

Whistleblowing Policy

(Independent School Standards: Parts 3, 4 & 8)

Important note: The term 'Spark' or 'Spark Academy Group' applies to both our tutoring and independent school settings, also referred to as 'provision', 'school' or 'organisation' interchangeably.

Guidance & Legislation

- [Whistleblowing for employees](#)
 - [Public Interest Disclosure Act 1998](#)
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Links with Other Policies

- Child Protection & Safeguarding Policy
 - Staff Grievance Policy
 - Staff Disciplinary Policy
 - Complaints Procedure
 - Positive Relationships Policy
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**We Build Communities
Where Everyone Belongs,
Grows & Thrives.**



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Section 1: About this Policy

Introduction

Spark is committed to the highest standards of openness, probity, and accountability. An important aspect of accountability and transparency is a mechanism to enable staff and other members of Spark to voice concerns in a responsible and effective manner.

It is a fundamental term of every contract of employment that an employee will faithfully serve their employer and not disclose confidential information about the employer's affairs.

Nevertheless, where an individual discovers information which they believe shows serious malpractice or wrongdoing within the organisation, then this information should be disclosed internally without fear of reprisal.

There are arrangements to enable this to be done independently of line management (although in relatively minor instances the line manager would be the appropriate person to be told).

The Public Interest Disclosure Act, which came into effect in 1999, gives legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns.

Spark has endorsed the provisions set out below so as to ensure that no members of staff should feel at a disadvantage in raising legitimate concerns.

It should be emphasised that this policy is intended to assist individuals who believe they have discovered malpractice or impropriety.

It is not designed to question financial or business decisions taken by Spark, nor should it be used to reconsider any matters which have already been addressed under harassment, complaint, disciplinary or other procedures.

Once the 'whistleblowing' procedures are in place, it is reasonable to expect staff to use them rather than air their complaints outside Spark.

Purpose

The purpose of the following procedure is to provide a framework within which staff can feel confident both in voicing genuine held concerns about practice without fear of recrimination, and in Spark's commitment to investigating and taking firm management action where malpractice may be substantiated.

The procedure applies to all staff including Senior Management, Volunteers, Student Placements, Agency Staff, and Official Visitors or contracted staff providing service to or on behalf of Spark.

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 school know how to raise concerns about potential wrongdoing in or by the school
- Set clear procedures for how the school 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).

Important Note

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 school in any capacity including self-employed consultants or contractors who provide services on a personal basis and agency workers.

Definition of Whistleblowing

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

- Abuse of young people and others

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

When it's Not Whistleblowing

Not all concerns about the school 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 policy** or **complaints procedure policy**.

[Protect \(formerly Public Concern at Work\)](#) has further guidance and an advice line on the difference between a whistle-blowing concern and a grievance that staff may find useful if unsure.

The Responsible Officer

The Headteacher has overall responsibility for the maintenance and operation of this policy. The Headteacher maintains a record of concerns raised and the outcomes, in a form which does not endanger confidentiality, and will report as necessary to the School. If the whistleblowing concern is regarding the Headteacher, it will be the Proprietor who will maintain a record of concerns raised and the outcomes.

Section 2: When, Who & How to Raise a Concern

When to Raise a Concern

Staff should consider the examples provided in the previous section when deciding whether their concern is of a whistleblowing nature.

Consider whether the incident(s) was illegal, breached statutory or school procedures, put people in danger or was an attempt to cover any such activity up.

Who to Report to for Spark Vale Academy (Independent School)

CONCERN ABOUT	WHO WILL INVESTIGATE
Any member or members of staff (excluding the Headteacher)	Katie James, DSL & Headteacher katie@sparkvaleacademy.co.uk dsl@sparkvaleacademy.co.uk
The Headteacher	Mital Thanki, Proprietor mital.thanki@spark-academy.co.uk
The Proprietor	Local Authority Designated Officer (LADO) as listed in the Key Contacts section.
Individual or organisation using the school premises to run activities for children	Inform the DSL and Headteacher who will in turn escalate to the Proprietor and or to the LADO.

Who to Report to for Spark Academy Tutoring

CONCERN ABOUT	WHO WILL INVESTIGATE
Any member or members of staff (excluding the Service Delivery Manager)	Elmira Nikoukar, DSL & Service Delivery Manager Elmira@spark-academy.co.uk dsl@sparkvaleacademy.co.uk
The Service Delivery Manager	Mital Thanki, CEO & Company Director mital.thanki@spark-academy.co.uk
Proprietor	Local Authority Designated Officer (LADO) as listed in the Key Contacts section.

How to Raise a Concern

All staff have an important contribution to make to this process and they have a valuable part to play in protecting Spark's position within the community.

Staff are often best placed to identify and draw attention to problems at an early stage. Remember that by speaking up, it is not the person raising the concern's responsibility to prove the concern.

However, the person raising the concern must be prepared to give full background details and the reason why they feel particularly troubled. Spark recognise that staff may feel reluctant to come forward to raise concerns – to 'blow the whistle' – for a range of reasons.

Staff raising concerns may feel:

- They don't know the right way
- It's none of their business
- It's only a 'gut feeling'
- It would be disloyal
- There may be 'recriminations'

It may seem easier to just look the other way, but everyone has a responsibility to be alert to and speak up about any serious concerns they may hold about malpractice on the part of others.

- 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.

Section 3: Confidentiality

Spark will treat all such disclosures in a confidential and sensitive manner. The identity of the individual making the allegation may be kept confidential so long as it does not hinder or frustrate any investigation. If a situation arises where we are not able to resolve the concern without disclosing your identity, we will discuss with you whether or how to proceed.

We will not tolerate harassment or victimisation of anyone raising a genuine concern and such conduct will result in appropriate Disciplinary Action being taken. However, we recognise that there may be a situation where you wish to raise concern in confidence under this policy.

If you ask us to keep your identity confidential, we will not disclose it without your consent unless your concern is a **child protection matter**.

All staff who make a disclosure are expected to keep the information confidential, not sharing with other colleagues what has been reported, as this can be detrimental to any investigation that may need to take place and any people involved. Failure to do so can result in disciplinary action.

Section 4: Anonymous Allegations

This policy encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously are much less credible, but they may be considered at the discretion of Spark.

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

- The seriousness of the issues raised
- The credibility of the concern
- The likelihood of confirming the allegation from attributable sources

Section 5: Procedure for Responding to a Whistleblowing Concern

Step 1: Initial Report

- Concerns may be raised **verbally or in writing**. If verbal, the receiving leader must create a written record.
- Concerns should be reported as soon as possible to the DSL/Headteacher (unless the concern is about them, in which case report to the Proprietor). Please follow the tables outlined in **Section 2 of this Policy**.
- Staff must not attempt to investigate the concern themselves.

Step 2: Recording the Concern

- The receiving leader will make a factual written record including: date, time, details, and name/signature of the person receiving the concern.
- Records will be stored securely and confidentially.
- All whistleblowing records will be retained for a **minimum of 6 years**.

Step 3: Initial Meeting with the Whistleblower

- A meeting will normally be offered within **5 working days**.
- The whistle-blower may be accompanied by a trade union or professional association representative.
- The concern will be discussed and clarified. If the matter is not whistleblowing in nature, it will be redirected to the correct policy (e.g. grievance, complaints).

Staff will be reassured that:

- They are protected from dismissal or detriment when raising concerns in good faith.
- Their identity will be kept confidential unless disclosure is required by law.
- Malicious or vexatious allegations may result in disciplinary action.

Step 4: Investigation

The Headteacher (or Proprietor, where appropriate) will decide if further investigation is required.

Investigations may involve:

- Internal fact-finding by the Headteacher/Proprietor
- Referral to the LADO (if safeguarding-related)
- Referral to the Police or other statutory agencies
- Appointment of an independent investigator
- The whistle-blower will be updated **within 10 working days** and kept informed of progress, subject to confidentiality and legal restrictions.

Step 5: External Escalation

If the whistle-blower believes their concern has not been handled properly, they may escalate externally to:

- Ofsted Whistleblowing Hotline
- Protect (independent whistleblowing advice charity)
- Local Authority Designated Officer (LADO) – for safeguarding concerns
- The Police – where a criminal offence is suspected
- [NSPCC Whistleblowing Advice Line](#)

Timelines

We will deal with all allegations as quickly and effectively as possible and will endeavour to comply with the following timescales, where reasonably practicable.

However, these are objectives only and where they are not met, we will endeavour to take the required action as soon as possible thereafter.

Any cases where it is clear immediately that the allegation is unsubstantiated or malicious...	Resolved within 1 week.
If the nature of an allegation does not require formal disciplinary action...	Appropriate action should be taken within 3 working days
If a disciplinary hearing is required and can be held without further investigation...	This should be held within 15 working days

Section 5: 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 school will consider whether any **disciplinary action** is appropriate against the person making the allegation.