



**GEORGE  
DIXON  
ACADEMY**

# **WHISTLEBLOWING POLICY & PROCEDURES**

<b>Date Created:</b>	February 2015
<b>Last Review:</b>	May 2025
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<b>Approval Date:</b>	28 <sup>th</sup> April 2026
<b>Approved By:</b>	Academy Trust Board
<b>Next Review:</b>	April 2027

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**Statement of intent**

George Dixon Academy is committed to open and honest communication and the highest possible standards in integrity and will treat whistleblowing as a serious matter.

In line with George Dixon Academy's commitment to openness, probity and accountability, members of staff are encouraged to report concerns which will be taken seriously, investigated, and appropriate action taken in response. Such action is termed "blowing the whistle"; this phrase is used throughout this policy and should be viewed as a positive action of speaking up.

This policy seeks to ensure that any person suspecting malpractice knows how to raise concerns and what procedures are in place to deal with the concern.

## **1. Introduction**

- 1.1. George Dixon Academy takes seriously its responsibilities for good governance, the delivery of its services and the appropriate and efficient use of public money and resources.
- 1.2. Statutory protection for employees who whistle blow is provided by The Public Interest Disclosure Act 1998 (PIDA), which protects employees who speak out about concerns about conduct or practice within the Academy, which is potentially illegal, corrupt, improper, unsafe, unethical or amounts to malpractice.
- 1.3. This policy has been written in accordance with the [Whistleblowing for Employees](#) guidance document.
- 1.4. Serious malpractice may involve governors, managers, colleagues/clients or suppliers of goods and services to the organisation; therefore, the Academy has introduced this policy to enable staff to raise concerns, which are in the public interest, through internal trust procedures.
- 1.5. This policy applies to all Academy staff, including full and part time, casual, temporary, substitute staff, and to individuals undertaking work experience within the Academy.
- 1.6. Disclosures made under this procedure will be monitored for statistical purposes as required under the PIDA. Details of any disclosure remain confidential.
- 1.7. Claire Bernard and David Horner, Co-Headteacher's, are the first point of contact for whistleblowing queries. If the allegation is related to either/both Co-Headteacher's, then issues will be raised with Lesa Kingham, Chair of the Academy Trust.

## **2. Legislative framework**

- 2.1. This policy has due regard to statutory legislation including, but not limited to, the following:
  - The Public Interest Disclosure Act 1998 PIDA
  - Employment Rights Act 1996
  - ESFA (2020) Academies Financial Handbook 2020
  - GOV.UK (2012) "Whistleblowing for employees"

## **3. Scope**

- 3.1. This policy will:
  - Give confidence to members of staff about raising concerns about conduct or practice which is potentially illegal, corrupt, improper, unsafe or unethical or which amounts to malpractice or is inconsistent with Academy standards and policies.
  - Provide members and staff with avenues to raise concerns.

- Ensure that members of staff receive a response to the concerns they have raised and feedback on any action taken.
  - Offer assurance that members of staff are protected from reprisals or victimisation for whistleblowing action within the meaning of the PIDA.
- 3.2. This policy will not be confused with the procedure on dealing with harassment at work or George Dixon Academy's Grievance and Disciplinary procedures.
- 3.3. This policy will complement the procedures by covering concerns that fall outside their scope, such as issues relating to:
- Unlawful conduct, including financial or fraudulent malpractice such as embezzlement, bribery, corruption, dishonesty, etc.
  - Improper conduct or a miscarriage of justice.
  - Risks or damages to the environment. Creating or ignoring serious risk to health or safety.
- 3.4. George Dixon Academy will not tolerate harassment or victimisation of members of staff when matters are raised in accordance with the PIDA. Any member of staff who victimises or harasses another member of staff, as a result of their having raised a concern in accordance with the whistleblowing policy, will be dealt with under the Academy's staff disciplinary procedures.
- 3.5. If a member of staff makes an allegation or disclosure but it is not confirmed by further inquiry, the matter will be closed and no further action will be taken; however, if the inquiry shows that untrue allegations were malicious, or vexatious, or made for personal gain, then George Dixon Academy will consider taking disciplinary action.

#### **4. What is a whistle blower?**

- 4.1. A whistle blower is an individual who discloses confidential information regarding an employee, which relates to some danger, fraud or other illegal or unethical conduct which relates to the workplace.
- 4.2. Under this policy, any of the following can raise a concern:
- Employees of the Academy
  - Employees of contractors working for the Academy for example, agency staff, builders and drivers.
  - Employees of suppliers.
  - Voluntary workers working with the Academy.
  - A trainee, such as a student teacher.
  - Including apprentices and casual workers.

- Students
- The wider community
- Trustees

## **5. Harassment or victimisation**

- 5.1. George Dixon Academy recognises that the decision to report a concern can be a difficult one to take, not least because of the fear of reprisal from those responsible for the malpractice or from the Academy as a whole; however, the Academy will not tolerate any such harassment or victimisation.
- 5.2. Staff are protected in law by the Public Interest Disclosure Act, which gives employees protection from detriment and dismissal where they have made a protected disclosure, providing the legal requirements of the Act are satisfied.
- 5.3. Any member of staff who victimises or harasses a member of staff as a result of their having raised a concern in accordance with this policy will be dealt with under George Dixon Academy staff disciplinary procedures.

## **6. Protected Disclosures**

- 6.1. The law allows employees to raise what it defines as a “protected disclosure” which the employee believes to be in the public interest. In order to be a “protected disclosure”, a disclosure must relate to a specific subject matter (see below) and must also be made in an appropriate way. A “protected disclosure” must, in the reasonable belief of the public interest and must consist of information and not merely be allegations of suspected malpractice.

## **7. Specific Subject Matter- Qualifying Disclosure**

- 7.1. If, in the course of employment, an employee becomes aware of information which they reasonably believe tends to show one or more of the following, they must use this policy and procedure.
  - That a criminal offence has been committed, is being committed or is likely to be committed.
  - That an individual has failed, is failing or likely to comply with any legal obligation to which they are subject.
  - That a miscarriage of justice has occurred, is occurring, or is likely to occur.
  - That the health and safety of any individual has been, is being or is likely to be, endangered.
  - That the environment, has been, is being, or is likely to be damaged.
  - That information tending to show any of the above, is being, or is likely to be, deliberately concealed.

## 8. Distinction with individual Grievances

- 8.1. An employee disclosure about breach of their employment contract or an individual work concern will not generally be protected; these concerns should be raised using the Academy's complaints and grievance procedure.
- 8.2. Any concerns about a colleague's professional capability should not be dealt with using this procedure.

## 9. Procedure

- 9.1. Concerns will be expressed in writing to the Co-Headteacher's and will include background and history of the concern, names, dates and places where possible, and express the reasons for the concern. If the concern relates to the Co-Headteacher's, the same procedure applies but the concern must be put in writing to the Chair of the Academy Trust. Individuals are encouraged to let themselves be known, either in person, or through their union representative, as concerns expressed anonymously are difficult to investigate. Staff who wish to make a written report are invited to use the following format:
  - The background and history of the concern (giving relevant dates)
  - The reason why you are particularly concerned about the situation
  - Why you think this concern is in the public interest to disclose.
- 9.2. Anyone feeling unsure can seek confidential advice at any time from Protect, a registered charity that advises on whistleblowing queries. The Protect website can be accessed [here](http://www.protect-advice.org.uk) (www.protect-advice.org.uk), or they can be contacted on 020 31172520.
- 9.3. The whistle blower is not responsible for investigating the alleged illegal or dishonest activity, or for determining fault or corrective measures.
- 9.4. In certain instances, it may be appropriate for the individual to raise the concern with an outside agency, e.g., the police, depending on the severity of the concern. Equally, it may be appropriate for the individual to request that their trade union raises the matter.
- 9.5. If a member of staff feels they should report a concern to the Education and Skills Funding Agency (ESFA), they should use the [online contact form](#)

## 10. What happens next

- 10.1. Once George Dixon Academy has been informed of the concern, it is then the responsibility of the Academy to investigate the matter further.
- 10.2. The Co-Headteacher's will write to the individual within 10 term-time working days in order to confirm that the concern has been received, as well as indicate proposals for dealing with the matter.
  - Acknowledging that the concern has been received

- Indicating how the matter is to be dealt with
  - Giving an estimate of how long it will take to provide a final response, telling you whether any initial enquiries have been made
  - Telling you whether further investigations will take place and if not, why not.
- 10.3. The initial stage will likely be an interview with the whistle-blower, and then an assessment of further action will be discussed. Though the amount of contact between the persons considering the issue and the complainant will depend on the matters raised, the potential difficulties involved, and the clarity of information provided. If necessary, the Academy may seek further information from the complainant.
- 10.4. During this initial stage the Co-Headteacher's will establish if there are grounds for and concern and that it is genuine and that the concern was raised in accordance with this policy.
- 10.5. The Academy will take steps to minimise any difficulties that the complainants may experience as a result of raising a concern. For instance, if they are required to give evidence in criminal or disciplinary proceedings the Academy will arrange for advice on the process to be given.
- 10.6. It may be possible for the concern to be resolved by simply agreeing the necessary action or explaining procedures to the alleged wrongdoer; however, depending on the severity and nature of the concern, it may:
- Be investigated by management, an internal audit or through the disciplinary process
  - Be referred to the police or an external auditor
  - For the subject of an independent inquiry.
- 10.7. If the investigating officer needs to talk to the whistle blower, they are permitted to be accompanied by a trade union representative, a professional association representative, a friend, or a fellow member of staff not involved in the area of work to which the concern relates. This person will provide support only and will not be allowed to become involved in the proceedings.
- 10.8. The Academy accepts that the complainant expects to be assured that the matter has been properly addressed. The Chair of the Academy Trust or Co-Headteacher's, as appropriate, subject to any legal constraints and Data Protection, will inform the complainant of the outcome of any investigation that may take place.
- Please note, complainants will not be given any information regarding possible sanctions against the employee that the concerns were raised about.**
- 10.9. If no action is to be taken, and/or the individual is not satisfied with the way the matter has been handled, they can make a complaint under George Dixon Academy's complaints procedure.

## **11. What the Trust asks of you**

- 11.1. The purpose of this policy is to enable individuals to raise concerns in confidence, without any fear of reprisal; therefore, it is imperative that whistle-blower's:
- Declare any personal interest in the matter, as the policy is designed to be used in the interest of the public and not for individual matters.
  - Do not take the concern outside the Academy, e.g., gossiping

## **12. At the end of the process**

- 12.1. A record will be made of the nature and outcome of the concern. The purpose of this is to ensure that a central record is kept, which can be cross-referenced with other complaints, in order to monitor any patterns of concern across George Dixon Academy and to assist in monitoring the procedure.
- 12.2. The whistle-blower will be informed of the results of the investigation, and any action that is proposed will be subject to third party rights; where action is not taken, the individual will be given an explanation.

## **13. Appeal process**

- 13.1. If the whistle blower disagrees with the decision made, they will request, in writing to the Co-Headteacher's, within two weeks of receiving the notification, a review of the decision stating the grounds for requesting the review.

## **14. How the matter can be taken further**

- 14.1. These Policies and Procedures are intended to provide individuals with a way within the Academy Trust to raise concerns. The Academy Trust hopes staff will be satisfied with any action taken. If they are not, and feel they wish to take the matter outside the Academy, the following Proscribed Persons or Bodies are possible contact points:

<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>

- 14.2. The following are other possible contact points:
- The Education and Skills Funding Agency (ESFA)
  - The Academy's external auditor
  - A trade union
  - Local Citizens Advice Bureau
  - Relevant professional bodies or regulatory organisations
  - The Police

- The NSPCC whistleblowing helpline is available for staff who do not feel able to raise concerns regarding child protection failures internally. Staff can call 0800 028 0285. The Home Office and Department for Education commissioned the NSPCC to manage the advice line after a firm commitment to do so was made by the Government in its Tackling CSE report in March 2015.

*“The advice line is not intended to replace any current practices or responsibilities of organisations working with children. The helpline advisors will encourage professionals to raise any concerns about a child to their own employer in the first instance. However, the advice line offers an alternative route if whistleblowing internally is difficult, or professionals have concerns around how matters are being overseen.”*

### **15. If you're treated unfairly after whistleblowing**

- 15.1. An individual can take a case to an employment tribunal if they have been treated unfairly as a result of whistleblowing.
- 15.2. Further information can be sought from the Citizen's Advice Bureau, the whistleblowing charity Public Concern at Work, or from an individual's trade union.
- 15.3. Any claims of unfair dismissal needs be made within three months of the investigation ending.

### **16. Monitoring and review**

- 16.1. The Chair of the Academy Trust has overall responsibility for the implementation of these policies and procedures
- 16.2. The Board of Trustees will review this policy annually or sooner, ensuring that all procedures are up to date.
- 16.3. Any changes made to this policy will be communicated to all members of staff.