

Whistleblowing Policy and Procedure

DOCUMENT CONTROL

Document Title	CET Whistleblowing Policy	
Version Number	005	
Status	Approved	
Publication Date	June 2026	
Policy Owner/ Author	Head of Human Resources	
Related Policies/Procedures	Anti-Fraud and Corruption Policy	
Review Date	June 2027 – To be reviewed annually and updated as required or following any changes in legislation.	
Approved/Ratified by	Organisation Development Committee	Date: 08 June 2026

Please note that a record of the changes made to the original issue of this document can be found at Schedule 1 after any Appendices to the Policy/Procedure.

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1 Purpose

This policy sets out how Cumbria Education Trust (the Trust) manages concerns raised by employees relating to suspected wrongdoing or dangers at work. The Trust aims to ensure staff “feel able to express their concerns without fear of harassment or victimisation.”

Concerns relating to allegations of child abuse must be raised under the CET Allegations of Abuse Procedure.

All individuals engaged in the business of the Trust may identify potential malpractice. The Trust is committed to high standards of probity and accountability and encourages all workers including employees, trainees, contractors, volunteers, and agency workers to raise concerns without fear of reprisals.

This policy is designed to encourage and enable workers to raise serious concerns within the Trust rather than overlooking a problem.

This policy is non-contractual and may be amended at any time.

2 What is whistleblowing?

Whistleblowing is when a worker raises a concern about wrongdoing in the public interest.

A worker who blows the whistle, by making a protected disclosure that meets certain conditions (found in the Employment Rights Act 1996), has the right not to suffer detriment and (if they are an employee) not be unfairly dismissed, as a result.

To be protected, a worker must reasonably believe their disclosure is about one or more categories of wrongdoing listed in the Employment Rights Act 1996, such as a criminal offence or a danger to health and safety, and that their disclosure is in the public interest. From 6 April 2026, sexual harassment was added to the list.

3 Public interest

A worker must reasonably believe that reporting the wrongdoing is “in the public interest.”

Generally, this means the wrongdoing will impact others, not just the worker. For example, students, other colleagues, or the public. However, this will not always be the case. An employment tribunal or a court may consider other factors, such as the nature and impact of the wrongdoing and the identity of the wrongdoer.

4 Legal Definition - Protected Disclosures

A “protected disclosure” is a disclosure of information which, in the reasonable belief of the worker, is made in the public interest and tends to show one or more of the following:

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- criminal offence
- breach of legal obligation
- miscarriage of justice
- danger to health and safety
- environmental damage
- deliberate concealment of any of the above

5 Scope - Qualifying disclosures

By law, there are several issues a worker can whistleblow about. These are called 'qualifying disclosures'. These include:

- a criminal offence – for example, an employer has been trying to bribe people.
- the breach of a legal obligation by the Trust – for example, an employer has neglected their duty of care towards children or data protection.
- a miscarriage of justice – for example, a member of staff has been dismissed for something that turned out to be a computer error.
- someone's health and safety being in danger – for example, an employer has forced staff to serve contaminated food.
- sexual harassment – for example, someone is sexually harassed by their manager (from 6 April 2026).
- damage to the environment.
- deliberate concealment of wrongdoing

Workers can make a qualifying disclosure about an issue that's happened at any time. This includes if it's likely to happen in the future.

6 Making a disclosure about sexual harassment

Sexual harassment is unwanted behaviour of a sexual nature.

From 6 April 2026 sexual harassment is a 'qualifying disclosure' under whistleblowing law. This means that by law, whistleblowers who make a disclosure about sexual harassment are protected from:

- Unfair Dismissal– if an 'employee' is dismissed for whistleblowing, it will be treated as an automatic unfair dismissal
- detriment

If your concern is a personal problem only, it will not be covered by whistleblowing law. This is because it would not count as being in the public interest. In these cases you should raise your concerns via the appropriate internal policy or procedure i.e. the Trusts Grievance Procedure or Bullying & Harassment Policy and Procedure.

7 Safeguards

7.1 Protection from Detriment

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No individual will suffer any detriment for raising a protected disclosure. This includes dismissal, disciplinary action, denial of promotion, or any unfavourable treatment.

Detriment means someone experiences one or both of the following:

- being treated worse than before
- having their situation made worse

Examples of detriment could be:

- they experience bullying
- they experience harassment
- their employer turns down their training requests without good reason
- they are overlooked for promotions or development opportunities
- their employer reduces their hours without good reason

Individuals who victimise whistleblowers may be subject to disciplinary action and may be personally liable.

7.2 Confidentiality

The Trust will protect an employee's identity where requested, although disclosure may be necessary if required for investigation. This will be discussed with the employee beforehand.

All involved in the process, including the individual raising the concern, any witness, manager, etc, should make sure that confidentiality is maintained in order to ensure that any potential investigation or disciplinary procedure that may be instigated, is not undermined.

7.3 Anonymous Allegations

Workers are encouraged to put their name to an allegation. Anonymous disclosures are accepted and will be considered, though investigation may be more limited.

7.4 Untrue or Unfounded Allegations

Untrue Allegations

If a worker makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against that worker. If, however, there is clear evidence that an employee of the Trust has made malicious or vexatious allegations, disciplinary action may be taken against that employee.

Unfounded Allegations

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

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7.5 Support

Support will be provided to workers raising concerns and those subject to investigation.

8 Raising a Concern

Workers should normally raise concerns with their line manager or the next senior manager. If the concern involves these individuals, the Headteacher or a member of the Trusts' SLT should be approached. Workers may bypass school-level management if they believe senior leaders are involved in wrongdoing.

Concerns should be submitted in writing, outlining the background, key facts, and reasons for concern. Workers may be accompanied by a colleague or trade union representative.

9 Role of the Line / Senior Manager

Stage One – Initial Meeting

The line / senior manager must:

- confirm the concern is genuine and raised under this policy
- request written details if not already provided
- keep a written record of discussions
- explain how the concern will be handled, including confidentiality, timescales, and protections available

Stage Two – Determining Action

The line / senior manager and Headteacher (in line with the scheme of delegation) will decide whether an investigation is required and what form it should take. Options include:

- internal investigation
- referral to police or external auditors
- independent inquiry
- resolution through explanation or agreed action

Where there is potential wrongdoing or a potential conduct issue in relation to an employee of the Trust, any investigation should follow the procedures as outlined within the Trust's Disciplinary Procedure. For allegations relating to an employee's behaviour or conduct towards a child, the Trust's Allegations of Abuse Procedure should be followed. Any investigation will be fair, timely and proportionate. Regular updates will be provided when possible.

Stage Three – Written Response

Within 10 working days, the worker must receive written confirmation outlining:

- how the concern will be handled
- any initial findings

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- whether further investigation will take place
- expected timescales
- who to contact if dissatisfied

10 Raising Concerns Externally

Workers are encouraged to use internal processes first. However, concerns may be raised externally with “prescribed persons” such as the Health and Safety Executive, Ofsted, or the Information Commissioner, where appropriate. Other avenues may include:

- Protect
- recognised trade unions
- external auditors
- Legal representative

Workers must ensure they do not disclose confidential information unlawfully.

11 Governance and Oversight

The Trust will maintain oversight of whistleblowing concerns, with anonymised reporting to the Board/LAB on trends, themes, and actions taken.

Records will be handled in accordance with data protection legislation.

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SCHEDULE 1

DOCUMENT CONTROL – RECORD OF CHANGES

Version Number:	Publication Date:	Nature of, and Reason for, Change(s)
001	March 2020	General review
002	October 2021	Annual Review
003	October 2022	Annual Review
004	October 2025	General Review
005	June 2026	Strengthen legal compliance and inclusion of sexual harassment as a result of changes within the ERA 26.

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