



WHISTLEBLOWING POLICY

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Other relevant policies:

Safer Recruitment Policy

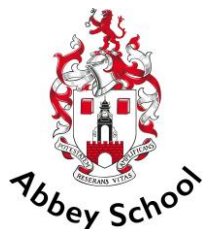
Staff Grievance Policy and Procedures

Staff Disciplinary Policy and Procedures

Compliments and Complaints Policy

Safeguarding Policy and Procedure

Data Protection policy



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1. Aims

Abbey School is committed to safeguarding and promoting the physical, mental and emotional welfare of all members of the school community.

This policy aims to:

- Ensure the school has an open and supportive culture throughout the school which values integrity and honest communication at all levels of the organisation
- Give confidence to members of staff when raising concerns about any suspected danger or wrongdoing which is inconsistent with school standards and policies
- Let all staff know how to raise genuine and legitimate 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 within the meaning of the Public Interest Disclosure Act.
- Assure staff that they will not be victimised or treated unfairly 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.

This 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.

2. Legislation and guidance

This policy has due regard to all relevant legislation and guidance including, but not limited to, the following:

- Public Interest Disclosure Act 1998 (PIDA)
- Employment Rights Act 1996
- DfE 'Keeping children safe in education'
- GOV.UK (2012) 'Whistleblowing for employees'
- DfE "Whistleblowing: prescribed persons guidance"

3. The Public Interest Disclosure Act

The Public Interest Disclosure Act 1998 (PIDA) protects employees who "blow the whistle" where the employee reasonably believes that the disclosure falls within the remit of the prescribed person or body, and that the information and any allegations are substantially true. Disclosures made under this procedure will be monitored for statistical purposes as required under the PIDA. The details of any disclosure will remain confidential.

The Principal is the first point of contact for whistleblowing queries. If the allegation is related to the Principal, the concern will be raised with the chair of the advisory body.

Any member of the school community or the general public is able to "blow the whistle"; however, the PIDA only protects employees. The Non-employees section of this policy includes further details on how whistleblowing affects non-employees

4. Definitions

Whistle-blowing is the term used describe the disclosure of information by a worker which relates to suspected wrongdoing, malpractice or dangers at their place of work

Whistleblower is a worker who reports certain types of wrongdoing in the public interest.
Whistleblowers are protected by law.

Qualifying disclosure: to be covered by whistleblowing law, the disclosure must be a 'qualifying disclosure'. A qualifying disclosure is any disclosure of information which, in the reasonable belief of the worker making the disclosure, is made in the public interest and tends to show one or more of the following:

- That a criminal offence has been committed, is being committed or is likely to be committed
- That a person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject
- That they are acting "in the public interest"
- That the disclosure tends to show past, present or likely future wrongdoing falling into one or more of the following categories:
 - Criminal offences, such as fraud or corruption
 - Pupils' or staffs' health and safety being put in danger
 - Miscarriages of justice
 - Failure to comply with a legal obligation or statutory requirement
 - Breaches of financial management procedures
 - Damage to the environment
 - Attempts to cover up the above, or any other wrongdoing in the public interest

Protected disclosure – this means a qualifying disclosure as defined above

For a **qualifying disclosure** to be **protected**, it must be made by a worker using one of the following permitted methods of disclosure:

- Disclosure to the employer or other person responsible for the failure
- Legal advisers
- Government ministers
- A person prescribed by an order made by the Secretary of State
- Other disclosures may be protected where in the particular circumstances they are either reasonable, or special provision is made for disclosures relating to exceptionally serious problems

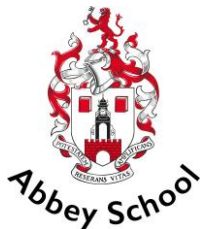
A worker who blows the whistle, by making a disclosure in accordance with the relevant criteria set out is making a protected disclosure and has the right not to be unfairly dismissed or suffer a detriment, e.g. being dismissed or being denied a promotion, as a result of having made that disclosure

Worker: defined by section 230(3) of the Employment Rights Act 1996 as: 'an individual who has entered into or works under (or, where the employment has ceased, worked under:

- A contract of employment
- Any other contract, whether express or implied and (if it is express) whether oral or in writing, whereby the individual undertakes to do or perform personally any work or services for another party to the contract whose status is not by virtue of the contract that of a client or customer of any profession or business undertaking carried on by the individual

Prescribed person - If an individual decides to blow the whistle to a prescribed person rather than the school, they must make sure that they choose the correct person or body for their issue. The Public Interest Disclosure (Prescribed Persons) Order 2014 sets out a list of over 60 organisations and individuals that a worker may approach outside their workplace to report suspected or known wrongdoing. The organisations and individuals on the list have usually been designated as prescribed persons because they have an authoritative or oversight relationship with their sector, often as a regulatory body. The list contains a brief description about the matters that can be reported to each prescribed person

In the public interest means that it must affect others, for example the general public/ people at large.



Grievances - 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 to be a grievance. When staff have a concern, they should consider whether it would be better to follow our staff grievance procedure.

5. Roles and responsibilities

5.1. Proprietor and Advisory Body

The Proprietor is responsible for the school's Whistleblowing arrangements with the support of the Advisory Body. These responsibilities are operationally delegated to the Principal.

A relevant member of the Advisory Body will:

- Agree the whistleblowing procedure and ensure it has been established
- Ensure the whistleblowing procedure is published on the website
- Monitor the effectiveness of the policy and undertake any necessary reviews
- Investigate any concerns raised against the Principal

5.2. The Principal

The Principal is responsible for:

- Ensuring all members of staff have read and understood this policy
- Receiving, investigating and responding to any concerns that have been raised by school staff
- Being the first point of contact regarding whistleblowing

5.3. Staff

All members of staff are responsible for:

- Raising any concerns illustrated in [Section 3](#) of this policy
- Being truthful and reasonable with any concerns that they have
- Not taking any concerns outside of the school, e.g. by gossiping
- Not raising malicious or unfounded concerns

6. Whistleblowing procedure for staff

6.1. 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 school procedures, put people in danger or was an attempt to cover up any such activity.

6.2. Who to report to?

Staff should report their concern to the Principal. If the concern is about the Principal, or it is believed they may be involved in the wrongdoing in some way, the staff member should report their concern to the Chair of the Advisory Body or Proprietor.

6.3. Prior to reporting a concern

The school is aware that occasions may arise when individuals working at the school may see, hear or experience something that causes them some concern. When such concerns arise it is important that individuals are aware of procedures to follow in order to ensure the matter is dealt with accordingly, and that the correct protections are applied.

This Whistleblowing Policy is for concerns where the public interest is at risk, this includes a risk to children at the school, the wider public, or the school workforce. To help individuals understand how and where to direct their concerns the school will adhere to the guidelines in the following scenarios:

- Workers at the school who wish to make a complaint about their employment or how they have been treated should use the school's grievance procedure
- Parents or members of the public that would like to complain about a matter relating to the school should use the school's Compliments and Complaints procedure
- Anybody who has a safeguarding concern regarding a child should refer to the school's Safeguarding policy and speak to the DSL. If an individual feels like they are unable to raise a safeguarding-related concern with the school or feel that their genuine concerns are not being addressed, should contact the NSPCC or the LADO
- If recognising something troubling – such a suspected illegal incident, a breach of statutory procedures, people are being put in danger, or there is or has been an attempt to cover up any such activity – use this whistleblowing policy

Before making a disclosure, the school recommends that any potential whistleblower discusses their concern on a confidential basis with a work colleague, solicitor or professional body and seeks advice on how to proceed. These discussions may help assess how justified their concern is and, if they then wish to proceed, the most appropriate and effective way to report it. [Protect](#), formerly Public Concern at Work, are leading experts in whistleblowing and give free confidential advice to individuals. Advice includes [further guidance](#) on the difference between a grievance and whistle-blowing concern

6.4. How to raise the concern

Concerns should be made in writing wherever possible to an appropriate person, i.e. any person more senior to the whistleblower within school. They should include names of those believed to have committed a wrongdoing, dates, places and as much evidence and context as possible. They must reasonably believe that the information is substantially true to enable the matter to be taken forward. Staff raising a concern should also include details of any personal interest in the matter.

Individuals making qualifying disclosures should note that, it is not their job to investigate any perceived wrongdoing or malpractice, nor should they attempt to gather additional evidence to try and prove their disclosure

7. Procedure for responding to a whistleblowing concern

7.1. Investigating the concern

When a concern is received by the Principal– 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 that 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 8](#)).

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 Chair of Advisory Body, if appropriate. In some cases, they may need to bring in an external, independent body to investigate. In other cases, they 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.

7.2. Outcome of the investigation

Once the investigation is complete – whether this was just the initial investigation of the concern, or whether further investigation was needed, 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 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 Principal, Advisory Body 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.

8. What the school asks of whistleblowers

The purpose of this policy is to enable individuals to raise concerns in confidence, without any fear of reprisal. It is important that whistleblowers:

- Do not talk about the concern outside the school unless it is to report the concern through the proper external channels when appropriate
- 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

9. Malicious or vexatious allegations

Staff are encouraged to raise concerns even when they believe there to be a potential 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 treat this as a serious disciplinary offence and disciplinary action may be taken.

10. Misuse of the policy

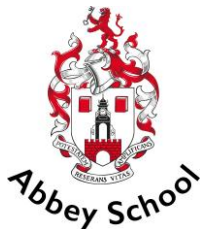
This policy is designed to promote and encourage reporting genuine concerns and is not designed to allow:

- Individuals who have acted inappropriately to escape punishment by highlighting any malpractices they were involved in
- Employment protection in relation a redundancy situation or pre-existing disciplinary issues as a result of reporting a wrongdoing
- An individual to raise a concern for some private motive and not to prevent or correct the wrongdoing

11. Harassment or victimisation of staff

The school 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 school as a whole; however, the school will not tolerate any such harassment or victimisation and will take appropriate action to protect staff who raise a concern in good faith.

Staff are protected in law by the PIDA, which gives employees protection from detriment and dismissal where they have made a protected disclosure, providing the legal requirements of the Act are satisfied, e.g. the disclosure was in the public interest.



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 the school's Disciplinary Policy and Procedure.

12. Non-employees

The PIDA and the Employment Rights Act 1996 do not protect non-employees as far as whistleblowing is concerned. However, the school will not allow harassment, dismissal or exclusion for any non-employee who raises a genuine concern.

Where an individual feels that they may have been unfairly treated following blowing the whistle, they should make a complaint under the school's Compliments and Complaints policy.

13. Escalating concerns beyond the school

The school encourages staff to raise their concerns internally, in line with [Section 6](#) 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](#).

The Protect advice line, linked to in Section 6 of this policy, can also help staff when deciding whether to raise the concern to an external party.

Staff who take their concerns to outside bodies not on the prescribed list (e.g. the press), may be subject to a formal disciplinary investigation.

14. Safeguarding children, young people and adults at risk

Separate to the obligations under this policy, all employees have a duty to report concerns about the safety and welfare of pupils in accordance with the Safeguarding Children and Young People in Education Policy.

Concerns about any of the following should be reported to the school's Designated Safeguarding Lead (DSL) or their deputy (DDSL):

- Physical abuse of a pupil
- Sexual abuse of a pupil
- Emotional abuse of a pupil
- Neglect of a pupil
- An intimate or improper relationship between an adult and pupil

The reason for the concern may be the actions of a colleague, a member of the Advisory Body, another pupil or someone outside of the school. Whatever the reason, concerns must be reported. Failure to report a Child Protection or Adult at Risk Protection related allegation will be in itself, a disciplinary matter.

If a member of staff feels like they are unable to raise a safeguarding-related concern with the school, or feels that their genuine concerns are not being addressed, they are able to contact the NSPCC Whistleblowing Helpline on 0800 028 0285 or the LADO.

15. Appeal process

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 the school's Compliments and Complaints policy.

16. Approval

This policy will be reviewed annually by the Senior Leadership Team.

These procedures have been agreed by the Advisory Body, who will approve them whenever reviewed.