



SPARKEN HILL
ACADEMY

Whistle Blowing Policy

Adopted: May 2015

UPDATED: JULY 2018

Reviewed: September 2020, 2021, 2022, 2023, 2024, 2025

Review Date: Sept 2026

CONFIDENTIAL REPORTING/ WHISTLEBLOWING POLICY

Version 1.3

Next review: September 2025

Status: Statutory requirement for academies

1. INTRODUCTION

The staff and governors of Sparken Hill Academy seek to run all aspects of school business and activity with full regard for high standards of conduct and integrity. Governors recognise that a member of staff may be the first to realise if something is wrong within the Academy. However, they may not want to express their concerns because they feel that speaking up would somehow be disloyal to their colleagues or to the Academy.

The member of staff might also fear some form of harassment or victimisation as a result of raising concerns and because of this may feel it easier to ignore their concerns rather than report something which may turn out to be just a suspicion of malpractice.

It is important for staff to know that Sparken Hill Academy is committed to the highest possible standards of openness, probity and accountability. Part of meeting that commitment is to encourage employees and others with concerns about any aspect of the Academy's work to feel able to come forward and voice those concerns.

We are committed to tackling fraud and other forms of malpractice and treat these issues seriously. We recognise that some concerns may be extremely sensitive. We have therefore developed a system which allows for the confidential raising of concerns within the school environment but which also has recourse to an external party outside the management structure of the school. All concerns raised by whistle-blowers will be responded to properly and fairly.

All staff are made aware of the whistleblowing process and how it will be managed, as outlined below, through regular briefings and through the staff handbook.

2. LEGISLATIVE BACKGROUND

The Public Interest Disclosure Act (PIDA) 1998

This provides the supporting legislation for a whistleblowing policy and provides legal protection, in certain circumstances, to workers making disclosures in good faith about malpractice. The Act makes it unlawful for an employer to dismiss anyone or allow them to be victimised on the basis that they have made an appropriate lawful disclosure in accordance with the Act.

The Enterprise and Regulatory Reform Act (ERRA) 2013

Under section 43B of the Employment Rights Act 1996, a qualifying disclosure is any disclosure of information that, in the 'reasonable belief' of the employee, is made in the public interest and relates to one or more of the following:

- A criminal offence
- A breach of legal obligation
- A miscarriage of justice
- A danger to health and safety
- Damage to the environment
- Deliberate concealing of an issue relating to the above

Note: There is no longer any requirement for the whistle-blower to have acted in 'good faith', and employees cannot blow the whistle about breaches of their own employment contract (this should use the grievance procedure).

3. SCOPE OF THIS POLICY

3.1 Aims of the Policy

This policy is designed to ensure that staff can raise their concerns about wrongdoing or malpractice within the Academy without fear of victimisation, subsequent discrimination or disadvantage.

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

This policy aims to:

- Encourage staff to feel confident in raising serious concerns at the earliest opportunity and to question and act upon concerns about practice
- Provide avenues for them to raise those concerns and receive feedback on any action taken
- Ensure that they receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied
- Reassure them that they will be protected from possible reprisals or victimisation if they have made any disclosure in good faith

3.2 Range of the Policy

The policy is intended to enable those who have concerns regarding wrongdoing or malpractice to report those concerns at the earliest possible opportunity so that they can be properly investigated.

The policy is not, however, intended to replace existing procedures, for example:

- If the concern relates to someone's own treatment as a member of staff, they should raise this under the existing grievance or harassment procedure, as appropriate

- If a parent or other user of the Academy has a concern about services provided, they should raise this as a complaint to the Academy
- Some areas of service have their own specific procedures, e.g., Child Protection procedures

3.3 Who can raise a concern under this Policy?

The provisions of the policy apply to all:

- Employees at the Academy
- Governors of the Academy
- Employees of contractors working for the Academy, e.g., agency staff
- Employees of suppliers
- Voluntary workers within the Academy

3.4 Appropriate circumstances for whistleblowing

Individuals are encouraged to come forward with genuine concerns, knowing that they will be taken seriously. A whistle-blower should ask themselves a few questions about their concern before taking action:

- Is it in the public interest?
- Is it, or do you believe it to be, illegal?
- Is it a criminal offence?
- Is the environment damaged or likely to be damaged?
- Is it, or do you believe it to be, against codes of practice issued by the school, the local authority, the DfE or a professional body?
- Does it contradict what the employee has been taught, or should have been taught?
- Is it about an individual's behaviour or is it about general working practices?
- Has the whistle-blower witnessed the incident?
- Does it constitute the covering up of wrongdoing?
- Does it concern actions that negatively affect the welfare of children?

Staff should report any concerns that they have about service provision or about the conduct of Employees or Governors of the Academy or others acting on behalf of the Academy that:

- Make them feel uncomfortable in terms of known standards, or
- Are not in keeping with the Academy's regulations and policies, or
- Fall below established standards of practice / represent 'unsafe' practice or
- Is improper behaviour indicating that a person is not suitable to work with children

Examples of issues that should be reported include:

- Conduct which is an offence or a breach of the law
- Manipulation of accounting records and finances

- Inappropriate use of school assets or funds
- Gross mismanagement of funds
- Decision making for personal gain
- Any criminal activity
- Disclosures related to miscarriages of justice
- Racial, sexual, disability or other discrimination
- Health and safety of the public and/or other employees
- Damage to the environment of the school, to property belonging to the school or to a member of the school community
- Dangerous practices
- Unauthorised use of public/Academy funds
- Possible fraud and corruption
- Child protection issues including sexual, emotional or physical abuse of pupils or others
- Abuse of position
- Serious misuse or abuse of authority
- Neglect or abuse of clients
- Fraud and deceit or corrupt practices
- Serious breaches of school procedures which may advantage a particular party
- Other unethical conduct, including the circulation of inappropriate e-mails
- Suppressing information about anything listed above

4. SAFEGUARDS

4.1 Harassment or Victimisation

The Academy is committed to good practice and high standards and to being supportive of its staff.

The Academy recognises that the decision to report a concern can be a difficult one to make. If a member of staff honestly and reasonably believes what they are saying is true, they should have nothing to fear because they will be doing their duty to the Academy, their colleagues and those for whom they are providing a service.

The Academy will not tolerate any harassment or victimisation (including any informal pressures) and will take the appropriate action to protect staff when they raise a concern in good faith.

Staff are protected by law from dismissal, harassment, bullying or other detriment by their employer or other members of staff. If this occurs, staff have the right to take their case to an employment tribunal.

4.2 Support for the Person Raising Concerns

Throughout the process:

- They will be given full support from management and Governors of the Academy
- Their concerns will be taken seriously
- The Academy will do all it can to help them throughout the investigation, e.g., provide access to advocacy services where the individual has no access to Trade Union Support

If, following discussions, redeployment on a temporary basis is appropriate, the Academy will seek to arrange for this to take place.

4.3 Confidentiality

All concerns will be treated in confidence and every effort will be made not to reveal the identity of the member of staff who raises concerns, should that be their wish.

Whistle-blowers are encouraged to put their name to an allegation. If confidentiality is requested, the governing board will do its best to protect the identity of any member of staff who raises concerns. It will not disclose the identity of the whistle-blower to the person who is the subject of the disclosure or to others not involved in the investigation unless it is absolutely necessary to do so and only with the prior consent of the individual concerned.

There are, however, circumstances under which complete confidentiality may be difficult for the governors to maintain. For example:

- If the matter leads to a legal procedure and evidence is required by the court
- If the issue raised comes within the remit of another school procedure and the whistle-blower is asked to provide a signed statement as part of the evidence, thus revealing their identity
- When the safeguarding of children is the issue

If disciplinary or other proceedings are to follow an investigation it may be that it is not possible to take the appropriate action on the disclosure without the help of the person raising the concerns. As a result, they may be asked to come forward to act as a witness. If they agree to this, they will be offered the appropriate advice and support.

4.4 Anonymous Allegations

This policy encourages staff to put their name to their allegation whenever possible. Anonymous allegations will only be considered if the issues raised are:

- Very serious
- The credibility of the allegation is considered to be high
- The likelihood of confirming the allegation is high

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

- The seriousness of the issue raised
- The credibility of the concern
- The likelihood of confirming the allegation from other sources

4.5 Untrue Allegations

Some concerns raised may, when investigated, prove to be groundless. If a concern is raised or an allegation made in good faith by someone reasonably believing it to be true and their concerns are not confirmed by investigation, they will have nothing to fear as the Academy will recognise their genuine motives.

However, if any individual raises malicious unfounded concerns or attempts to make mischief, this will be taken seriously and may constitute a disciplinary offence. The principal will consider whether any disciplinary action is appropriate against the individual who made it.

5. PROCEDURE

Stage 1

As a first step, staff should normally raise concerns with their Key Stage Co-ordinator or with the principal. This might depend, however, on the seriousness and sensitivity of the issues involved and who is suspected of the wrongdoing.

- Concerns may be raised orally or in writing, but it is preferable for an allegation to be set out in writing. An allegation may also be made by phone or email. It is important that when the concern is raised, you make it clear that the issue is being raised under the whistleblowing policy.
- You will be asked to demonstrate to the person that you contact that there are sufficient grounds for concern.
- If the allegation is written, the background and history should be set out, giving names, dates and places wherever possible, and the reasons why the situation is a cause for concern. You should date and sign this statement.
- If the allegation is made orally, you can invite a friend or representative of a trade union/professional association to be present. It is also permissible for a trade union or professional association representative to raise the matter on your behalf.
- If you wish to raise the concern confidentially, this must be made clear to the person who is initially contacted.
- If you have raised the issue orally, you will be asked to put your concerns into writing, which you should date and sign.

Staff may raise their concern by telephone, in person or in writing. In the interests of confidentiality, staff may raise concerns via their Trade Union. They

will need to provide the following information using a Staff Behaviour Report Form:

- The background and history of the concern (giving relevant dates)
- The reason why they are particularly concerned about the situation

Although they are not expected to prove beyond doubt the truth of their suspicion, they will need to demonstrate to the person contacted that there are reasonable grounds for their concern.

Staff may wish to consider discussing their concern with a colleague first and they may find it easier to raise the matter if there are two (or more) of them who have had the same experience or concerns.

They may invite their Trade Union, professional association representative or a friend to be present during any meeting or interviews in connection with the concerns they have raised.

Within **five working days** of your concern being raised the principal (or Chair of Governors if raised with him/her) will write to the person raising the concern:

- Acknowledging that their concern has been received
- Indicating how the Academy propose to deal with the issue
- Telling them whether any further investigations will take place (and if not, explaining why this is the case)
- Supplying them with information on staff support mechanisms

Stage 2

If you are dissatisfied with the school's response, you can raise the matter within **10 working days** of the date of the school's response by writing to the Principal or Chair of Governors.

The Principal/Chair of Governors will then write to you within **five working days** of receiving the letter to arrange a meeting to discuss the continuing concerns and why you are dissatisfied with stage 1. This meeting should take place promptly. Again, you may be accompanied by a friend or representative of your trade union/professional association.

The Principal/Chair of Governors may then decide to investigate further and will need to decide what action to take. You will be updated with the outcome of the meeting within **five working days**.

Stage 3 - External Reporting

If you are dissatisfied with the outcome of stage 2, you may opt to take the matter to stage 3, by raising the matter externally within **10 working days** of the date of the decision letter at stage 2.

If this is not appropriate, for example, if they are the person or persons about whom the concerns relate, staff should raise their concerns with:

Internal contacts:

- Chair of Governors
- Local Authority Designated Officer (LADO) - using the [online form](#)

External prescribed contacts include:

- Ofsted (His Majesty's Chief Inspector of Education, Children's Services and Skills)
- Education Secretary/DfE
- Your Member of Parliament
- NSPCC whistleblowing helpline: **0800 028 0285** / help@nspcc.org.uk
- External Auditor
- Relevant Trade Union
- The Police
- Protect (formerly Public Concern at Work) - whistleblowing charity

Important: Staff should not disclose information that is confidential to the Academy or to anyone else, such as a client or contractor of the Academy, except to those included in the list of prescribed contacts. A public disclosure to anyone else could take them outside the protection of the Public Interest Disclosure Act and of this policy.

6. ALLEGATIONS AGAINST THE PRINCIPAL

If an employee is concerned that the principal is the wrongdoer or involved in the wrongdoing, has failed to make a proper investigation or has failed to report the outcome of the investigation, this should be reported to the Chair of Governors. The governors may investigate the allegation themselves in the first instance.

Where the concerns relate to the principal these should be reported to the Chair of Governors.

7. HOW THE ACADEMY WILL RESPOND

The Academy will take concerns seriously and will respond to them.

In order to be fair to all employees/volunteers/agency staff including those who may have been wrongly or mistakenly accused, initial enquiries will be made to decide whether an investigation is appropriate and, if so what form that investigation should take.

Where concerns or allegations fall within the scope of specific Academy procedures, then they will normally be referred for consideration under those procedures.

As a result of this, where appropriate, the concerns raised may:

- Be investigated by management, internal audit or through the discipline/grievance/harassment process
- Be referred to the external auditors

- Be referred and dealt with under the established Safeguarding procedures for all staff including volunteers and involve external agencies if appropriate
- Form the subject of an independent inquiry
- Be investigated by the appropriate persons if the accused is a supply staff member

The amount of contact between the person raising the concern and those considering the issues will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. It is likely that the person raising concern will be interviewed to ensure that their disclosure is fully understood.

A meeting can be arranged away from the workplace, if they wish, and a union or professional association representative or a friend may accompany them in support.

The Academy will do what it can to minimise any difficulties that staff may experience as a result of raising a concern. For instance, if they are asked to give evidence in criminal or disciplinary proceedings, the Academy will arrange for them to receive appropriate advice and support.

They need to be assured that their disclosure has been properly addressed. Unless there are any legal reasons why this cannot be done, they will be kept informed of the progress and outcome of any investigation.

8. THE RESPONSE OFFICER

The principal has overall responsibility for the maintenance and operation of this policy. He/she will maintain a record of concerns raised and the outcomes. Records will be kept in such a way so as not to endanger the confidentiality concerning the identity of the person raising concerns.

The principal will report to the Governing Body as necessary.

9. LOW LEVEL CONCERNS

Please refer to the **Managing Allegations against Staff (including Low Level Concerns) policy** for matters that do not meet the whistleblowing threshold but still cause concern.

10. MONITORING AND REVIEW

The principal is responsible for monitoring the implementation and effectiveness of this policy. This policy will be reviewed by the Governing Body each September or earlier if there is a need. This will involve consultation with the recognised unions.

At that time, views will be sought from employees and relevant Trade Unions, with regard to how effectively the policy has operated and whether any revision is needed.

In the meantime, should any member of staff wish to suggest any addition/revision to the policy, they should speak to the principal, who will

consider their suggestions and if necessary, put them forward at the time of the overall review.

We will continue to review the issues surrounding confidential reporting/whistleblowing and will revise our systems where necessary.

This policy relates to:

- Managing Allegations against staff members / reporting low level concerns policy
 - Code of Conduct for Staff
 - Child Protection and Safeguarding Policy
 - Grievance Policy
 - Disciplinary Policy
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APPENDICES

Appendix : Unacceptable Behaviour Incident Report Form



UNACCEPTABLE BEHAVIOR INCIDENT REPORT FORM

INSTRUCTIONS

This form must be completed by the complainant's when an employee reports an incident involving a threat, act of intimidation, violence or other unacceptable behaviour being committed by another employee.

1. Complainant's name: _____ Job Title:

2. Complainant's home address

3. Home phone number: _____ Work phone number

4. Complainant's work location

5. Incident date: _____ Incident time: _____ Incident location:

6. Type of incident: (circle one): Assault, Theft, Harassment, Disorderly Conduct, Inappropriate Sexual Behaviours, Other. (Please specify)

7. Were you injured? (circle) Yes No

If yes, please specify your injuries and the location of any treatment:

8. Did police respond to incident: Yes No

9. Police report filed: Yes No

10. Was your supervisor notified? Yes No

11. Supervisor's name:

12. Was any action taken? (specify)

13. Alleged perpetrator: (circle one): Visitor, Student, Co-Worker, Former Employee, Supervisor Other, (specify):

14. Alleged perpetrator – Name/address/age (if known):

15. Please briefly describe the incident:

16. Were you alone when the incident occurred:

17. Provide information for all witnesses: name, address, phone number:

18. Did the incident involve a weapon? Yes No Specify:

19. Were you unable to continue or report for work due to the incident?

Yes / No

20. Was the inappropriate behaviour directed solely at you or were others included? If others were included, name(s), department(s), address(es), phone number(s) if known:

21. Has this type or similar incident(s) happened to you or your co-workers?
Ye No Specify:_____

22. Was the alleged perpetrator involved in previous incidents? Yes No

23. Have you had any counseling or support since the incident? Yes No
Specify: _____

24. Incident outcome: (Circle all that apply): No action taken, Arrest,
Warning, Suspension, Reprimand, Other:

Additional Information / Notes.

Recorder's Signature_____Date

Complainant's Signature_____Date
