

Broadbent Fold Primary School and Nursery



Whistleblowing Policy

September 2026

Broadbent Fold Primary School and Nursery is committed to safeguarding and promoting the physical, mental and emotional welfare of all members of the school community. In doing so, it is committed to ensuring the school has an open and supportive culture which values integrity and honest communication at all levels of the organisation.

It is recognised that people working at the school are often the first people to witness any type of wrongdoing within an organisation and, that information uncovered could prevent wrongdoing, which may damage an organisation's reputation or performance, and could even save people from harm or death.

In line with the school's commitment to openness, probity and accountability, members of staff are encouraged to report concerns. This policy will work to ensure that, if an employee sees or suspects that something is wrong, they will raise this with the school. This is known as "blowing the whistle" – a phrase that 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.

The implementation of this policy will:

- Give confidence to members of staff when raising concerns about any suspected danger or wrongdoing which is inconsistent with school standards and policies.
- Provide members of school staff with appropriate pathways and avenues to raise concerns.
- Ensure that members of staff receive a response to the concerns they have raised and feedback on any action taken where appropriate.
- Offer assurance that members of staff should be able to raise genuine concerns without fear of reprisal even if they turn out to be mistaken.

Where this policy necessitates personal or special category data to be processed, it will be done so in accordance with the school's Data Protection Policy.

Under this policy, any of the following can raise a concern:

- Employees of the school
- Voluntary workers working with the school
- Trainees, such as student teachers

Legal background & definitions

Whistleblowing law is located in the Employment Rights Act 1996, as amended by the Public Interest Disclosure Act 1998 (PIDA).

Both Acts of Parliament aim to provide protection for workers reporting malpractices by their employers or third parties against any form of victimisation or dismissal.'

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

Whistleblower: 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 a miscarriage of justice has occurred, is occurring or is likely to occur.
- That the health or 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 sexual harassment has occurred, is occurring or is likely to occur.
- That information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed.

The qualifying disclosure must also be a protected disclosure. This means 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 worker's 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.’

In relation to protected disclosures, section 43k of the Employment Rights Act 1996 provides an extension to the definition of a worker, this includes certain agency workers, homeworkers, NHS practitioners, nurses and midwives in training, trainees, police officers and crown employees.

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.

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

Blacklisting refers to an individual who is being refused work because they are viewed as a whistleblower.

Grievances involve an individual filing a complaint relating to their own **personal** circumstances, such as the way they have been treated at work. Workers who make a

disclosure under this whistleblowing policy should believe that they are acting in the public interest - personal grievances and complaints do not usually count as whistleblowing.

Legal framework

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 'Whistleblowing for employees'
- DfE 'Whistleblowing: guidance for prescribed persons'
- DfE 'Whistleblowing procedure for maintained schools'
- DfE 'Blowing the whistle to the Department for Education'
- [Department for Business, Energy & Industrial Strategy](#) and [Department for Business and Trade](#) 'Whistleblowing: guidance and code of practice for employers'
- Sir Robert Francis 'Freedom to speak up report'

This policy operates in conjunction with the following school policies:

- Code of Conduct Policy
- Complaints Procedures Policy
- Data Protection Policy

What is whistleblowing?

Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include:

- criminal activist
- child protection and/or safeguarding concerns
- miscarriages of justice
- danger to health and safety
- damage to the environment
- failure to comply with any legal or professional obligation or regulatory requirements

- financial fraud or mismanagement
- negligence
- breach of the school's internal policies and procedures including its Code of Conduct
- conduct likely to damage the School's reputation
- unauthorized disclosure of confidential information
- The deliberate concealment of any of the above matters. Information tending to show any matter falling within any of the preceding points has been, is being or likely to be deliberately concealed

In the public interests means that an individual acted outside of their own personal interest – they acted for more than personal gain. It is not necessary for the disclosure to be of interest to the entire public. The following considerations are often used as a test to establish whether something is within the scope of public interest:

- The number of people in the group whose interests the disclosure served.
- The nature of the interests and the extent by which individuals are affected by the wrongdoing disclosed.
- The nature of the wrongdoing disclosed.
- The identity of the alleged wrongdoer.

Blacklisting refers to an individual who is being refused work because they are viewed as a whistle-blower. Grievances involve someone filing a complaint because they personally have been mistreated in some way – the person making the complaint will have a direct interest in the outcome. It is important to understand the difference between raising a grievance and blowing the whistle.

Roles and responsibilities:

The Governing Body will be responsible for:

- Establishing and agreeing the whistleblowing procedure.
- Monitoring the effectiveness of this policy and undertaking any necessary reviews, e.g. in relation to good practice recommendations or changes in legislation.
- Ensuring all members of the school community have access to this policy.
- Investigating, in liaison with the Headteacher, any concerns that are raised.
- Ensuring this policy provides an open and transparent framework where members of the school community can raise their concerns.
- Taking the necessary action against members of staff following an investigation into any alleged malpractice.

- Ensuring that the minutes of the governing body include a record of the school's whistleblowing arrangements and who, both internally and externally, staff members should report concerns to.
- Appointing one governor and one member of staff to act as points of contact for staff members when reporting concerns.
- Ensuring that all concerns raised by whistleblowers are responded to properly and fairly.
- Ensuring that whistleblowing forms part of the staff behaviour policy as part of a wider approach to having in place appropriate safeguarding policies and procedures.
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Chair of Governors – Mrs J Fendall

Headteacher – Mrs C Parker or in her absence Business Manager

The Headteacher will be 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 the school community.
- Being the first point of contact regarding whistleblowing.

The Chair of the Governing Body will be responsible for receiving any concerns raised about the Headteacher.

All members of the school community will be responsible for:

- Raising any concerns that meet the definitions of this policy.
- Being truthful and reasonable with any concerns that they have.
- Not raising malicious or unfounded concerns.

This policy will not be confused with the procedure on dealing with harassment at work or the school's Grievance and Disciplinary Procedures.

Under this policy, any of the following can raise a concern:

- Employees of the school
- Employees of contractors working for the school, for example, agency staff, builders and drivers

- Employees of suppliers
- Voluntary workers working with the school
- A trainee, such as a student teacher
- Pupils
- The wider community
- Governors

Harassment and 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.

Non-employees

The PIDA and the Employment Rights Act 1996 do not protect non-employees as far as whistleblowing is concerned.

The school will not allow harassment, dismissal or exclusion for any non-employee who raises a genuine concern.

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

Governors are not employees and, while they are responsible for ensuring there is a whistleblowing procedure in place, they are not protected under the PIDA.

Good practice principles

The school will implement the core whistleblowing principles, as outlined in the 'Freedom to speak up report', to ensure that whistleblowing procedures are fair, clear and consistent.

The school will implement a culture of change by ensuring the following principles are reflected in our ethos and values – there will be a culture:

- Of safety in the school

- Where people feel confident with raising concerns
- Free from bullying
- Of visible leadership
- Of valuing staff
- Of reflective practice

By providing a clear procedure for mediating and resolving cases, the school will ensure that all cases are efficiently handled. This procedure includes:

- How to raise and report concerns
- How investigations will be conducted.
- How the school will mediate and resolve disputes

The school will implement measures to support good practice by ensuring adherence to the following principles:

- Offering relevant training to staff
- Providing the necessary support to staff
- Providing support to staff who are seeking alternative employment
- Being transparent
- Being accountable
- Conducting an external review of any concerns raised, where necessary
- Undertaking regulatory action as required

We will ensure there are particular support measures in place for vulnerable groups by adhering to the following principles:

- Ensuring non-permanent staff are taught, and receive training on, the same principles as permanent staff.
- Ensuring students and trainees are subject to all the safeguarding and whistleblowing principles.
- Ensuring staff from ethnic minorities are supported, as they may feel particularly vulnerable when raising concerns.
- Ensuring staff are empowered and protected, enabling them to raise concerns freely.

Procedure

- When raising concerns, individuals will express them in writing to the headteacher.
- If an individual is raising a concern about the headteacher, they should express their concerns in writing to the Chair of Governors. Where this is the case, the chair of governors will take on the headteacher's duties.

- When individuals raise their concern, they will include the following information as far as possible; the background and history of the concern, any relevant names, dates and places, the reasons for the concern.
- The school encourages individuals to let their identity be known when they raise concerns, as anonymous concerns can be challenging to investigate.
- Individuals who would like to seek professional and confidential advice should contact Protect, a registered charity that advises on whistleblowing queries. Protect website (www.protect-advice.org.uk), or they can be contacted on 020 31172520.
- Once an individual has raised a concern, the school will be responsible for investigating it.
- 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.
- If a member of staff feels they should report a concern to the LA, they should contact the LA at <https://www.tameside.gov.uk/whistleblowing>
- The school, or the appropriate external agency, will acknowledge receipt of a disclosure but, unless additional information is required, will not contact or engage in dialogue with the whistleblower, as this may undermine the legitimacy of the investigation outcome.
- Appropriate whistleblowing procedures will be put in place for concerns about poor or unsafe practice and potential failures in the school's safeguarding system to be raised with the SLT.
- 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.
- The school, or the appropriate external agency, will acknowledge receipt of a disclosure but, unless additional information is required, will not contact or engage in dialogue with the whistleblower, as this may undermine the legitimacy of the investigation outcome.

Next steps

- The school will formally respond to a whistleblower to acknowledge receipt of a disclosure within a reasonable time, and normally within 2 working days of the concern being received.
- An initial meeting (or interview) will normally be arranged within 5 working days of the disclosure being received, unless there are exceptional circumstances. This meeting is intended to clarify the concern and determine next steps.

- The school will appoint an appropriate person to investigate the disclosure; depending upon the circumstances of the case, this may be an internal or external appointment.
- The Headteacher will write to the individual within 10 working days of the initial meeting to confirm that the concern has been received, as well as to indicate proposals for dealing with the matter.
- The initial stage will be an interview with the whistleblower, and then an assessment of further action will be discussed. During this initial stage, the Headteacher will establish if; there are grounds for a concern and that it is genuine, the concern was raised in accordance with this policy.
- During the initial interview, the Headteacher will request the individual puts their concern in writing, if they have not already done so. The Headteacher will write a summary of the concern if the individual is unable to put it in writing. The Headteacher will explain the following to anybody raising a concern:
 - How they will communicate with the complainant throughout the process. It should be noted, the need for confidentiality may prevent the school giving the complainant specific details of any necessary investigation or any necessary disciplinary action taken as a result of the concern.
 - That the complainant's identity will be kept confidential from the alleged wrongdoer.
 - That the Governing Body will do everything in its power to protect the complainant from discrimination.
 - That if the concern is genuine, even if the concern is not confirmed, no disciplinary action will be taken against the complainant.
 - If clear evidence is uncovered that the complainant's concern is malicious or unfounded, disciplinary action may be brought against them.
 - If an investigation is carried out, the whistleblower will be informed of the final outcome.
 - A record will be kept of the seriousness of the issues raised and the credibility of the concern. All records will be kept confidential and will be stored in line with the school's retention policy.
- 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.
 - Form the subject of an independent inquiry.
- If the investigating officer needs to talk to the whistleblower, 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

that the concern relates to. This person will provide support only and will not be allowed to become involved in the proceedings.

- 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 to monitor any patterns of concern across the school and to assist in monitoring the procedure.
- The whistleblower 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.

What the school asks of you - 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-blowers:

- Do not take the concern outside the school, e.g. gossiping.
- 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.

Appeal process

While the school cannot always guarantee the outcome the worker is seeking, the school will try and deal with the workers concern fairly and in an appropriate way. If the worker is not happy with the way in which their complaint has been handled, they can raise this under the school's Complaints Procedure Policy.

Unfair treatment -

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

Monitoring and review

The governing body will review this policy annually, ensuring that all procedures are up-to date – the next review date for this policy is September 2027. Any changes made to this policy will be communicated to all members of staff via National College and briefings.