WHISTLE-BLOWING POLICY

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CONTENTS

1. AIMS 1
2. LEGISLATION 2
3. DEFINITION OF WHISTLE-BLOWING 2
4. CONFIDENTIALITY 2
5. ANONYMOUS ALLEGATIONS 3
6. PROTECTION FOR THE WHISTLE-BLOWER 3
7. PROCEDURE FOR STAFF TO RAISE A WHISTLE-BLOWING CONCERN 3
8. TRUST PROCEDURE FOR RESPONDING TO A WHISTLE-BLOWING CONCERN 4
9. MALICIOUS OR VEXATIOUS ALLEGATIONS 4
10. ESCALATING CONCERNS BEYOND THE TRUST 5
11. APPROVAL 5
12. LINKS WITH OTHER POLICIES 5

1. AIMS

This policy aims to:

- Encourage individuals affected to report suspected wrongdoing as soon as possible in the knowledge that their concerns will be taken seriously and investigated, and that their confidentiality will be respected
- Let all staff in the trust know how to raise concerns about potential wrongdoing in or by the trust
- Set clear procedures for how the trust will respond to such concerns
- Let all 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)

This policy does not form part of any employee's contract of employment and may be amended at any time. The policy applies to all employees or other workers who provide services to the trust in any capacity, including self-employed consultants or contractors who provide services on a personal basis and agency workers.

2. LEGISLATION

The requirement to have clear whistle-blowing procedures in place is set out in the Academy Trust Handbook.

This policy has been written in line with the above document, as well as government guidance on whistle-blowing. We also take into account the Public Interest Disclosure Act 1998.

This policy complies with our funding agreement and articles of association.

3. DEFINITION OF WHISTLE-BLOWING

Whistle-blowing covers concerns made that report wrongdoing that is "in the public interest". Examples of whistle-blowing 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

A whistle-blower is a person who raises a genuine concern relating to the above.

Not all concerns about the trust, or individual schools in the trust, count as whistle-blowing. For example, personal staff grievances such as bullying or harassment do not usually count as whistle-blowing. If something affects a staff member as an individual, or relates to an individual employment contract, this is likely a grievance.

When staff have a concern they should consider whether it would be better to follow our staff grievance or complaints procedures.

3.1 Further Advice on Whistle-Blowing

Protect (formerly Public Concern at Work) has:

- Further guidance on the difference between a whistle-blowing concern and a grievance that staff may find useful if unsure
- A free and confidential advice line

4. CONFIDENTIALITY

The School understands that you may be reluctant to come forward with information about the wrongdoing of a colleague or manager or indeed at all. As such, the School recognises that whistleblowers may wish to raise concerns in confidence. If you (the whistleblower) make a request for the matter to be kept confidential then your identity will not be revealed without discussing the matter with you first.

5. ANONYMOUS ALLEGATIONS

You are encouraged to give your name when raising concerns. A concern expressed anonymously is much less powerful and is often more difficult to investigate. The decision whether to investigate an anonymous allegation will be made by the Headteacher and/ or the Chair of Governors and/or the ESFA. When making this decision they will take into account the seriousness of the issues raised, the credibility of what is being said and the likelihood of confirming the allegation from other sources.

6. PROTECTION FOR THE WHISTLE-BLOWER

All concerns raised under this procedure will be treated seriously and a decision made about whether or not an investigation is appropriate. Depending upon the nature of the matter it may be referred to the external auditor or the police. The person to whom you reported your concern will be responsible for keeping you informed about the progress of the investigation and the action, which has been taken, although you may not be told the outcome. In some cases the investigation may result in criminal or disciplinary proceedings. If this happens you may be invited to give a written statement or give evidence at a hearing. The Headteacher and Governors will support you in this process and ensure that you are clear about what will happen.

The Headteacher, Governors and the ESFA will not tolerate harassment or victimisation and will take action to protect you if you have raised a concern in good faith. Any employee who is found to have victimised or harassed an employee who has raised a concern, will face disciplinary action even if the concern raised is found to be untrue.

7. PROCEDURE FOR STAFF TO RAISE A WHISTLE-BLOWING CONCERN

7.1 When to raise a concern

Staff should consider the examples in section 3 when deciding whether their concern is of a whistle-blowing nature. Consider whether the incident(s) was illegal, breached statutory or trust procedures, put people in danger or was an attempt to cover any such activity up.

7.2 Who to report to

School-based staff should report their concern to the Headteacher. If the concern is about the Headteacher or it is believed they may be involved in the wrongdoing in some way, the staff member should report their concern to Governor Ruth Shaw.

7.3 How to raise the concern

Concerns should be made in writing wherever possible. They should include names of those committing wrongdoing, dates, places and as much evidence and context as possible. Staff raising a concern should also include details of any personal interest in the matter.

8. TRUST PROCEDURE FOR RESPONDING TO A WHISTLE-BLOWING CONCERN

8.1 Investigating the concern

When a concern is received by the Headteacher/Ruth Shaw, Governor – referred to from here as the 'recipient' – they will:

- Meet with the person raising the concern within a reasonable time. The person raising the concern may be joined by a trade union or professional association representative
- Get as much detail as possible about the concern at this meeting, and record the information. If it becomes apparent the concern is not of a whistle-blowing nature, the recipient should handle the concern in line with the appropriate policy/procedure
- Reiterate, at this meeting, that they are protected from any unfair treatment or risk of dismissal as a result of raising the concern. If the concern is found to be malicious or vexatious, disciplinary action may be taken (see section 6 of this policy)
- Establish whether there is sufficient cause for concern to warrant further investigation. If there is:
  - The recipient should then arrange a further investigation into the matter, involving the other staff members, Governors or outside organisations, if appropriate.
  - In some cases, the recipient may need to bring in an external, independent body to investigate.
  - In other cases, the recipient may need to report the matter to the police.
  - The person who raised the concern should be informed of how the matter is being investigated and an estimated timeframe for when they will be informed of the next steps.

8.2 Outcome of the investigation

Once the investigation – whether this was just the initial investigation of the concern, or whether further investigation was needed – is complete, the investigating person(s) will prepare a report detailing the findings and confirming whether or not any wrongdoing has occurred.

The report will include any recommendations and details on how the matter can be rectified and whether or not a referral is required to an external organisation, such as the local authority or police.

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.

Beyond the immediate actions, the CoG, Governors and other staff, if necessary, will review the relevant policies and procedures to prevent future occurrences of the same wrongdoing.

Whilst we cannot always guarantee the outcome sought, we will try to deal with concerns fairly and in an appropriate way.

9. MALICIOUS OR VEXATIOUS ALLEGATIONS

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.

If, however, an allegation is shown to be deliberately invented or malicious, the trust will consider whether any disciplinary action is appropriate against the person making the allegation.

10. ESCALATING CONCERNS BEYOND THE TRUST

The trust encourages staff to raise their concerns internally, in line with section 4 of this policy, but recognises 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. Contained in Appendix A, but for most up to date information, use the link.

The Protect advice line, linked to in section 3 of this policy, can also help staff when deciding whether to raise the concern to an external party.

11. APPROVAL

This policy will be reviewed every year and approved by the Finance, Site 7 staffing Committee.

These procedures have been agreed by the board of Governors, who will approve them whenever reviewed.

12. LINKS WITH OTHER POLICIES

This policy links with our policies on:

- Staff Grievance Policy
- Complaints Procedure
- Abusive, Persistent, Frivolous or Vexatious Complaints and Complainants Policy
- Safeguarding Policy
- Disciplinary Procedure

APPENDIX A

CONTACT DETAILS TO ESCALATE CONCERNS BEYOND THE TRUST

His Majesty's Chief Inspector of Education, Children's Services and Skills ('the Chief Inspector')
Contact them about matters relating to the welfare of children provided with accommodation by boarding schools, colleges and residential special schools.

Address: The Chief Inspector
Ofsted
Piccadilly Gate, Store Street
Manchester, M1 2WD
Tel: 0300 123 3155
Email: whistleblowing@ofsted.gov.uk

Office of Qualifications and Examinations Regulation (Ofqual)
Contact them about matters in relation to which the Office of Qualifications and Examinations Regulation exercise functions under the Apprenticeships, Skills, Children and Learning Act 2009.

Address Whistleblowing and malpractice
Complaints investigation manager
Ofqual
Earlsdon Park
53-55 Butts Road
Coventry, CV1 3BH
Tel: 0300 303 3344
Email: whistleblowing@ofqual.gov.uk
Online form: complaints.ofqual.gov.uk/new-concern

Secretary of State for Education
Contact them about matters relating to the following educational institutions in England:

- maintained schools
- maintained nursery schools
- independent schools (including academies and free schools)
- non-maintained special schools
- pupil referral units
- alternative provision academies
- 16 to 19 academies (and free schools)
- an institution within the further education sector
- special post-16 institutions

Address: Ministerial and Public Communications Division
Department for Education
Piccadilly Gate, Store Street
Manchester, M1 2WD
Tel: 0370 000 2288
Website: www.gov.uk/contact-dfe

WHISTLE BLOWING- WHO TO CONTACT

Staff Member Contact



Caroline Crosdale

Governor Contact



Ruth Shaw