Whistleblowing Policy

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Date of next review:	Autumn 2028	**Approval:**	Trustees
Type of policy:	Trust-wide Individual school Adapted by school	**Key Contact Email for policy queries:**	Rebecca.dunne@prestoleetrust.org
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Current version	Previous version	Summary of changes made
2025	2022	Reviewed, minor changes to external links and legislation

Policy statement

As employees are often the first to realise that there may be something wrong within a school or trust, it is important that they feel able to express their concerns without fear of harassment or victimisation. The Public Interest Disclosure Act (in force since January 1999) recognises this fact, and is designed to protect employees, who make certain disclosures of information in 'the public interest', from detriment and/or

dismissal. This policy builds on the provisions of the Act. It is recognised that cases may have to proceed on a confidential basis.

The term employee will include temporary staff, volunteers, contractors, and ex-employees except where required otherwise by the context.

This policy works in conjunction with the Anti-Bullying, Behaviour, Complaints, Equality, Health and Safety, Intimate Care, Acceptable Use, First Aid, Supporting Pupils with Medical Needs, Lost Child, and Uncollected Child, Safeguarding and Child Protection and Safer Recruitment policies. Other documentation should also be considered such as staff disciplinary procedures and staff code of conduct.

1. Aims

This policy aims to:

- Raise awareness that expressing concerns about unacceptable practice is the responsibility of all employees.
- Provide avenues for employees to raise concerns internally as a matter of course and receive feedback on any action taken.
- Provide for matters to be dealt with quickly and appropriately; and ensure that concerns are taken seriously and investigated.
- Reassure employees that they are protected from reprisals or victimisation for whistleblowing in good faith.
- Allow employees to take the matter further if they are dissatisfied with the response.
- Describe how any employee can raise any concerns she/he may have about working practices and who will be informed about the concerns.

2. Legislation

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 consider the Public Interest Disclosure Act 1998.

This policy complies with our funding agreement and articles of association.

3. Definition of whistleblowing

Whistle-blowing covers concerns made that report wrongdoing that is “in the public interest.” Examples of whistleblowing include (but are not limited to):

- Criminal offences, such as fraud or corruption.
- Pupils’ or staffs’ health and safety in danger.
- Failure to comply with a legal obligation or statutory requirement.
- Breaches of fiscal management procedures.
- Attempts to cover up the above, or any other wrongdoing in the public interest.
- Damage to the environment.

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

Not all concerns about the Trust count as whistleblowing. For example, personal staff grievances such as bullying, or harassment do not usually count as whistleblowing. 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 or complaints procedures.

Protect (formerly Public Concern at Work) has:

- Further guidance on the difference between a whistle-blowing concern and a grievance that staff may find useful if unsure.
- A free and confidential advice line.

4. Considerations prior to initiating a procedure

Before initiating the procedure, employees should consider the following:

- Does the concern fall within the scope of the whistleblowing procedure because it is about something that is unlawful or it is against school policies, falls below the established standard or practice or amounts to improper conduct?
- Employees should use line manager or team meetings and other opportunities to raise questions and seek clarification on issues which are of day-to-day concern.
- Whilst it can be difficult to raise concerns about the practice or behaviour of a colleague, employees must act to prevent an escalation of the problem and to prevent themselves being potentially implicated.
- All employees have the right to raise concerns, which could be about the actions of other employees, private contractors, Multi-Academy Trust members, volunteers, or outside agencies.
- Concerns raised by employees about their own conditions of service or salary should be addressed to the Headteacher.

5. Safeguards

a. Harassment or victimisation

The Trust (and by association each Academy in the MAT (Multi Academy Trust) recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The Academy (and Trust) will not tolerate harassment or victimisation and will take action to protect employees when they raise a concern in good faith.

This does not mean that if an employee is already the subject of internal procedures such as disciplinary or redundancy, that those procedures will be halted because of that employee raising a concern under the Whistle-Blowing Policy.

b. Confidentiality

The school will do its best to protect an employee's identity if confidentiality is requested. However, it must be understood that should the concern raised need to be addressed through another procedure, e.g., disciplinary procedures, the employee may be asked to provide a signed statement as part of the evidence, thus revealing identity. Failure to provide such a statement may mean that further action cannot be taken by the Trust to address the concern and in some circumstances, the Trust may have to disclose the identity of the employee without their consent, although this will be discussed with the employee first.

c. Anonymous allegations

Employees are encouraged to put their name to an allegation. Allegations expressed anonymously are much less powerful and more difficult to address, but they will be considered, at the discretion of the Trust. In exercising the discretion, the factors to be considered would include:

- The seriousness of the issues raised.

- The credibility of the concern.
- The likelihood of confirming the allegation from attributable sources.

d. Untrue allegations

If an employee makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against that employee. If, however, there is evidence that an employee has made malicious or vexatious allegations, disciplinary action may be taken against that employee.

e. Unfounded allegations

Following investigation, allegations may be confirmed as unfounded. This outcome will be notified to the employee who raised the concern, who will be informed that the Trust deems the matter to be concluded and that it should not be raised again unless new evidence becomes available.

6. Principles of processing data under GDPR

Whilst a substantial proportion of whistleblowing reports are made anonymously, many contain personal data that is divulged as part of the reporting process.

The processing of personal data can aid effective operation of a whistleblowing service because it allows a more detailed investigation to take place. It also enables the receiving party to provide feedback to the reporter on the outcome of an investigation.

The governing principles for processing personal data under UK GDPR law 2021[1] (articles 5-11) state that data should be:

- Processed lawfully, fairly, and transparently.
- Collected for specified, legitimate purpose.
- Adequate, relevant, and limited to what is necessary.
- Accurate and up to date.
- Kept in a form which permits identification for no longer than necessary for purpose.
- Processed in a manner to ensure appropriate security of the data.

a. Data Minimisation in a whistleblowing context

'Data minimisation' means data reporters and handlers only collecting data and processing data that is "adequate, relevant and limited to what is necessary" is processed.

When capturing a whistleblowing report, detail is essential. More detail can aid the investigation process – but it can be difficult to determine how much information is 'too much.'

Both the reporter and the handler must avoid collecting and sharing unnecessary personal data (which is then subsequently stored and processed).

b. Storing whistleblowing report and subject data

Article 5(1)(e) requires that data be not kept for longer than is necessary for the purposes for which the personal data was processed.

[1] UK General Data Protection Regulation (UK GDPR) – the EU GDPR (2018) was incorporated into UK legislation, with some amendments, by the Data Protection, Privacy and Electronic Communications (Amendments etc.) (EU Exit) Regulations 2020.

Whilst UK GDPR does not impose an exact period, it may cause data processors and controllers to implement stricter requirements to delete and destroy data which is no longer deemed necessary.

This storage period may vary significantly for whistleblowing reports. In the event of a complex investigation, the data controller may need to retain the data for several months whilst that investigation takes place.

Although a 'set retention period' is not always applicable, whistleblowers must be advised that their details will only be retained until the case is closed and the issue resolved.

c. Consent

Under UK GDPR, Data Handlers must "demonstrate that the data subject has consented" to the processing of his or her data. The consent must be specific, informed and there must be some form of clear affirmative action.

This means the whistleblower will be more informed about how and where their data is stored and, in turn, can exercise their rights under GDPR should they wish to. See the Subject Access Request policy.

d. Obtaining consent at outset

Data handlers must obtain the consent of the whistleblowing individual regarding their own data at the outset of data collection. In instances when the reporter shares the data of a third party, all affected employees must be informed that their data may be processed, and their consent must be requested to proceed. Only data relevant to the report must be processed, and that information will only be held until the report has been fully investigated and resolved.

e. Withdrawal of consent

Whilst employees can be asked to agree to the processing of their data for the whistleblowing report, they are also within their rights to withdraw such consent.

Under Article 7(3), it must be as easy to withdraw as to give consent. For example, if consent is obtained by a signed letter, it must also be possible to withdraw consent with a signed letter.

f. Rights of the Data Subject

Articles 12-23 outline the rights afforded to Data Subjects under the UK GDPR, namely:

- The Right to access.
- Right to data portability.
- Right to rectification / Right to erasure.
- Right to object.
- Right to restriction of processing.

They are set out in more detail in the Trust's Data Protection Policy.

In a whistleblowing context, the rights of the data subject may be restricted. For example, it would not be productive to identify, under a Subject Access Request, that they are the subject of a serious report regarding a criminal offence.

There is provision under Article 23 for Member States to restrict the GDPR subject rights for the "Prevention, investigation, detection or prosecution of criminal offences" or civil law claims.

Article 29 Working Party recommends that "under no circumstances can the person accused in a whistleblower's report obtain information about the identity of the whistleblower".

As the data subject, UK GDPR does put the whistleblower in a much stronger position and affords them more authority over their own data.

7. Who to report to and how to raise a concern

a. As a first step, an employee should normally raise concerns with their immediate manager or their manager's superior. This depends, however, on the seriousness and sensitivity of the issues and who is involved.
b. If the line manager or the Headteacher believes the concern to be genuine and that it is appropriate to use the Whistleblowing procedure, the manager should contact the Governance Manager regardless of whether the employee is based in an academy or not. The Governance Manager will either act as Assessor or will appoint another Assessor who is not implicated.
c. Should it be alleged that the Governance Manager is involved in the alleged malpractice; the Responsible Trustee should be contacted in place of the Governance Manager.
d. If the employee feels unable to raise their concern with their line manager or the headteacher in the first instance, they may contact the Governance Manager directly. If this occurs, the Representer will be asked to explain why they feel unable to raise the concern with their line manager or the Head teacher.
e. Concerns are better raised in writing. The employee should set out the background and history of the concerns, giving names, dates, and places where possible, and the reasons why she/he is particularly concerned about the situation. If an employee does not feel able to put the concern in writing, she/he should telephone or meet the appropriate person. It is important that, however the concern is raised, the employee makes it clear that she/he is raising the issue via the whistle-blowing procedure. The employee could use the form in appendix A to frame their account.
f. Although an employee is not expected to prove the truth of an allegation, she/he will need to demonstrate to the person contacted that there are sufficient grounds for the concern.

8. The role of the Head of Governane and Compliance and Responsible Trustee

The Head of Governance and Compliance will inform the Responsible Trustee of the incident.

An in-confidence meeting will be arranged with the employee within ten working days or earlier if there is an immediate safeguarding risk. At the meeting, the employee may be accompanied by a recognised trade union representative or a work colleague. A note taker may be present. The Head of Governance and Compliance will consult with relevant people and be the note taker.

9. Investigating the concern

a. Stage one

At the initial meeting, the Head of Governance and Compliance should establish that:

- There is genuine cause and sufficient grounds for the concern.
- The concern has been appropriately raised via the Whistleblowing Policy.

The employee must put their concern(s) in writing if she/he has not already done so. The Head of Governance and Compliance make notes of the discussions with the employee. The employee's letter/form and/or notes should make it clear that the employee is raising the issue via the whistle-blowing procedure and provide:

- The background and history of the concerns.
- Names, dates, and places (where possible).
- The reasons why the employee is particularly concerned about the situation.

The employee should be asked to date and sign their letter/form and/or the notes of any discussion. The Head of Governance and Compliance should positively encourage the employee to do this, as a concern expressed anonymously is much less powerful and much more difficult to address, especially if the letter/notes become evidence in other proceedings, e.g., an internal disciplinary hearing.

The Head of Governance and Compliance / Responsible Trustee should follow the policy as set out above and explain to the employee:

- What steps they intends to take to address the concern.
- How they will communicate with the employee during and at the end of the process and that a written response will be sent out within ten working days.
- That their identity will be protected as far as possible but should the investigation into the concern require the employee to be named as the source of the information, that this will be discussed with the employee before their name is disclosed.
- That the Trust will do all that it can to protect the employee from discrimination and/or victimisation.
- That the matter will be taken seriously and investigated immediately.
- That if the employee's concern, though raised in good faith, is not confirmed by the investigation, no punitive action will be taken against them.
- If evidence is uncovered during the investigation that they have made a malicious or vexatious allegation, disciplinary action may be taken against them.
- The investigation may confirm their allegations to be unfounded in which case the Multi Academy Trust will deem the matter to be concluded and they will be expected not to raise the concern again unless new evidence becomes available.

b. Stage two

The Head of Governance and Compliance should consult with the Responsible Trustee to determine whether an investigation is appropriate and, if so, what form it should take.

A record should be made of the decisions and/or agreed actions.

It may be necessary, with anonymous allegations, to consider whether it is possible to take any further action. When making this decision, senior managers should take the following factors into account:

- The seriousness of the issue(s) raised.
- The credibility of the concern(s).
- The likelihood of confirming the allegation(s) from attributable sources.

In some cases, it may be possible to resolve the concern(s) simply, by agreed action or an explanation regarding the concern(s), without the need for further investigation. However, depending on the nature of the concern(s) it may be necessary for the concern(s) to:

- Be investigated internally.
- Be referred to the police.
- Be referred to the academy's external auditor.
- Form the subject of an independent enquiry.

c. Stage three

Within ten working days of a concern being received, the manager receiving the concern must write to the employee:

- Acknowledging that the concern has been received.
- Indicating how they propose to deal with the matter.
- Giving an estimate of how long it will take to provide a final response.
- Explain any further information or involvement we require from them
- Telling the employee whether any initial enquiries have been made.
- Telling the employee whether further investigations will take place, and if not why.
- Letting the employee know when she/he will receive further details if the situation is not yet resolved.
- Supply information about support mechanisms
- Providing the employee with details of whom to contact should she/he be dissatisfied with this response (see below).

The grounds on which no further action is taken may include:

- The Assessor is satisfied that, on the balance of probabilities, there is no evidence that malpractice has occurred, is occurring or is likely to occur;
- The matter is already (or has been) the subject of proceedings under one of theschool's other procedures or policies;
- The matter concerned is already the subject of legal proceedings, or has already beenreferred to the police, an external investigator, the Department for Education, or another public authority.

10. Help and support in raising an issue

The Trust is committed to supporting those who escalate a concern under this policy.
Employees who are members of a trade union are also encouraged to discuss the matter with their trade union representative.

11. 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 Trust will consider whether any disciplinary action is appropriate against the person making the allegation.

12. Raising concerns outside the school

The Trust encourages staff to raise their concerns internally, in line with this policy, but recognises that staff may feel the need to report concerns to an external body.

The Whistle-Blowing Policy is intended to provide employees with a procedure for raising concerns and resolving these within the school. If an employee is not satisfied with the response, the manager should ensure that they are made aware with whom they may raise the matter externally:

- Protect Whistleblowing Charity* *https://protect-advice.org.uk/*
- Recognised Trade Union.
- Relevant professional bodies or regulatory organisations.
- A solicitor.
- A list of prescribed bodies to whom staff can raise concerns with is included here.

The senior leader should stress to the employee that if they choose to take a concern outside the school, it is the employee's responsibility to ensure that confidential information is not disclosed, i.e., confidential information, in whatever format, is not handed over to a third party.

* Protect is a registered charity that employees can contact for advice to assist them in raising concerns about poor practice at work. The charity also provides advice to employers as to the possible ways to address these concerns.

13. Monitoring and review

The Trustees' will be responsible for monitoring the implementation and effectiveness of this policy/procedure. The policy/procedure will be reviewed every three years unless additional information and guidance arise.

APPENDIX A

Identify concerns or issues

Your Contact Details			
Name			
Address	Line 1	Line 2	
	Line 3	Town or City	Postcode
Telephone	Home	Work	Mobile

Concerns		
Please provide details of your concerns. Continue a separate sheet if necessary.		
What concern(s) do you wish to raise?		
Why are you concerned about the issue(s)?		
Have you discussed the issue(s) with anyone else?	Yes ☐	No ☐
If so, who with?	**What date did you discuss this?**	
What was the outcome of this discussion?		
Signed		**Date**