

Newham Community Learning: Whistleblowing Policy

Applies to: Newham Community Learning and all schools within the Trust

Author and Responsible Officer:

Valerie Todd, HR Director, *email: valerie.todd@ncltrust.net*

Designated Whistleblowing Trustee (ATH 2.49):

Sergey Sidorov, *email: sergey.sidorov@ncltrust.net*,

Designated Whistleblowing Staff Lead:

Valerie Todd, HR Director, *email: valerie.todd@ncltrust.net*

Approved by Trust Board, September 2026

Contents

1. Overview of the Policy Management Process	3
1.1. Document history	3
1.2. Review and Approval	4
2. Newham Community Learning Policy - Whistleblowing Policy	4
2.1. Introduction	4
2.2. Legal Framework	4
2.3. Who Is Protected by this Policy?	5
3. What Is a Qualifying Disclosure?	5
4. Sexual Harassment as a protected disclosure	5
5. How to raise a concern	6
5.1. Suggested Routes	6
5.2. What happens after a concern is raised?	7
5.3. Raising a concern externally	8
6. Protection from Detriment and Dismissal	8
7. Confidentiality and Anonymity	9
8. Record-Keeping	9
9. Roles and Responsibilities	9

1. Overview of the Policy Management Process

1.1. Document history

Date	Revision	Version number (substantive revisions are allocated a new whole number; minor revisions are designated by the addition of a consecutive decimal point)
Sept 2021	NCST Trust level Whistleblowing Policy in place	v1.0
Sept 2022	Reviewed, updated and released as a Newham Community Learning Policy	v.2.0
Dec 2023	Updates made as follows: Reviewed and fit for purpose and reflective of the Trust's current structures and governance	v3.0
March 2024	Section 2.3 - clarification regarding the scope of the Whistleblowing Policy, with particular reference to the Trust Safeguarding Policy and the reporting and management of low-level concerns	v3.1
September 2026	September 2026: Updated in accordance with the Employment Rights Act 2025 to include sexual harassment as an express qualifying disclosure under section 43B ERA 1996, and to align fully with Academy Trust Handbook and KCSIE requirements.	v4.0

1.2. Review and Approval

The Whistleblowing Policy applies to the whole Trust. It is reviewed by the Executive Team (and/or their delegates) and is then presented to the Trust Board for approval (via a relevant board committee if appropriate).

It is reviewed in line with the Trust Policy Review Schedule.

2. Newham Community Learning Policy - Whistleblowing Policy

2.1. Introduction

Newham Community Learning is committed to the highest standards of openness, integrity and accountability. The Trust encourages anyone with a genuine concern about wrongdoing, including but not limited to: malpractice, financial irregularity, safeguarding risk, unsafe practice or sexual harassment to speak up, and will support and protect anyone who does so **with a reasonable belief that the disclosure is in the public interest**.

This policy exists to give employees, volunteers, trustees, governors, contractors and others working for the Trust a clear route to raise a genuine concern, and confidence that they can do so without fear of detriment or victimisation.

Whistleblowing is different from a grievance. A grievance is a personal complaint about how you have been treated. Whistleblowing is raising a concern, in the public interest, about wrongdoing or risk or malpractice that affects others: pupils, colleagues, the Trust or the public. Where a concern contains elements of both an individual grievance and a wider public interest disclosure, it will be assessed by the Designated Whistleblowing Lead in consultation with the Designated Whistleblowing Trustee. It is important to note that the referral or parallel handling of any matter under the Grievance Policy does not diminish or remove the worker's statutory whistleblowing protection under this policy or the Employment Rights Act 1996.

2.2. Legal Framework

This policy is written in line with:

- The Public Interest Disclosure Act 1998 (PIDA), which inserted protections into the Employment Rights Act 1996 (ERA 1996)
- Section 43B ERA 1996, which defines a 'qualifying disclosure' (see Section 3 below)
- The Employment Rights Act 2025, which – with effect from 6 April 2026 – amends section 43B ERA 1996 to add sexual harassment as an express, standalone category of qualifying disclosure (see Section 4 below)
- Keeping Children Safe in Education (KCSIE) and the Trust's Safeguarding and Child Protection Policy
- The Academy Trust Handbook
- The Equality Act 2010

2.3. Who Is Protected by this Policy?

This policy applies to, and the legal protections described in it extend to, workers in the broad statutory sense recognised by whistleblowing law. This includes:

- Employees, on permanent, fixed-term or temporary contracts
- Agency and supply staff
- Volunteers and contractors, to the extent whistleblowing protection applies to their engagement
- Trustees and local governors
- Job applicants who disclose a concern in the recruitment process, in line with wider protections against detriment

A person does not need to be certain that wrongdoing has occurred, or be able to prove it, in order to raise a concern under this policy. They need only have a reasonable belief that the information they are disclosing tends to show one of the matters listed in Section 3, and that raising it is in the public interest.

3. What Is a Qualifying Disclosure?

Under section 43B of the Employment Rights Act 1996, a qualifying disclosure is the disclosure of information which, in the reasonable belief of the person making it, tends to show one or more of the following:

- A criminal offence has been committed, is being committed, or is likely to be committed
- A person has failed, is failing, or is likely to fail to comply with any legal obligation
- 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
- Sexual harassment has occurred, is occurring, or is likely to occur (see Section 4 below)
- Information tending to show any of the above has been, is being, or is likely to be deliberately concealed

A disclosure does not need to be framed as a legal or technical matter to qualify; what matters is that it reasonably falls within one of the categories above and is made in the public interest. Concerns specific to safeguarding children should always additionally be raised immediately via the Trust's Safeguarding and Child Protection Policy, given the urgency safeguarding matters require.

4. Sexual Harassment as a protected disclosure

With effect from 6 April 2026, the Employment Rights Act 2025 makes sexual harassment an explicit, standalone category of qualifying disclosure under whistleblowing law. This is a significant and welcome clarification, and the Trust wants every member of our community to understand what it means in practice:

- A report that sexual harassment has occurred, is occurring, or is likely to occur is a protected disclosure in its own right. It no longer needs to be reframed as a health and safety issue or a breach of legal obligation to qualify for whistleblowing protection.
- This applies to past, present and anticipated sexual harassment. There is no time limit on when the harassment took place.

- Sexual harassment is defined, in line with section 26(2) of the Equality Act 2010, as unwanted conduct of a sexual nature which has the purpose or effect of violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.
- Anyone who raises a concern about sexual harassment, whether it happened to them or they witnessed or became aware of it happening to someone else, is protected from detriment and, if an employee, from unfair dismissal on the grounds of having made that disclosure, provided they hold a reasonable belief in what they are disclosing and the usual public interest test is met.
- A person can raise a sexual harassment concern under this Whistleblowing Policy, or the Grievance Policy – whichever route they are most comfortable with. Whichever route is used, the whistleblowing protections in this policy apply where the statutory tests are met.

This Whistleblowing Policy governs the protection from detriment and dismissal that applies to the person who raises the concern.

Note: further reforms under the Employment Rights Act 2025 restricting the use of Non-Disclosure Agreements (NDAs) to silence harassment and discrimination disclosures are expected to come into force on a date to be confirmed. This policy will be updated accordingly, and in the meantime the Trust does not use NDAs or settlement terms to prevent any person raising a protected disclosure, including one relating to sexual harassment.

5. How to raise a concern

Concerns can be raised in whichever of the following ways feels safest and most appropriate. There is no requirement to use the 'suggested' route first – any genuine concern raised through any of these channels will be taken seriously and directed appropriately.

5.1. Suggested Routes

Route		Use When
Your line manager or Headteacher		Your normal first point of contact, unless the concern involves them directly
Designated Whistleblowing Lead	Valerie Todd, HR Director	Any concern across the Trust, particularly employee relations, operational compliance, or where local school escalation is inappropriate.
Designated Safeguarding Lead (DSL)	School DSL	Any concern involving the safety or welfare of a child
Chief Executive Officer	Anthony Wilson	Where the concern involves a Headteacher or other senior leader

	<i>email:</i> <i>anthony.wilson@ncltrust.net</i>	
Chair of Trustees	Mansoor Siddique <i>email:</i> <i>m.m.siddique@ncltrust.net</i>	Where the concern involves the CEO or another Trustee, or where the individual does not feel able to raise it internally
Designated Whistleblowing Trustee	Sergey Sidorov <i>email:</i> <i>sergey.sidorov@ncltrust.net</i>	Where the concern involves the CEO or the Chair of Trustees, or where an employee, volunteer or governor believes internal executive escalation is inappropriate or presents a conflict of interest.
A prescribed person or body	DFE, Ofsted, LADO etc (see Section 5.3)	Where the individual has genuine reason not to raise the matter internally, or has done so without a satisfactory response

Concerns should ideally be raised in writing (letter or email) and should include, as far as possible: what the concern is, who is involved, when and where it happened or is happening, and any evidence or witnesses. Concerns can also be raised verbally, and will be recorded in writing by the person receiving them.

5.2. What happens after a concern is raised?

- Receipt of the concern is acknowledged in writing within 5 working days.
- An appropriate, independent person is identified to consider or investigate the concern; Under no circumstances will a concern be investigated by an individual who is the subject of the disclosure, by that person's direct line manager, or by any party with a personal or operational conflict of interest. Where a concern involves a member of the Executive Team at Director level or above, or a member of school staff at Head of School or Headteacher level, an external independent investigator or Trustee-led investigation will be commissioned.
- Where the concern relates to safeguarding, the Trust's Safeguarding & Child Protection Policy and LADO referral processes take precedence and run alongside this policy, not instead of it.
- Where the concern relates to sexual harassment, the Trust will also consider whether immediate protective steps are needed (e.g. adjusting working arrangements) while the matter is looked into, and will handle the investigation under the Grievance policy
- The individual raising the concern will be kept informed, so far as possible, of the actions taken and the general outcome, subject to duties of confidentiality owed to others involved.

- Where a concern cannot be resolved to the satisfaction of the person raising it, they may escalate it in line with Section 5.3.

5.3. Raising a concern externally

The Trust hopes that most concerns can be raised and resolved internally. However, the law recognises that in some circumstances a person may reasonably raise a concern with an external, 'prescribed person' or body, and still retain whistleblowing protection – for example where they reasonably believe they would be victimised for raising it internally, or where they have already raised it internally without a reasonable response.

- Department for Education (DfE)
- Ofsted
- The Local Authority Designated Officer (LADO), for safeguarding-related concerns
- The NSPCC Whistleblowing Advice Line, for safeguarding concerns specifically
- The Health and Safety Executive (HSE), for health and safety concerns
- The Charity Commission, where relevant to the Trust's charitable status
- The police, for concerns involving a criminal offence
- ACAS, for confidential advice on the whistleblowing process

A full list of prescribed persons and bodies is maintained by the UK Government and available at [Whistleblowing: list of prescribed people and bodies - GOV.UK](#)

Individuals are encouraged to seek advice (e.g. from ACAS, [The law - Whistleblowing at work - Acas](#) or their union before raising a concern externally, to understand how to preserve their legal protection.

If you are unsure whether to use the Trust's Whistleblowing Policy, or you want independent advice at any stage, you may contact the independent whistleblowing charity called Protect (formerly Public Concern at Work). This organisation seeks to ensure that concerns about serious malpractice are properly raised and addressed in the workplace. The staff will give you free expert and confidential advice about how to raise a concern about serious malpractice at work using a Whistleblowing Policy. Their contact details are:

Protect

Helpline: **020 3117 2520**

(Independent whistleblowing charity)

E-mail: whistle@protect-advice.org.uk

Website: <https://protect-advice.org.uk/>

6. Protection from Detriment and Dismissal

- Any worker who makes a protected disclosure has the right not to be subjected to any detriment (e.g. being treated less favourably, denied opportunities, excluded, or subjected to disciplinary action) on the grounds that they made the disclosure.
- Any employee who is dismissed wholly or mainly because they made a protected disclosure will be automatically unfairly dismissed, regardless of their length of service.

NCLTrust.net

Tel: 0330 053 4810 | Email: ceo.pa@ncltrust.net |  ncltrust.net

- Compensation for automatically unfair dismissal on whistleblowing grounds is uncapped.
- These protections apply in full to disclosures about sexual harassment made on or after 6 April 2026, as an explicit, standalone category of protected disclosure (see Section 4.)
- The Trust will not tolerate any victimisation, harassment or detriment against anyone who raises a concern, with a reasonable belief that the disclosure tends to show wrongdoing in the public interest. whether the concern is ultimately upheld or not. Anyone found to have subjected a whistleblower to detriment will be subject to the Trust's Disciplinary Policy.
- Raising a concern that turns out to be mistaken, provided it was raised honestly and in the reasonable belief that it was true, will not result in any action against the person who raised it. Deliberately making a false allegation, known to be untrue at the time, is a disciplinary matter and does not qualify for protection under this policy.

7. Confidentiality and Anonymity

- The Trust will make every effort to protect the identity of anyone raising a concern, and will only disclose it internally on a strict need-to-know basis, or where required by law, a regulator, LADO or police investigation, or the police.
- Concerns can be raised anonymously. However, anonymous concerns can be harder to investigate fully, and anonymity limits the Trust's ability to keep the individual informed or offer them direct protection or support, so naming yourself in confidence is encouraged wherever the individual feels able to.
- Where a concern proceeds to a formal investigation, disciplinary process or legal proceedings, it may become necessary to reveal the source of the information, and this will be discussed with the individual wherever possible in advance.

8. Record-Keeping

- All concerns raised under this policy are logged centrally in a secure Whistleblowing Register maintained by the HR Director (or directly by the Designated Whistleblowing Trustee where Central Team officers are cited), recording the date, nature of the concern, independent investigator assigned, action taken, and outcome, while strictly protecting the confidentiality of those involved. The Whistleblowing Register must be reported termly as a standing agenda item to the Audit and Risk Committee (including explicit notification of any 'nil returns'), with an annual governance assurance synthesis report presented to the full Trust Board.

9. Roles and Responsibilities

Role	Name and Contact	Responsibility
Board of Trustees	Board Level Oversight	Overall accountability for the Trust's whistleblowing culture; ratifies policy; receives annual governance assurance reports.

Designated Whistleblowing Trustee	Sergey Sidorov, Trustee <i>Email: sergey.sidorov@ncltrust.net</i>	Independent trustee escalation contact; receives disclosures involving the CEO; oversees independent investigations; reports termly to Audit & Risk Committee.
Designated Whistleblowing Lead	Valerie Todd, HR Director <i>Email: valerie.todd@ncltrust.net</i> <i>/ Confidential HR Line</i>	Operational lead for the policy; receives internal disclosures; maintains the secure central Whistleblowing Register; arranges independent investigators; updates disclosers where possible
Chief Executive Officer	Anthony Wilson, CEO <i>Email: anthony.wilson@ncltrust.net</i>	Executive accountability for trust-wide compliance; makes arrangements, in consultation with Designated Whistleblowing Lead and Designated Whistleblowing Trustee, for independent investigation of concerns regarding Headteachers or senior leaders
Headteachers / Heads of School	Respective School Leadership	Ensure school staff know how to raise concerns; act promptly and impartially on local disclosures; escalate qualifying disclosures immediately to the Designated Lead.
Designated Safeguarding Lead (DSL)	Respective School DSLs	Leads on disclosures with child protection/safeguarding dimensions in accordance with KCSIE and the Safeguarding Policy.
All Staff, Trustees & Governors	Trust-wide	Raise genuine concerns promptly; treat whistleblowers fairly and protect them from any detriment or victimisation.