



# **The Crossley Heath School and Academy Trust**

Savile Park, Halifax, West Yorkshire HX3 0HG

## **WHISTLEBLOWING POLICY NOVEMBER 2024**

## Version Control

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## 1. Introduction

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](#).

Whistleblowing is defined as making a ‘protected disclosure’ as a means of raising concerns about serious malpractice at their place of work, provided the employee has acted in a responsible manner in dealing with the issues.

Whistleblowing covers concerns made that report wrongdoing that is “in the public interest”. 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 know how to raise concerns about potential wrongdoing in or by the Academy.
- Set clear procedures for how the Academy will respond to such concerns.
- Let all staff know the protection available to them if they raise a whistleblowing 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 academy in any capacity including self-employed consultants or contractors who provide services on a personal basis and agency workers.

## 2. Purpose and Scope

- 2.1 It is important to draw a distinction between whistleblowing, which is relevant only to matters which are **in the public interest**, and those that do not qualify as whistleblowing, such as concerns relating to a personal grievance (for instance related to discrimination, bullying, harassment etc).
- 2.2 Matters relating to a personal grievance are **not** covered by whistleblowing legislation (unless the particular circumstances of the case are deemed to be in the public interest) and should usually be addressed in accordance with the appropriate policy such as the Academy’s Grievance or Dignity at Work policies.
- 2.3 This policy may be used by all workers and staff members at the Academy to raise concerns where the wellbeing of others, or that of the Academy itself, is felt to be at risk, for instance in relation to the alleged commission of criminal offences or employment of practices endangering health and safety.
- 2.4 The terms ‘worker’ and ‘staff member’ in this policy broadly include the following: employees; contractors; agency workers; trainees; and any person who is subject to a contract to undertake work or services for the Academy.

- 2.5 The policy encourages staff to feel confident in raising issues of consequence and to question and act upon any serious concerns they might have about practices within the Academy. It aims to establish a fair and impartial investigative procedure and to ensure that staff receive an appropriate response to concerns and are aware of how to pursue them if they are not satisfied by this outcome.
- 2.6 The whistleblowing procedure is intended to cover major concerns that may fall outside the scope of the Academy's other procedures (such as health and safety or grievance process). These include (this list is not exhaustive):
- possible fraud and corruption
  - unauthorised use of school funds
  - failure to comply with school financial regulatory and compliance matters
  - failure to comply with codes of practice
  - conduct which is an offence or a breach of law
  - health and safety risks including risks to children, public and colleagues
  - damage to the environment
  - other unethical conduct
  - Attempts to cover up any of the above or any other wrongdoing in the public interest

### **3. Employer Responsibility**

- 3.1 The Academy Trust has overall legal responsibility for ensuring that the Academy has a whistleblowing policy. The Governing Body is responsible for the running of the Academy and through Academy management will maintain (in a format that will not compromise confidentiality) a comprehensive record of concerns raised and subsequent outcomes.
- 3.2 The Academy recognises that the decision to report a concern can be a difficult one, not least because of fear of reprisals or recrimination from those responsible for the alleged failure or malpractice.
- 3.3 The Academy does not tolerate harassment or victimisation and, being conscious of its vicarious liability for any employee's conduct should this amount to victimisation of a whistle-blower, will take all necessary action to protect staff members when a concern is raised.

### **4. How to Raise a Concern**

- 4.1 Concerns are most appropriately raised in writing. Any submission should set out the background and history of the issue giving rise to concern, giving names, dates and places where possible. The submission should also clarify the reason why there is felt to be particular concern about the situation and should include sufficient grounds to justify this concern. It is advised that the earlier a concern is raised the easier it is to take appropriate action.
- 4.2 Staff are encouraged to involve their trade union or professional association and may be accompanied by a recognised trade union representative or work colleague during any meetings, reasonable time off from work being permitted for this purpose.
- 4.3 A form for recording the whistleblowing concern is available for use at Appendix 1.
- 4.4 It should be noted that if any staff member making a disclosure under the terms of the whistleblowing policy is already subject to disciplinary, grievance or redundancy procedures, then these latter procedures will not be halted as a result of any disclosure under the whistleblowing policy.

## **5. Untrue or Malicious Allegations**

- 5.1 If an allegation is made in the public interest but is not confirmed by any subsequent investigation, no action will be taken against the staff member making the disclosure. However, malicious or vexatious allegations could potentially lead to disciplinary action including proceedings for gross misconduct.

## **6. Confidentiality**

- 6.1 Any individual/s raising a whistleblowing concern will be protected. The investigation process, may, however, reveal the source of the information and a statement may be required as part of the evidence-gathering process. If the staff member does not wish to disclose their identity this could make it difficult to proceed further with the matter.
- 6.2 Anonymous allegations may be considered by the Academy but are much less powerful than those which are attributable to an individual and consequently are significantly less likely to prove effective.

## **7. Raising a Concern – Internal Procedure**

- 7.1 Concerns are most appropriately raised in writing.
- 7.2 The staff member should raise their concern with the Head Teacher or line manager (as appropriate) or, if the complaint is about the Head Teacher, with the Chair of Governors.
- 7.3 If the concern relates to the Governing Body, it should be raised with the chair of the Academy Trust (or, if that is felt inappropriate, with the most relevant of the external bodies identified in paragraph 8.3).
- 7.4 Any concerns under the Whistleblowing policy received by a member of staff/line manager should be referred to the Head Teacher in the first instance, unless the complaint is about the Head Teacher, in which case it should be referred to the Chair of Governors.
- 7.5 When a concern is received by the Head Teacher/Chair of Governors - they will appoint an investigating officer and the person who originally 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.
- 7.6 The investigating officer will arrange a meeting with the staff member to ensure clarity of facts and gather sufficient information. The person raising the concern has the right to be accompanied by a colleague or trade union representative if they wish.
- 7.7 The investigating officer should reiterate at this meeting that the person raising the concern is protected from any unfair treatment or risk of dismissal as a result of raising the concern.
- 7.8 Once the investigation is complete, the investigating officer 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.
- 7.9 If it becomes apparent the concern is not of a whistle-blowing nature, the investigating officer should handle the concern in line with the appropriate policy/procedure.
- 7.10 If the concern is found to be malicious or vexatious, disciplinary action may be taken under the Academy's disciplinary procedures.

- 7.11 If there is sufficient cause for concern to warrant further investigation under the Whistleblowing Policy, the Head Teacher/Chair of Governors will decide on the next course of action. The matter may be subject to:
- internal investigation
  - referral to external regulatory authorities
  - referral to the police
  - consideration of the Academy's disciplinary procedure (should the concern relate to the conduct of one or more employees).
- 7.12 The amount of contact between the investigating officer dealing with the matter and the staff member raising the concern will depend on the nature of the matters raised, the complexity of the issue(s), and the clarity of the initial information provided. If necessary, further information may be sought from the individual raising the concern.
- 7.13 The investigating officer will inform the person who raised the concern of the outcome of the investigation in writing, though certain details may need to be restricted due to confidentiality.

## **8. Raising a Concern – External Procedure**

- 8.1 In accordance with legal protection for whistle-blowers, only certain (prescribed) authorities and individuals are to be regarded as legitimate bodies who may be contacted to make a 'protected disclosure'.
- 8.2 Whistleblowing to an external body without initially going through the internal procedure is inadvisable without compelling reason. Examples of compelling reason could, for instance, include either concerns in relation to serious issues of health and safety or allegations that senior management had colluded in inappropriate conduct.
- 8.3 Should a staff member feel that it is appropriate to take the matter outside of the school, the following authorities (defined as 'prescribed persons') are the external regulators who, within an educational setting, are most likely (although the list is not exhaustive) to be approached by a whistle-blower:
- Ofsted
  - Ofqual
  - National Audit Office
  - The Education & Skills Funding Agency (ESFA)
  - The Department of Education (Dfe)
  - Calderdale Council
- 8.4 Members of Parliament also qualify as 'prescribed persons' according to the relevant legislation.
- 8.5 If a member of staff does not feel able to raise concerns in any of the ways outlined above, they should consult the Public Disclosure Act for information about other routes by which a disclosure may be made.

## **9. Monitoring Arrangements**

Once a whistle blowing situation has been concluded, the Head Teacher, Trustees and other staff, if necessary, will review the relevant policies and procedures to prevent future occurrences of the same wrongdoing.

