



SPARKEN HILL
ACADEMY

Whistle Blowing Policy

DRAFT PRIOR TO GB MEETING 17-09-26

Review Date: Sept 2027

Confidential Reporting /Whistleblowing Policy

Item	Detail
Policy	Confidential Reporting / Whistleblowing Policy
Status	Statutory requirement for academies
Applies to	Employees, governors, agency and supply staff, contractors, suppliers and volunteers
Policy owner	Richard Lilley, Principal
Approved by	Trust Board — 17.09.26
Version	1.5 — September 2026
Supersedes	Version 1.4
Publication	Must be published on the Trust website (Academy Trust Handbook 2026, 2.48)
Review cycle	Annually, in consultation with recognised trade unions
Next review	September 2027

Main changes

From 6 April 2026, disclosures about sexual harassment are expressly protected under whistleblowing law (section 23, Employment Rights Act 2025).

Section 3 reflects this, and references throughout to acting “in good faith” have been corrected — that test was removed in 2013 and replaced by reasonable belief and public interest.

Version 1.5 adds the Academy Trust Handbook 2026 requirements and the named contacts required by paragraph 2.49 (section 2), the limits of legal protection (section 8), fairness to the person a disclosure is about (section 12), and the direct route for disclosing to the Department for Education (Appendix B).

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1. Introduction

The staff and governors of Sparken Hill Academy seek to run all aspects of school business with full regard for high standards of conduct and integrity. Governors recognise that a member of staff may be the first to realise if something is wrong within the Academy — and that they may hesitate to say so, because speaking up can feel disloyal to colleagues or to the school, or because they fear some form of harassment or victimisation.

That hesitation is what this policy exists to remove. The Academy is committed to the highest possible standards of openness, probity and accountability, and encourages anyone with a concern about any aspect of the school's work to feel able to come forward.

We are committed to tackling fraud, safeguarding failures and other forms of malpractice, and we treat these issues seriously. Some concerns will be extremely sensitive, so this policy provides for concerns to be raised confidentially within school, and also gives recourse to bodies outside the school's management structure. Every concern raised will be responded to properly and fairly.

All staff are made aware of this policy and how it operates through induction, regular briefings and the staff handbook.

You do not need to be certain, and you do not need proof.

If you reasonably believe something is wrong and that raising it is in the public interest, that is enough. It is not your job to investigate. Raise it, and let the process do the rest.

2. Legal Framework

Public Interest Disclosure Act 1998 (PIDA)

PIDA inserted the whistleblowing provisions into the Employment Rights Act 1996. It gives legal protection to workers who make qualifying disclosures about malpractice, and makes it unlawful for an employer to dismiss a worker, or allow them to be victimised, because they have made a protected disclosure.

Enterprise and Regulatory Reform Act 2013

The 2013 Act made two changes that still cause confusion. It introduced the public interest test, and it removed the requirement for a whistle-blower to have acted “in good faith”. A disclosure is protected if the worker holds a reasonable belief and the disclosure is in the public interest — their motive is not the test.

Employment Rights Act 2025

Section 23 of the Employment Rights Act 2025 came into force on 6 April 2026. It amends section 43B of the Employment Rights Act 1996 to add **sexual harassment** — that it has occurred, is occurring, or is likely to occur — to the list of matters that can form a qualifying disclosure.

Before this change, a worker reporting sexual harassment had to frame it as a breach of a legal obligation or a health and safety matter in order to gain whistleblowing protection. That barrier has gone. Provided the reasonable belief and public interest tests are met, a worker reporting sexual harassment is protected from detriment and from dismissal, regardless of length of service, and any dismissal connected to the disclosure is automatically unfair.

Academy Trust Handbook 2026

The Handbook, effective from 1 October 2026, is a condition of the Trust's funding agreement. Paragraphs 2.48 to 2.52 require that:

- the board of trustees agrees a whistleblowing procedure and publishes it on the Trust website;
- the Trust appoints at least one trustee and one member of staff whom other staff can contact to report concerns;
- all staff are made aware of the whistleblowing process and how concerns will be managed;
- staff know what protection is available to them, what is covered, and who to approach;
- all concerns raised by whistle-blowers are responded to properly and fairly.

The named contacts appointed under paragraph 2.49 are:

Role	Named contact
Nominated member of staff	Richard Lilley, Principal — 01909 534060
Nominated trustee	Clare Middleton (Vice-Chair of Governors)

A record of the Academy's whistleblowing arrangements, and of the people inside and outside school to whom staff may report concerns, is kept in the minutes of the Trust Board.

Working Together to Safeguard Children 2026

Working Together applies to all schools and underpins the expectation that every state-funded school has a written whistleblowing procedure protecting staff who report illegal or unsafe acts. Keeping Children Safe in Education 2026 reinforces this: any member of staff concerned about safeguarding practice should speak to a Designated Safeguarding Lead, and where they feel unable to raise concerns internally, they should contact the NSPCC Whistleblowing Advice Line.

Equality Act 2010 and the preventative duty

Since October 2024, the Worker Protection (Amendment of Equality Act 2010) Act 2023 has required employers to take reasonable steps to prevent sexual harassment of their workers. From October 2026 that duty is strengthened: employers must take all reasonable steps, and become liable for harassment of staff by third parties. In a school setting, third parties include parents, carers, contractors, visitors and hirers.

Non-disclosure and confidentiality agreements cannot be used to prevent a worker making a disclosure about harassment. The Academy does not use, and will not seek, any agreement that has that effect.

3. What Counts as a Qualifying Disclosure

Under section 43B of the Employment Rights Act 1996, a qualifying disclosure is a disclosure of information which, in the reasonable belief of the worker, is made in the public interest and tends to show one or more of the following:

- a criminal offence has been, is being, or is likely to be committed;
- a person has failed, is failing, or is likely to fail to comply with a legal obligation;
- a miscarriage of justice has occurred, is occurring, or is likely to occur;
- the health or safety of any individual has been, is being, or is likely to be endangered;
- the environment has been, is being, or is likely to be damaged;
- sexual harassment has occurred, is occurring, or is likely to occur **(added 6 April 2026)**;
- information about any of the above has been, is being, or is likely to be deliberately concealed.

Two points that staff often get wrong:

- **You do not have to label it.** Protection applies whether or not you say the words “whistleblowing”. Saying so is helpful because it tells us which process to follow — but it is not a condition of being protected.
- **Public interest does not mean newsworthy.** It means the concern affects, or could affect, others — pupils, colleagues, public funds — rather than only you. A matter that concerns only your own contract or your own treatment is a grievance, not a disclosure.

4. Who Can Raise a Concern

This policy applies to:

- employees of the Academy, at every level and in every role;
- governors and trustees;
- agency, supply and contracted staff working at the Academy;
- trainee teachers and students on placement;
- employees of suppliers;
- volunteers working within the Academy.

Keeping Children Safe in Education 2026 confirms that trainee teachers are treated as staff for the purposes of safeguarding concerns and allegations. They may raise concerns under this policy and are covered by its protections.

5. Choosing the Right Route

This policy does not replace other procedures. Using the wrong route delays the response, so if you are unsure, ask the Principal or the Chair of Governors which applies — asking is never held against you.

If your concern is...	Use...	Not this policy, because...
About your own treatment, pay or contract	Grievance Policy	It affects you personally rather than the public interest
That a child has been harmed, or is at risk	Child Protection and Safeguarding Policy — tell a DSL immediately	Safeguarding has its own statutory route and its own urgency
About the conduct of an adult towards a child	Managing Allegations Against Staff policy — report to the Principal	Allegations follow the LADO process
Below the allegation threshold but still uncomfortable	Low Level Concerns procedure	These are recorded and reviewed for patterns
About services, from a parent or member of the public	Complaints Policy	This policy is for those working in or for the Academy
Wrongdoing or malpractice affecting others	This policy	—

If a child is at immediate risk, do not wait for any procedure. Speak to a Designated Safeguarding Lead straight away, or call 999.

6. What to Report

Report anything about the conduct of employees, governors, or others acting on behalf of the Academy that makes you uncomfortable against known standards, is not in keeping with the Academy's policies, falls below established standards of practice, or indicates that a person may not be suitable to work with children.

Examples include, but are not limited to:

Category	Examples
Children and safeguarding	Sexual, emotional or physical abuse of pupils Failure to act on a safeguarding concern Conduct indicating unsuitability to work with children Neglect or abuse of any person in our care
Conduct towards adults	Sexual harassment of staff, by colleagues or by third parties Racial, sexual, disability or other discrimination Bullying, or serious misuse or abuse of authority
Money and assets	Manipulation of accounting records Fraud, corruption or deceit Inappropriate or unauthorised use of school funds or assets Gross mismanagement of funds Decision-making for personal gain
Legal and procedural	Any criminal activity Breach of a legal obligation Miscarriages of justice Serious breaches of school procedures advantaging a particular party
Health, safety and environment	Dangerous practices Risk to the health and safety of pupils, staff or the public Damage to the environment or to school property
Concealment	Suppressing or covering up information about any of the above

7. Safeguards and Protection

Harassment or victimisation

The Academy recognises that deciding to report a concern is difficult. If you reasonably believe what you are saying is true, you have nothing to fear — you are doing your duty to the Academy, to your colleagues and to the children we serve.

The Academy will not tolerate any harassment or victimisation of a person who raises a concern, including informal pressure, exclusion from decisions, or a change in how someone is treated day to day. Any such behaviour will be treated as a disciplinary matter.

You are protected by law from dismissal, harassment, bullying or other detriment by the Academy or by other members of staff. If that happens, you have the right to take your case to an employment tribunal, and compensation for an automatically unfair whistleblowing dismissal is uncapped.

Support

Throughout the process you will be given full support by management and governors, your concerns will be taken seriously, and the Academy will do all it can to assist you — including access to advocacy where you have no trade union representation. You may be accompanied by a trade union or professional association representative, or a friend, at any meeting. Meetings can be arranged away from the workplace if you prefer. If, following discussion, temporary redeployment is appropriate, the Academy will seek to arrange it.

Concerns that turn out to be unfounded

Some concerns, once investigated, prove to be groundless. If you raised the concern with a reasonable belief that it was true, you have nothing to fear — the Academy recognises that raising it was the right thing to do, and no action will be taken against you.

Knowingly malicious or vexatious allegations are a different matter and may be treated as a disciplinary offence, or attract another penalty appropriate to the circumstances. The Principal will decide whether disciplinary action is appropriate, and where the person responsible is neither a pupil nor an employee, may ask the police to consider whether any action is warranted. Being wrong is not the same as being malicious, and the Academy will not treat it as such.

8. The Limits of Legal Protection

The protection given by the Public Interest Disclosure Act is strong, but it is not unlimited. Staff should understand where the boundaries sit before making a disclosure, particularly an external one.

- **Dismissal.** You cannot lawfully be dismissed for making a protected disclosure; such a dismissal is automatically unfair. You may take a case to an employment tribunal, which can order reinstatement and compensation. Compensation may be reduced by up to 25% where the tribunal finds the disclosure was not made in good faith.
- **Breaking the law in the course of reporting.** You are not protected if you commit an offence in making the disclosure — for example, by removing or sharing personal data in breach of the UK GDPR and the Data Protection Act 2018. Take advice before copying or removing documents.
- **Going outside the prescribed list.** A disclosure to the media, or to anyone not on the statutory list, may fall outside the protection of the Act. See Stage 3 at section 10.
- **Your own contract.** Matters relating solely to your own employment contract or your own treatment are excluded and belong in the grievance procedure.

If you are unsure whether a disclosure you are contemplating is protected, take advice first. Protect and the NSPCC Whistleblowing Advice Line both give free, confidential guidance, and your trade union can advise. Seeking advice never counts against you.

9. Confidentiality and Anonymous Concerns

All concerns are treated in confidence, and every effort will be made not to reveal the identity of the person raising them where that is their wish. Your identity will not be disclosed to the person who is the subject of the disclosure, or to anyone not involved in the investigation, unless it is absolutely necessary and, wherever possible, only with your prior consent.

There are circumstances in which complete confidentiality cannot be guaranteed:

- where the matter leads to legal proceedings and evidence is required by a court;
- where the concern falls within another procedure that requires a signed statement;
- where the safeguarding of a child is the issue.

If disciplinary or other proceedings follow, it may not be possible to act on the disclosure without your help, and you may be asked to act as a witness. If you agree, you will be given appropriate advice and support. If confidentiality cannot be maintained, you will be told before your identity is disclosed, so that you are never taken by surprise.

Anonymous concerns

You are encouraged to put your name to a concern — it makes investigation far easier and allows us to keep you informed and protected. Anonymous concerns will still be considered, weighing:

- the seriousness of the issue raised;
- the credibility of the concern;
- the likelihood of confirming the allegation from other sources.

An anonymous concern about the safety of a child will always be acted upon.

10. Procedure — Stages 1 to 3

Stage	Raise it with	Response time
Stage 1	Your phase leader, or the Principal	Written acknowledgement within 5 working days
Stage 2	The Principal or the Chair of Governors, within 10 working days of the Stage 1 response	Meeting arranged within 5 working days; outcome within 5 working days of the meeting
Stage 3	An external prescribed person (Appendix B), within 10 working days of the Stage 2 decision	Set by the body you contact

Stage 1 — raising the concern

Normally, raise your concern with your phase leader or with the Principal. Which is appropriate depends on the seriousness and sensitivity of the issue and on who is suspected of the wrongdoing. If the concern involves either of them, go straight to the Chair of Governors.

- Concerns may be raised in person, by telephone, by email or in writing. Written is preferable, and the disclosure form at Appendix A may be used.
- Say clearly that you are raising the matter under this policy. This is not a condition of being protected, but it tells us which process to follow.

- Set out the background and history, giving names, dates and places wherever possible, and why the situation causes you concern. Date and sign the statement.
- If you raise the concern orally, you may invite a trade union or professional association representative, or a friend, to be present. A representative may also raise the matter on your behalf.
- If you wish to raise the concern confidentially, say so at the outset.
- You are not expected to prove your suspicion, but you will be asked to show that there are reasonable grounds for it.
- Notes will be taken of the concern and you will be asked to check and sign a copy of them.
- You will be told what steps are intended to address the concern, and whether the matter is being referred to the senior leadership team, the Principal or the Chair of Governors.
- Depending on the gravity of the concern, the Principal will consult the Trust's legal advisers, and where relevant the LADO, children's social care or the police. It is at this point that complete confidentiality may become impossible to maintain — you will be told if that is the case.

You may find it easier to raise a matter if two or more of you have had the same experience. Discussing it first with a colleague is entirely acceptable.

Within five working days, the Principal — or the Chair of Governors, if the concern was raised with them — will write to you acknowledging the concern, indicating how the Academy proposes to deal with it, saying whether further investigation will take place and, if not, why, and supplying information on staff support.

Stage 2 — if you are dissatisfied

If you are dissatisfied with the response, write to the Principal or the Chair of Governors within 10 working days of the date of that response. They will write to you within five working days to arrange a meeting to discuss your continuing concerns. You may be accompanied. They may then decide to investigate further, and you will be updated with the outcome within five working days of the meeting.

Stage 3 — external reporting

If you remain dissatisfied, you may raise the matter externally within 10 working days of the Stage 2 decision letter. You may also go directly to an external body at any point if the internal route is not appropriate — for example, where the concern is about the people who would otherwise handle it. Prescribed persons and external contacts are listed at Appendix B.

A disclosure to a prescribed person is protected. A disclosure to the media, or to anyone else outside that list, may not be.

Do not disclose information that is confidential to the Academy, or to a pupil, family, client or contractor, to anyone outside the prescribed list. Doing so could take you outside the protection of the Public Interest Disclosure Act and of this policy. If in doubt, take advice first — Protect and the NSPCC Whistleblowing Advice Line both offer free, confidential guidance.

11. Allegations Against the Principal or a Governor

If you are concerned that the Principal is the wrongdoer, is involved in the wrongdoing, has failed to investigate properly, or has failed to report the outcome of an investigation, report this to the Chair

of Governors. The governors may investigate the allegation themselves in the first instance, or may commission an independent investigation.

If your concern is about the Chair of Governors, report it to the Vice Chair, or to a prescribed person listed at Appendix B.

Where a concern about any adult relates to their conduct towards a child, the Principal must consider at that point whether a referral to the Local Authority Designated Officer is appropriate. Keeping Children Safe in Education 2026 expects that consideration to happen at an early stage, not at the end of an internal process.

12. Fairness to the Person a Disclosure Is About

A disclosure is an allegation, not a finding. The Academy owes a duty of fairness to the person a concern is about, who may have been wrongly or mistakenly accused, and who is entitled to due process.

- They will be informed that a concern has been raised, normally within five working days of the initial meeting — unless doing so would prejudice an investigation, place a child at risk, or conflict with advice from the LADO, the police or children's social care.
- They will be told the substance of the concern in sufficient detail to be able to respond to it.
- The identity of the person raising the concern will not be disclosed to them unless it is absolutely necessary, and wherever possible only with prior consent.
- They may be accompanied by a trade union or professional association representative, or a friend, at any meeting.
- They may appeal against any decision by writing to the Principal or, where the Principal made the decision, to the Chair of Governors.
- They will be offered appropriate support, which may include occupational health or the employee assistance programme.

Where the concern relates to the conduct of an adult towards a child, this section is subject to the Managing Allegations Against Staff policy and to LADO advice, which take precedence on what may be disclosed and when.

13. How the Academy Will Respond

The Academy takes concerns seriously and will respond to them. To be fair to everyone — including anyone who may have been wrongly or mistakenly accused — initial enquiries are made to decide whether an investigation is appropriate and, if so, what form it should take.

Where a concern falls within the scope of another procedure, it will be referred for consideration under that procedure. Depending on the nature of the concern, it may:

- be investigated by management, by internal audit, or through the disciplinary, grievance or harassment procedures;
- be referred to the external auditors;
- be dealt with under safeguarding procedures, involving the LADO, children's social care or the police;
- be referred to the Teaching Regulation Agency or the Disclosure and Barring Service where the threshold is met;
- form the subject of an independent inquiry;

- be referred to the employing agency where the person concerned is supply or agency staff — while the Academy remains responsible for gathering the facts.

The amount of contact you have with those considering the issue will depend on its nature, the difficulties involved and the clarity of the information provided. You will usually be interviewed to ensure your disclosure is fully understood.

The Academy will minimise any difficulty you experience as a result of raising a concern. If you are asked to give evidence in criminal or disciplinary proceedings, you will receive appropriate advice and support. Unless there is a legal reason why this cannot be done, you will be kept informed of the progress and outcome of any investigation.

14. Records, Data Protection and Monitoring

The Principal has overall responsibility for the maintenance and operation of this policy, and maintains a record of concerns raised and their outcomes. Records are kept in a way that does not endanger the confidentiality of the person raising the concern, are held securely and separately from personnel files, and are accessible only to those who need them.

Personal data processed under this policy is handled in accordance with the UK GDPR and the Data Protection Act 2018, and retained in line with the Academy's retention schedule. Data protection law does not prevent the sharing of information in order to keep a child safe.

The Principal reports to the Trust Board on the operation of this policy, including the number and general nature of concerns raised and whether the policy is working as intended. Reporting is framed so that individuals cannot be identified.

This policy is reviewed by the Trust Board each September, or earlier if there is a need, in consultation with recognised trade unions. Views are sought from employees and unions on how effectively the policy has operated and whether revision is needed. Any member of staff may suggest an addition or revision at any time by speaking to the Principal.

15. Related Policies

- Child Protection and Safeguarding Policy
- Managing Allegations Against Staff, including Low Level Concerns
- Staff Code of Conduct
- Grievance Policy
- Disciplinary Policy
- Anti-Harassment and Anti-Bullying Policy
- Complaints Policy
- Data Protection Policy

Appendix A — Disclosure Form

Use of this form is optional. A concern raised verbally, by email or by letter is equally valid and equally protected.

Field	Detail
Your name	
Your role	
Contact details	
Date	
Are you requesting confidentiality?	Yes / No
Who are you raising this with?	

What is your concern? Include background and history, with names, dates and places wherever possible.

Details of the concern

Why does this situation concern you?

Reasons for concern

Has this been raised before? With whom, and when?

Previous action

Is any child at immediate risk? If yes, stop and speak to a Designated Safeguarding Lead now.

Immediate risk

Signed: _____ Date: _____

For completion by the recipient

Field	Detail
Received by	
Date received	
Acknowledgement sent (within 5 working days)	
Route — whistleblowing / safeguarding / grievance / other	
LADO consideration required?	Yes / No / N/A
Outcome and date	

Appendix B — Prescribed Persons and External Contacts

Within the Academy

Contact	Detail
Principal and DSL	Richard Lilley — 01909 534060
Chair of Governors	Phil Gawthorpe — [CONTACT TO CONFIRM]
School Office	office@sparkenhill.com — 01909 534060

Local authority

Contact	Detail
Local Authority Designated Officer (LADO)	Nottinghamshire County Council — online referral form
Children's social care	Nottinghamshire Multi-Agency Safeguarding Hub

Prescribed persons and national bodies

Contact	For concerns about...
NSPCC Whistleblowing Advice Line	0800 028 0285 · help@nspcc.org.uk Free, confidential advice for professionals worried about how child protection issues are being handled. A prescribed body for child welfare and protection. You need not give your name. Open 8am–8pm weekdays, 9am–6pm weekends.
Ofsted	0300 123 3155 · whistleblowing@ofsted.gov.uk His Majesty's Chief Inspector of Education, Children's Services and Skills — the management and provision of education
Department for Education	Follow the guidance "Blowing the whistle to the Department for Education" and use the DfE customer help portal. Disclosures may be made anonymously using the guest option. Employees, and volunteers with knowledge of the academy including trustees, may disclose directly to DfE. Note that only employees are protected by law when disclosing to their employer; a volunteer disclosing to DfE may not have the same protection, although DfE will protect a whistle-blower's identity.
Children's Commissioner for England	A prescribed person for the rights, welfare and interests of children
Teaching Regulation Agency	Serious misconduct by a teacher
Disclosure and Barring Service	A person who may pose a risk of harm to children
Equality and Human Rights Commission	An employer failing in its duty to prevent sexual harassment
Health and Safety Executive	Risks to health and safety at work — 0300 003 1647

Contact	For concerns about...
The Police	999 in an emergency, 101 otherwise — criminal offences
Your trade union or professional association	Advice and representation at any stage
Protect	Independent whistleblowing charity, formerly Public Concern at Work — free, confidential advice on whether and how to raise a concern, and on whether a disclosure would be protected
Your Member of Parliament (Jo White MP)	A prescribed route where other avenues have been exhausted