



WHISTLEBLOWING POLICY

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Version	Changes identified

1. Introduction

- 1.1 Apex Collaborative Trust is a values-led organisation. Our core values of Ambition, Collaboration and Trust are fundamental to our approach and shape our culture. We believe establishing a strong culture is the most important ingredient for our success, so that we create an ideal environment for learning where all members of our trust community can flourish.
- 1.2 Our mission is to make a difference in our communities by placing learning at the heart of all we do. We realise that this is only possible through the contribution and commitment our employees make. The Trust will promote an open and transparent culture in which staff are encouraged to share any concerns they may have.
- 1.3 This policy covers all employees, governors, trustees, contractors, casual workers, and agency workers.
- 1.4 The aims of this policy are:
 - To encourage employees to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected.
 - To provide employees with guidance on how to recognise and raise concerns.
 - Set clear procedures for how the trust will respond to such concerns.
 - Let staff know the protection available to them if they raise a whistle-blowing concern.
 - Assure staff that they 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 (though vexatious or malicious concerns may be considered a disciplinary issue).

2. Legislation

- 2.1 The requirement to have clear whistle-blowing procedures in place is set out in the [Academy Trust Handbook](#) and [Keeping children safe in education - GOV.UK](#).
- 2.2 This policy has been written in line with the above document, as well as [government guidance on whistle-blowing](#). The Trust takes into account the [Public Interest Disclosure Act 1998](#).
- 2.3 **The Public Interest Disclosure Act (PIDA)**
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. What is whistleblowing

3.1 Whistleblowing covers the disclosure of information in relation to suspected wrongdoing that is “in the public interest” in relation to statutory or regulatory breaches. Examples of disclosures made in the public interest include, but are not limited to:

- Criminal offences, such as fraud or corruption;
- Pupils’ or staff health and safety being put in danger;
- Failure to comply with a legal obligation or statutory requirement;
- Breaches of financial management procedures;
- Attempts to cover up the above, or any other wrongdoing in the public interest;
- Damage to the environment.

3.2 A whistleblower is a person who raises a genuine concern relating to any of the above. If a person 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.

3.3 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 the Trust’s Grievance policy would be applicable.

3.4 Not all concerns about the trust, or individual schools in the trust, count as whistleblowing. For example, personal staff grievances such as bullying or harassment do not usually count as whistleblowing.

3.5 When staff have a concern, they should consider whether it would be better to follow our staff grievance or complaints procedures. Protect <https://protect-advice.org.uk/what-is-whistleblowing/> has further guidance on the difference between a whistleblowing concern and a grievance and an advice line <https://protect-advice.org.uk/contact-protect-advice-line/> and employees may also wish to take advice from their recognised trade union.

4. Procedure for staff to raise a whistle-blowing concern **Reporting Structure**

4.1 School-based staff, in the first instance, should report all concerns to the headteacher or another member of the senior leadership team. If the concern is about the Headteacher, it should be reported to the CEO. Where it is believed that person may be involved in the wrongdoing in some way, the staff member should report their concern to the trust.

4.2 The trust encourages staff to raise their concerns internally with the School or Trust but accepts that staff may feel the need to report concerns to an external body. A list of prescribed bodies to whom staff can raise concerns with is included [here](#).

- 4.3 Apex Support Team should report a concern to the CEO. If the concern is about the CEO, or it is believed the CEO may be involved in the wrongdoing in some way, then report the concern to the Chair of the Trust through the Head of Governance at whistleblowingcomplaints@apex-trust.org
- 4.4 The Trust will conduct an initial assessment to determine the scope of any investigation. The whistleblower may be required to attend additional meetings to provide further information.
- 4.5 The whistleblowing concern will then be referred to the appropriate person / team who:
- Has not had previous involvement in the matter, or likely to be party to the wrongdoing;
 - Has the appropriate level of authority / seniority to investigate.
 - Who has the relevant knowledge and experience to deal with the concern. It may require specialist knowledge of the subject matter.

Investigating the concern

- 4.6 The person investigating the concern should follow the process below:
- Meet with the person raising the concern as soon as reasonably possible. The person raising the concern may be accompanied to any meetings under this policy; however the companion/recognised union representative must respect the confidentiality of the disclosure and any subsequent investigation.
 - The investigator must get as much detail as possible about the concern at this meeting and record the information concisely, including dates / times. If it becomes apparent the concern is not of a whistleblowing nature, the investigator should handle the concern in line with the appropriate policy/procedure or refer it back to Apex HR or Governance Team or referral to the appropriate team or specialist.
 - Reiterate, at this meeting, that they are protected from any unfair treatment or risk of dismissal as a result of raising the concern. However, note that if the concern is found to be malicious or vexatious, disciplinary action may be taken (see Annex 1).
 - Establish whether there is sufficient cause for concern to warrant further investigation. If there is:
 - The investigator should consider the scope of an investigation and whether to organise an external, independent body to investigate or whether the Police need to be informed.
 - The person who raised the concern should be informed of how the matter will be dealt with and the estimated timeframe.

5. Outcome of investigation

- 5.1 Once the investigation is complete, whether this was just the initial investigation into the concern or whether further investigation was undertaken, the investigator will prepare a report detailing their findings and confirm whether or not any wrongdoing has occurred. The report should include any recommendations and details on how the matter can be rectified or whether a referral is required to an external organisation, such as the DfE, ESFA or police.
- 5.2 They will inform the person who raised the concern of the outcome of the investigation, though certain details may need to be restricted due to confidentiality or because the matter has been referred to another process e.g. disciplinary.

6. Protection for whistleblowers

- 6.1 It is understandable that whistleblowers are sometimes worried about possible repercussions. The Trust aims to encourage openness and will support employees who raise genuine concerns under this policy, even if they turn out to be mistaken.
- 6.2 The Trust recognises that the decision to make a disclosure can be a difficult one, not least, because of the fear of reprisal from those responsible for the alleged wrongdoing or from other employees. The Trust will not tolerate bullying, harassment or victimisation and will take action to protect those when raising a concern using this policy.
- 6.3 Whistleblowers must not suffer any detrimental treatment as a result of raising a legitimate concern. Employees who make a disclosure that is a 'qualifying disclosure' in the public interest are protected from suffering a detriment in their employment under the Public Interest Disclosure Act 1998 (PIDA).

7. Malicious or vexatious allegations

- 7.1 Staff are encouraged to raise concerns when they believe there to potentially be an issue. If an allegation is made in good faith, but the investigation finds no wrongdoing, there will be no disciplinary action against the member of staff who raised the concern.
- 7.2 If, however, an allegation is found to be deliberately invented or malicious or becomes vexatious, the trust will consider disciplinary action against the person making the allegation. Annex 1 has information to help managers recognise vexatious / malicious concerns.

8. Review

- 8.1 This policy will be reviewed every three years, or sooner if required.

Annex 1

Handling vexatious and malicious complaints

The information below is guidance that can be used by managers when dealing with Whistleblowing concerns but can also be used when considering grievances and parental complaints.

1. The presumption should be that a complaint is made in good faith. If the manager becomes aware that the complaint is made with vexatious or malicious intent they may make a decision and recommendations for further action on this basis.
2. Every complaint must be considered on its merits and, even if someone has made a vexatious or malicious complaint in the past, it must not be assumed that any other complaint they make will also be vexatious or malicious.
3. Managers should consider any known temporary or permanent outside factors, such as personal or health issues that may have affected the employee and which the employee is prepared to share. Managers should remind the employee about available support such as the Employee Assistance Programme (EAP).

Identifying vexatious and malicious complaints

What is a vexatious complaint?

- A vexatious complaint is one that is pursued, regardless of its merits, solely to harass, annoy or subdue somebody; something that is unreasonable, without foundation, frivolous, repetitive, burdensome or unwarranted.
- Repeated allegations grounded in disagreement rather than evidence.

In identifying vexatious complaints, managers must be careful to:

- Distinguish between employees who are raising genuine concerns; and
- Recognise where people are simply being difficult.

This can be achieved by recognising that complainants may often be aggrieved, frustrated or have other reasons for their behaviour; the focus must be on careful consideration of the merits of the case rather than the attitude of the complainant.

However, a complaint may be regarded as vexatious where the employee:

- Persists in pursuing a complaint which has already been investigated by another or the same manager and provides no new or material information.
- Seeks to prolong contact by continually changing the substance of a complaint or by continually raising further concerns or questions whilst the complaint is being addressed.

- Fails to clearly identify the substance of a complaint, or the precise issues which may need to be investigated despite reasonable efforts by the manager to assist them.
- Complains solely about trivial matters to an extent which is out of proportion to their significance.
- Makes excessive contact with the manager or seeks to impose unreasonable demands or expectations on resources, such as responses being provided more urgently than is reasonable or necessary.

What is a malicious complaint?

A malicious complaint is one that is made with the intention of causing harm, for example:

- deliberately seeking to defame a colleague or manager and raising a complaint with this intent;
- through lying about an issue or incident in the knowledge that this will cause harm;
- through knowingly basing a complaint on rumour and gossip with the intention of causing harm.
- knowingly misleading the investigation by not providing all relevant information.