



Name of policy	Whistleblowing
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SLT lead	Headteacher

1.WHISTLEBLOWING POLICY

This policy as with all other policies of the Academy must be applied fairly with a consistent approach.

2. INTRODUCTION

This policy applies to all employees, of the Academy. Other employees performing functions in relation to the Academy, such as agency employees. Contractors and Volunteers are encouraged to use it.

It is important to the Academy that any fraud, misconduct or wrongdoing by employees or Trustees of the Academy is reported and properly dealt with. The Academy therefore encourages all employees to raise any concerns that they may have about the conduct of others in the Academy or the way in which the Academy is run. This policy sets out the way in which employees may raise any concerns that they have and how those concerns will be dealt with.

The Academy is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, we encourage employees and others with serious concerns about any aspect of the Academy's work to come forward and voice those concerns without fear of reprisals. This policy document makes it clear that an employee can do so without the fear of victimisation, harassment, subsequent discrimination or disadvantage.

The policy applies to all employees, Trustees, workers, volunteers and those contractors working for the Academy on Academy premises, for example, agency staff, builders, contractors, suppliers and those providing services under a contract are encouraged to use it.

This procedure is in addition to the Academy's complaints procedures and other statutory reporting procedures. Trustees, Management and all employees are responsible for making others aware of the existence of this policy.

3.BACKGROUND

The law provides protection for employees who raise legitimate concerns about specified matters. These are called "qualifying disclosures". A qualifying disclosure is one made in the public interest by an employee who has a reasonable belief that:

- a criminal offence;
- a miscarriage of justice;
- an act creating risk to health and safety;
- an act causing damage to the environment;
- a breach of any other legal obligation; or
- concealment of any of the above;

is being, has been, or is likely to be, committed. It is not necessary for the employee to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is

sufficient. The employee has no responsibility for investigating the matter - it is the Academy's responsibility to ensure that an investigation takes place.

An employee who makes such a protected disclosure has the right not to be dismissed, subjected to any other detriment, or victimised, because he/she has made a disclosure.

The Academy encourages employees to raise their concerns under this procedure in the first instance. If you are not sure whether or not to raise a concern, you should discuss the issue with your line manager or a member of the Senior Management Team.

This policy does not form part of your contract of employment, and we reserve the right to amend or withdraw it at any time.

4. PRINCIPLES

- Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Employees should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.
- Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the employee who raised the issue.
- No employee will be victimised, harassed or discriminated against for raising a matter under this procedure. This means that the continued employment and opportunities for future promotion or training of the employee will not be prejudiced because he/she has raised a legitimate concern.
- Victimisation or harassment of an employee for raising a qualified disclosure will be a disciplinary offence.
- If misconduct is discovered as a result of any investigation under this procedure the Academy's disciplinary procedure will be used, in addition to any appropriate external measures.
- Maliciously making a false allegation is a disciplinary offence.
- An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, employees should not agree to remain silent. They should report the matter to the Headteacher or Chair of Trustees.

5. AIMS AND SCOPE OF THIS POLICY

The definition of "Whistleblowing"

"A public interest concern about wrongdoing, malpractice or poor practice raised by any employee or group of employees who can reasonably be expected to have privileged knowledge of the governance or administration of the academy (such as a current or recent member of staff.)"

5.1 Aims of the Policy

The Policy is designed to ensure that employees can raise concerns about wrongdoing or malpractice within the Academy without fear of victimisation, subsequent discrimination, disadvantage or dismissal.

It is also intended to encourage and enable employees to raise serious concerns **within** the Academy rather than ignoring a problem or 'blowing the whistle' outside.

This Policy aims to:

- encourage the employee to feel confident in raising serious concerns and to question and act upon concerns about practice
- provide avenues for the employee to raise concerns and receive feedback on any action taken
- allow the employee to take the matter further if the employee is dissatisfied with the Academy's response; and
- reassure the employee that the employee will be protected from reprisals or victimisation for whistleblowing in good faith.
- advise and remind employees that the detrimental treatment of colleagues who blow the whistle may be considered a disciplinary matter
- encourage employees to feel confident in raising serious concerns at the earliest point.

6.SCOPE OF THE POLICY

This Policy is intended to enable those who become aware of wrongdoing in the Academy affecting some other person or service, to report their concerns at the earliest opportunity so that they can be properly investigated.

The Whistleblowing Policy is intended to cover major concerns that fall outside the scope of other procedures. These can include:

- Conduct which is an offence or a breach of law;
- Failure to comply with a legal obligation;
- Disclosures related to miscarriages of justice;
- Racial, sexual, disability or other discrimination against another employee or pupil
- Health and safety risks, including risks to the public as well as other employees;
- Damage to the environment;
- The unauthorised use of public funds;
- Possible fraud, bribery or corruption including but not limited to theft of property, financial irregularities, misuse of Academy property and systems, conflicts of interest or supplier rewards;
- Sexual or physical abuse of another employee or pupils
- Failure to observe the Financial Procedure Rules;

The Whistle Blowing Policy is not intended to replace existing procedures:

- If an employee's concern relates to their own treatment as an employee, they should raise it under the existing grievance or harassment procedures
- If a parent has a concern about educational provision provided to their child, it should be raised as a complaint to the Academy.

7. SAFEGUARDS

7.1 Harassment or Victimisation

The Academy is committed to good practice and high standards and wants to be supportive of employees.

The Academy 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 Academy will not tolerate harassment or victimisation (including informal pressures) of an employee who raises a genuine concern which is in the public interest and will take appropriate action to protect an employee when they raise a concern under this procedure. and will do what it lawfully can to protect the employee when the employee raises a concern, they genuinely believe to be true.

Any member of staff who harasses or victimises a Whistleblower may not only be personally liable but may be subject to disciplinary action.

This does not mean that if an employee is already the subject of disciplinary or redundancy procedures, that those procedures will be halted as a result of the employee's whistleblowing.

7.2 Safeguards

The Academy is committed to good practice and high standards of conduct and wants to be supportive of all its employees.

The Public Interest Disclosure Act 1998 (hereinafter referred to as 'the Act') (and as amended by the Enterprise and Regulatory Reform Act 2013) protects employees against detrimental treatment or dismissal as a result of any disclosure of normally confidential information in the interests of the public.

The Act only covers protected disclosures under six categories, namely; crime, illegality, miscarriage of justice, damage to health and safety, damage to the environment, and 'cover-ups' about these issues.

7.3 Confidentiality

It is essential for all concerned that disclosures of wrongdoing or irregularity are dealt with properly, quickly and discreetly.

All concerns will be treated in confidence. The Academy will do its best to protect the employee's identity when an employee raises a concern and does not want their name to be disclosed. It must be appreciated that the investigation process may reveal the source of the information and a statement by the employee may be required as part of the evidence,

particularly if the Police or External Bodies become involved. To take effective action, the Academy will need proper evidence which may be required to stand up to examination in Courts or Tribunals.

It may be possible to establish the truth about allegations from another independent source, and the Academy will seek to do this wherever possible.

8. ANONYMOUS ALLEGATIONS

This policy encourages the employee to put their name to the allegation. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the Academy.

In exercising the discretion, the factors to be taken into account would include:

- the seriousness of the issues raised
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

8.1 Anonymity

Employees can disclose information anonymously.

However, this may make it harder for the employee to benefit from the protections of PIDA.(Public Interest Disclosure Act 1998)

This is because an anonymous disclosure may make it difficult to show that any detriment they may experience has occurred.

Making an anonymous disclosure may also make it harder for the Academy to conduct any potential investigations.

If the allegation suggests criminal activity and the case warrants police assistance, the identity of the person reporting the details may be important at a later date if criminal proceedings are to be pursued. Identification is therefore preferred and will assist with the investigation.

9. MALICIOUS, VEXATIOUS AND UNTRUE ALLEGATIONS

If an employee makes an allegation in the reasonable belief that it is made in the public interest and the employee genuinely believes is true, but it is not confirmed by the investigation, no action will be taken against the employee. If, however, the employee makes malicious, false or vexatious allegations, for example to cause trouble or annoyance or to discredit the Academy, an investigation will take place to determine whether disciplinary action is to be taken.

Malicious or vexatious allegations may also include those which are trivial and do not have any substance and are made persistently and annoyingly for the wrong reasons, for example simply to make trouble.

10. HOW TO RAISE A CONCERN

10.1 Procedure for Academy Employees

How to Raise a Concern

As a first step, you should normally raise concerns with your immediate manager or a member of the Senior Management Team. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. For example, if you believe that management is involved, you should approach the Headteacher, Ian Cooper, or Chair of Trustees, Paula Hartley.

Concerns are better raised in writing. You are invited to set out the background and history of the concern, giving names, dates and places where possible, and the reasons why you are particularly concerned about the situation. If you do not feel able to put your concern in writing, you can telephone or meet the appropriate officer.

The earlier you express the concern, the easier it is to take action.

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

You may invite a companion, who may be from your trade union or professional association, or a work colleague to raise a matter on your behalf. You may also have such a companion to represent/support you at any meeting which is held relating to your concern.

10.2 Procedure for Contractors

As a first step, they should normally raise concerns with their contract manager, who will then inform the Headteacher. This depends on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that the contract manager or the Headteacher is involved, they should directly approach the Chair of Trustees.

If the concern relates to financial irregularities or failures of financial controls, the Chair of Trustees will contact the external audit provider.

11. HOW WILL THE ACADEMY RESPOND

The receiving officer will acknowledge receipt of the concerns within **10 working days** of a concern being raised and you will be sent a written response:

- Acknowledging that the concern has been received.
- telling you whether any initial enquiries have been made, and
- telling you whether further investigations will take place, and if not, why not.
- indicating how it proposes to deal with the matter, if possible, at such an early stage
- giving an estimate of how long it will take to provide a final response, if possible, at such an early stage

- Supply you if appropriate with information on staff support mechanisms.

In order to protect employees and the Academy, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take.

The overriding principle, which the Academy will have in mind, is the public interest. Concerns or allegations, which fall within the scope of specific procedures (for example, child protection or discrimination issues), will normally be referred for consideration under those procedures.

Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required, this will be taken before any investigation is conducted/concluded.

The Academy will respond to your concerns. It should be noted that testing out your concerns is not the same as either accepting or rejecting them.

The action taken by the Academy will depend on the nature of the concern as determined by the designated Monitoring Officer. The Academy could decide that the matters raised may:

- be investigated internally or by an external consultant
- be referred to the Police or external agencies
- be referred to the external Auditor
- form the subject of an independent inquiry

The amount of contact between the officers considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved, and the clarity of the information provided. If necessary, further information will be sought from you.

Where a meeting is required and arranged, which may be off-site if you wish; you will have the right to be accompanied by your chosen companion. This may be a union or professional association representative or a work colleague but cannot be an employee who is involved in the area of work to which the concern relates.

The Academy will do what it lawfully can to minimise any difficulties that you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, the Academy will advise you about the procedure. The Academy cannot provide legal representation for you.

The Academy accepts that you need to be assured that the matter has been properly addressed. Thus, subject to any legal constraints, or practical constraints such as the complaint being made anonymously the Academy will inform you of the outcome of any investigation.

10.2 If an investigation required

The Headteacher will arrange an investigation into the matter.

The investigation may involve you and other employees involved giving a written statement.

Any investigation will be carried out in accordance with the normal Academy investigation principles.

Your statement will be taken into account, and you will be asked to comment on any additional evidence obtained.

As part of the investigation, a record of all interviews shall be kept and statements signed by those spoken to as part of the investigation.

The role of the investigating officer will be to make a judgement and form a view of the complaint based on the investigation undertaken. The investigating officer will prepare a report on their investigation and provide a set of clear conclusions and next steps, if appropriate.

The investigating officer will be required to present their report to the receiving officer for action / consideration as is required. The receiving officer will take any necessary action, including reporting the matter to the Board and any appropriate government department or regulatory agency.

If disciplinary action is required, the person who carried out the investigation will report the matter to the Headteacher, and the disciplinary process will be followed.

On conclusion of any investigation, you will be told the outcome of the investigation and what the Academy has done, or proposes to do, about it. If no action is to be taken, the reason for this will be explained.

11. HOW CAN THE MATTER BE TAKEN FURTHER

11.1 Appeal

If you are not satisfied with how your concern **has been dealt with**, you should appeal to the Chair of Trustees

You should raise your appeal in writing. It is important that you set out clearly the grounds of your appeal, i.e. the basis on which you consider that your original concern has not been satisfactorily dealt with/investigated.

In some cases, it may be necessary to ask you to attend a meeting to clarify the nature of your appeal. This will be arranged as soon as possible. You may, if you wish, bring a colleague or a trade union representative with you to the meeting. Where it is considered appropriate, the HR consultant may also be present.

The relevant officer will consider your grounds for appeal and review the manner in which your original whistleblowing concern was handled. You will be informed in writing of the outcome as quickly as possible.

11.2 PROGRESSING MATTERS EXTERNAL

The aim of this policy is to provide an **internal** mechanism for reporting, investigating and remedying any wrongdoing in the Academy.

The Academy hopes that you will be satisfied. However, if you are not, and if you reasonably believe that the appropriate action has not been taken, you should report the matter to :-

- the District Auditor;
- Audit Commission Anti-Fraud and Corruption Unit;
- the Police;
- HM Revenue & Customs;
- the Financial Services Authority;
- the Office of Fair Trading;
- the Health and Safety Executive;
- the Environment Agency;
- the Director of Public Prosecutions; and
- the Serious Fraud Office.

11.3 External Procedures

It should be noted that under the Public Interest Disclosure Act 1998, there are circumstances where a member of staff may be entitled to raise a concern directly with an external body where the employee reasonably believes

- that exceptionally serious circumstances justify it;
- that the Academy would conceal or destroy the relevant evidence;
- where they believe they would be victimised by the Academy;

Or

- where the Secretary of State has ordered it.

We strongly encourage you to seek advice before reporting a concern to anyone external. Advice may be available from your Trade Union or Professional Association. The independent whistleblowing charity, "Protect", operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern. Contact Details are <https://protect-advice.org.uk/> Tel: 0203 117 2520

If you do take the matter outside the Academy, you should ensure that you do not disclose confidential information to those other than listed above. You should check with the Principal/Headteacher about that.

It will be safe to raise a concern with any of the above provided that:-

- (a) You are making the disclosure in the public interest

- (b) You reasonably believe that the information disclosed, and any allegation contained in it, are substantially true
- (c) That the disclosure is not made for the purposes of personal gain.

If you make an allegation which you have no grounds to believe are true, or maliciously or for personal gain then you could face defamation proceedings or a prosecution for wasting Police time. If you decide to address your concerns by going to the Press or the media then you may face defamation proceedings if your allegations are unfounded.

12. THE RESPONSIBLE OFFICER

The Headteacher (as Monitoring Officer) has overall responsibility for the maintenance and operation of this policy. That officer maintains a record of concerns raised and the outcomes and will report as necessary to the Academy Board of Trustees. If you request it, the Headteacher will do what he/she lawfully can protect your identity, but you should realise that they may be obliged to disclose it to the Police or the External Auditor or the Courts.

13. THE LAW

This policy has been written to take account of the Public Interest Disclosure Act 1998, which protects employees making disclosures about certain matters of concern, where those disclosures are made in accordance with the Act's provisions. The Act is incorporated into the Employment Rights Act 1996, which already protects employees who take action over, or raise concerns about, health and safety at work.

This Policy **does not** prevent an employee from taking their own legal advice.

14. PROTECTION FROM REPRISAL OR VICTIMISATION

It is understandable that whistleblowers are sometimes worried about possible repercussions. We aim to encourage openness and will support staff who raise genuine concerns under this policy, even if they turn out to be mistaken.

No member of staff will suffer a detriment or be disciplined for raising a genuine and legitimate concern, providing that they do so in good faith and following the Whistleblowing procedures.

If you believe that you have suffered any such treatment, you should inform the Headteacher or immediately. If the matter is not remedied, you may raise it formally using the Academy's Grievance Procedure. You must not threaten or retaliate against whistleblowers in any way. If you are involved in such conduct, you may be subject to disciplinary action.

15. OTHER RELEVANT POLICIES

This Whistleblowing Policy should be read in conjunction with the following

- Safeguarding and Child Protection Policy

- Health and Safety Policy
- Code of Conduct for Staff
- Disciplinary Policy and Procedure
- Grievance Policy and Procedure
- "Keeping children safe in education: Statutory guidance for schools and colleges"

16. REVIEW

This policy will be annually reviewed in consultation with the ECC and the GJNCC. Any amendment to it will be notified to employees in writing by the Academy and such written advice will inform employees as to the date when any amendment comes into effect. This may be by means of the Academy's email, Access document sharing or via use of notice boards.