available for more than 5 working days afterwards, the employee will normally be required to find an alternative companion.

11. Procedure During a Formal Meeting

11.1. The Chair of a formal meeting, hearing or appeal may be accompanied by an HR Adviser, including during any deliberations. The HR Adviser will not have a vote in any decision that is reached.

11.2. An employee's companion may make representations and ask questions but should not answer questions on the employee's behalf.

12. Outcome of a Formal Meeting

12.1. The Chair of the meeting will confirm the outcome of a formal meeting in writing to the employee as soon as possible and usually within 10 working days of the meeting.

12.2. The record of the meeting will include the outcome and the details of the people present.

13. Dismissal

13.1. If a decision is taken to dismiss an employee, the Chair, of the formal meeting at which the decision was reached, will inform the employee, and their companion, that the employee is dismissed, with the required contractual or statutory notice, whichever is the greater.

13.2. The written confirmation of the dismissal will include:

- Confirmation that the employee has been dismissed
- The grounds for the dismissal and the reasons
- The required contractual or statutory notice due (or payment in lieu of notice where applicable) and the date the dismissal will be effective
- The employee's right of appeal

13.3. Termination of employment will normally be with full notice or payment in lieu of notice. In some cases, it may not be appropriate for the employee to work

during their notice. The contract may state that the employee remains at home on 'garden leave' or this may be agreed between the parties.

13.4. Where dismissal has been on the grounds of gross misconduct, the employee may be dismissed without notice or pay in lieu of notice and this will be confirmed in the outcome letter.

13.5. A Fit Note must be provided to cover the employee's notice period when they are absent due to sickness.

14. Appeals

14.1. Appeals constitute formal meetings and should be conducted in accordance with point 10 above.

14.2. Appeals will be heard by a panel who have not had prior involvement with the case.

14.3. The appeals panel may be advised by a person engaged by the Trust.

14.4. The purpose of an appeal hearing is to review the decision made during the formal process and to decide if the decision was reasonable in all circumstances.

14.5. Individual staffing procedures state where an employee has the right to appeal against a decision that has been made.

14.6. An employee will be advised of their right to appeal a decision taken during a formal meeting, in writing, when the outcome is communicated to them.

14.7. Appeals should be made in writing, stating the grounds for appeal in full, within 10 working days of the date of the written decision.

14.8. All appeal hearings will be held as soon as possible and, in normal circumstances, within 10 working days after receipt of the appeal.

14.9. Individual staffing procedures state who the appeal should be submitted to and who is responsible for hearing it.

14.10. The date that any dismissal takes effect will not be delayed pending the outcome of an appeal. However, if the appeal is successful, the decision to dismiss will be revoked with no loss of continuity or pay.

14.11. Upon conclusion of the appeal process, there is no further right of appeal.

14.12. The employee may appeal on the following grounds only:

- That the sanction applied was too severe or disproportionate
- That the procedure has been applied defectively or unfairly
- That new evidence has come to light that was not available at the previous hearing and that it is likely to make a difference to the original decision

14.13. The decision at appeal can confirm or overturn the original decision, or apply a greater, lesser, or alternative penalty.

Whistleblowing Procedure – INMAT

1. Introduction

1.1. This whistleblowing procedure must be read and applied in conjunction with INMAT Staffing Policy Statement.

1.2. The aim of this procedure is to set out how INMAT will deal with concerns raised by employees which relate to suspected wrongdoing or dangers at work.

1.3. Allegations of child abuse against teachers and other employees and volunteers will be dealt with in accordance with 'Keeping Children Safe in Education 2023 - statutory guidance for schools and colleges.

2. Background

a. As employees may be the first to realise that there may be something wrong within the Trust, it is important that they feel able to express their concerns without fear of harassment or victimisation. Otherwise, they may find it easier to ignore the concern rather than report it. The Public Interest Disclosure Act 1998 recognises this fact and is designed to protect employees, who make certain disclosures of information in 'the public interest', from detriment and/or dismissal. This policy builds on the provisions of the Act.

b. The Trust is committed to the highest possible standard of operation, probity and accountability. In line with that commitment, employees, officers, consultants, contractors, volunteers, casual workers and agency workers with serious concerns are encouraged to come forward and voice those concerns. This procedure makes it clear that employees can do so without fear of reprisals. It is intended to encourage and enable employees to raise serious concerns within the Trust rather than overlooking a problem or alerting anyone external to the Trust.

3. Aims of the Procedure

3.1. This procedure aims to:

- Provide avenues for employees to raise concerns internally as a matter of course, and receive feedback on any action taken
- Provide for matters to be dealt with quickly and appropriately and ensure that concerns are taken seriously and treated consistently and fairly
- Reassure employees that they will be protected from reprisals or victimisation for whistleblowing where they have a genuine concern
- Allow employees to take the matter further if they are dissatisfied with the Trust's response

3.2. A whistle-blower is a person who raises a genuine concern relating to the matters listed below. If employees have any genuine concerns related to suspected wrongdoing or danger affecting any of our activities (a whistleblowing concern) they should report it under this procedure. Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include:

- Criminal activity
- Miscarriages of justice
- Danger to health and safety
- Damage to the environment
- Failure to comply with any legal or professional obligation or regulatory requirements
- Bribery
- Financial fraud or mismanagement
- Negligence
- Breach of our internal policies and procedures
- Conduct likely to damage our reputation
- Unauthorised disclosure of confidential information
- Public examination fraud
- The deliberate concealment of any of the above matters

3.3. Before initiating the procedure, employees should consider the following:

- The responsibility for expressing concerns about unacceptable practise or behaviour rests with all employees
- Employees should use line manager or team meetings and other opportunities to raise questions and seek clarification on issues which are of day-to-day concern
- Whilst it can be difficult to raise concerns about the practice or behaviour of a colleague, employees must act to prevent an escalation of the problem and to prevent themselves being potentially implicated

3.4. This procedure should not be used for complaints about an employee's personal circumstances, such as the way they have been treated at work. In these cases, an employee should use the Trust's grievance procedure (or anti-harassment and bullying policy as appropriate). If the matter relates to salary, the salary review procedure is documented in the Trust's Pay Policy.

4. Safeguards

4.1. Harassment or Victimisation

4.1.1. The Trust recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The Trust will not tolerate harassment or victimisation and will take action to protect employees when they have a genuine concern.

4.1.2. This does not mean that if an employee is already the subject of internal procedures such as disciplinary or redundancy, that those procedures will be halted as a result of that employee raising a concern under the whistleblowing procedure.

4.2. Confidentiality

4.2.1. The Trust hopes that employees will feel able to voice whistleblowing concerns openly under this procedure. The Trust will make every effort to protect an employee's identity wherever reasonably practicable if confidentiality is requested.

4.2.2. As indicated above, identity will be protected as far as possible, but should the investigation into the concern require the employee to be named as the source of the information, that this will be discussed with the employee before their name is disclosed.

4.3. Anonymous Allegations

4.3.1. Employees are encouraged to put their name to an allegation. Proper investigation may be more difficult or impossible if we cannot obtain

further information and it is also more difficult to establish whether

allegations are credible. Anonymous allegations will be considered at the discretion of the Trust. In exercising the discretion, the factors to be taken into account would include:

- The seriousness of the issues raised
- The credibility of the concern
- Likelihood of confirming the allegation from attributable sources

4.4. False Allegations

4.4.1. If an employee makes an allegation where they have a genuine concern, but it is not confirmed by the investigation, no action will be taken against that employee. If, however, we conclude that an employee has made malicious or vexatious allegations, or with a view to personal gain, disciplinary action may be taken against that employee.

4.5. Unfounded Allegations

4.5.1. Following an investigation, allegations may be confirmed as unfounded. This outcome will be notified to the employee who raised the concern, who will be informed that the Trust deems the matter to be concluded and that it should not be raised again unless new evidence becomes available.

4.6. Support for Employees

4.6.1. It is recognised that raising concerns can be difficult and stressful. Advice and support will be made available, as appropriate to both the employee/s raising the concerns and any employee/s subject to investigation.

5. Raising a Concern

5.1. As a first step, an employee should normally raise concerns with their immediate manager or their manager's superior. This depends, however, on the seriousness and sensitivity of the issues and who is involved. For example, if an employee believes that their immediate manager or their manager's superior is involved, they should approach the Local Academy Committee or Board of Trustees (as appropriate). Concerns should be recorded on the Confide system through My Concern.

5.2. An employee (including the Chief Executive Officer and members of the leadership team) can by-pass the direct management line and the Board of Trustees if they feel the overall management and Board of Trustees of the Trust is engaged in an improper course of action. In this case, please refer to section 7 below.

5.3. Concerns are better raised in writing. The employee should set out the background and history of the concerns, giving names, dates and places where possible, and the reasons why they are particularly concerned about the situation. If an employee does not feel able to put their concern in writing, they should telephone or meet the appropriate person. However, it is important that when the concern is raised, the employee makes it clear that they are raising the issue via the whistleblowing procedure. Managers should record concerns using the Confide system through My Concern.

5.4. The earlier an employee expresses the concern, the easier it is to take action.

5.5. Although an employee is not expected to prove the truth of an allegation, they will need to demonstrate to the person contacted that there are sufficient grounds for the concern.

5.6. In some instances, it may be appropriate for an employee to ask the trade union to raise a matter on the employee's behalf.

5.7. At each meeting under this procedure, the employee may bring a colleague or trade union representative. The companion must respect the confidentiality of the disclosure and any subsequent investigation.

5.8. All records relating to the allegations must be recorded using the Confide system through My Concern.

6. The Role of Senior Managers

6.1. A senior manager may be informed by an employee about concerns and that they are "blowing the whistle" within the procedure in person; or in writing or over the phone.

6.2. The senior manager should respond immediately and arrange for a stage 1 meeting to take place with the employee as soon as possible.

6.3. Stage 1:

6.3.1. At the initial meeting the Headteacher/CEO (as appropriate) establish that:

- There is genuine cause and sufficient grounds for the concern
- The concern has been appropriately raised via the whistleblowing procedure, using the Confide platform through My Concern.

- The manager conducting this meeting should ask the employees to put their concerns in writing if they have not already done so. If the employee is unable to do this, the manager will take down a written summary of their concern/s and provide them with a copy after the meeting. The manager should make notes of the discussions with the

employee. The employee's letter and/or manager's notes should make it clear that the employee is raising the issue via the whistleblowing procedure and provide:

- The background and history of the concern
- Names, dates and places (where possible)
- The reasons why the employee is particularly concerned about the situation

6.3.2. The employee should be asked to date and sign their letter and/or the notes of any discussion. The manager should positively encourage the employee to do this, as a concern expressed anonymously is much less powerful and much more difficult to address, especially if the letter/notes become evidence in other proceedings, e.g., an internal disciplinary hearing.

6.3.3. The manager should follow the policy as set out above and in particular explain to the employee:

- Who they will need to speak to in order to determine the next steps
- What steps they intend to take to address the concern
- How they will communicate with the employee during and at the end of the process. It should be noted that the need for confidentiality may prevent the Trust from giving the employee specific details of any necessary investigation or any necessary disciplinary action taken as a result
- That the employee will receive a written response within 10 working days
- That their identity will be protected as far as possible, but should the investigation into the concern require the employee to be named as the source of the information, that this will be discussed with the employee before their name is disclosed
- That the Trust will do all that it can to protect the employee from discrimination and/or victimisation
- That the matter will be taken seriously and investigated immediately
- That if the employee's concern, though raised as a genuine concern, is not confirmed by the investigation, no punitive action will be taken against them
- If clear evidence is uncovered during the investigation that they have made a malicious or vexatious allegation, disciplinary action may be taken against them
- The investigation may confirm their allegations to be unfounded in which case the Trust will deem the matter to be concluded

unless new evidence becomes available

6.4. Stage 2:

6.4.1. Following the initial meeting with the employee, the manager should consult with the Headteacher/CEO (as appropriate) to determine whether an investigation is appropriate and, if so, what form it should take. A record should be made of the decisions and/or agreed actions and logged on the Confide platform.

6.4.2. It may be necessary, with anonymous allegations, to consider whether it is possible to take any further action. When making this decision, the Headteacher/CEO (as appropriate) should take the following factors into account:

- The seriousness of the issue/s raised
- The credibility of the concern/s
- The likelihood of confirming the allegation/s from attributable sources.

6.4.3. In some cases, it may be possible to resolve the concern/s simply, by agreed action or an explanation regarding the concern/s, without the need for further investigation. However, depending on the nature of the concern/s it may be necessary for the concern/s to:

- Be investigated internally
- Be referred to the police
- Be referred to the external auditor
- Form the subject of an independent inquiry

6.4.4. Senior managers dealing with whistleblowing cases should have a working knowledge and understanding of other Trust procedures, e.g., grievance, disciplinary, harassment and child protection procedures, to ensure that concerns raised by employees are addressed via the appropriate procedure.

6.5. Stage 3:

6.5.1. Within 10 working days of a concern being received, the senior manager receiving the concern (at paragraph 6.1 above) must write to the employee:

- Acknowledging that the concern has been received
- Indicating how they propose to deal with the matter
- Giving an estimate of how long it will take to provide a final response
- Telling the employee whether any initial enquiries have been made

- Telling the employee whether further investigations will take place, and if not why not

- Letting the employee know when they will receive further details if the situation is not yet resolved

7. Raising Concerns Outside the Trust

7.1. The aim of this procedure is to provide an internal mechanism for reporting, investigation and remedying any wrongdoing in the workplace. In most cases, the employee should not find it necessary to alert anyone externally. The law recognises that in some circumstances it may be appropriate for the employee to report their concerns to an external body, such as a regulator. It will very rarely if ever be appropriate to alert the media. Employees are strongly encouraged to seek advice before reporting a concern to anyone external. If an employee is not satisfied with the Trust's response, the senior manager dealing with the case should ensure that they are made aware with whom they may raise the matter externally:

- 'Protect' – 0203 3117 2520 *
- Recognised trade union
- Department for Education (DfE)
- Senior LA officer or Service Director for Education
- External auditor
- Relevant professional bodies or regulatory organisations
- Solicitor

*Protect is a registered charity that employees can contact for advice to assist them in raising concerns about poor practice at work. The charity also provides advice to employers as to the possible ways to address these concerns.

Concerns about safeguarding practices can be raised externally with the Local Authority Designated Officer (LADO) or by using the NSPCC whistleblowing helpline. Employees can call 0800 028 0285 or email help@nspcc.org.uk.

Employees may also refer to the Department for Education's Whistleblowing Guidance for Employees for further information about raising concerns.

7.2. The senior manager dealing with the case should stress to the employee that if they choose to take a concern outside the Trust, it is the employee's responsibility to ensure that confidential information is not disclosed, i.e., confidential information, in whatever format, is not handed over to a third party.

8. Monitoring and Review

8.1 Records of whistleblowing concerns and how they were addressed will be retained securely and in line with data protection and safeguarding requirements.

8.2 The CEO will be responsible for monitoring the implementation and effectiveness of this policy/procedure. The policy/procedure will be reviewed by the Trust Board as necessary.