SPARK EDUCATION TRUST

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WHISTLEBLOWING POLICY

SEPTEMBER 2026

Policy Date: September 2026
Review Cycle: 3 Years unless statutory changes come into effect
Responsible Body: Human Resources

Version Control

Review Date	Updates
October 2024	HR review of guidance
October 2025	Minor updates to reflect name and terminology changes
April 2026	Legislation changes to include the disclosure of sexual harassment allegations
September 2026	Annual review. No significant changes. Updated review period to 3 years unless statutory changes.

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Introduction

Spark Education Trust is committed to open and honest communication and ensuring the highest possible standards in integrity – we will always treat whistleblowing as a serious matter.

In line with the Trust'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 Trust 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 member of staff who suspects malpractice knows how to raise concerns and what procedures are in place to deal with the concern.

Where this policy necessitates personal or special category data to be processed, it will be done so in accordance with the Trust's Data Protection Policy. This policy will not be confused with the policies and procedures on dealing with Bullying and Harassment, Sexual Harassment, Child Protection and Safeguarding, Low Levels Concerns, Grievance and Disciplinary.

This policy will:

- Give confidence to members of staff when raising concerns about conduct or practice that is potentially illegal, corrupt, improper, unsafe or unethical, or which amounts to malpractice or is inconsistent with Trust standards and policies.
- Provide members of Trust staff with avenues to raise concerns.
- Ensure that members of staff receive a response to the concerns they have raised, and appropriate feedback on any action taken.
- Offer assurance that members of staff are protected from reprisals or victimisation for whistleblowing action undertaken in good faith and within the meaning of the PIDA.

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

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

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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
- Employment Rights Act 1996 and 2025
- Academy Trust handbook
- Keeping Children Safe in Education
- GOV.UK Whistleblowing for employees.

This policy operates in conjunction with the following Trust policies:

- Disciplinary Procedure
- Complaints and Concerns Policy
- GDPR Policy.

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 Headteacher/Head of School is the first point of contact for whistleblowing queries. If the allegation is related to the Headteacher/Head of School, the concern will be raised with the Chair of Governors. For Central Staff, concerns should be reported to the CEO. Where the concern relates to, or involves, the CEO, it should be reported to the Chair of the Trust.

Any member of the Trust 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.

Definitions

Whistleblowing is when an employee reports suspected wrongdoing, or 'qualifying disclosures', at work to their employer. As outlined by the PIDA, qualifying disclosures pertain to when any of the following takes place:

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- A criminal offence has been committed, is likely to be committed or is being committed
- A person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject
- 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
- Information tending to show any matter falling within any of the preceding points has been, is being or is likely to be deliberately concealed.
- Disclosure of sexual harassment allegations.

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 perpetrator.

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

Role	Responsibilities
Board of Trustees	• Establishing and agreeing the whistleblowing procedure. • Ensuring the agreed whistleblowing procedure is published on the trust's website. • Monitoring the effectiveness of this policy and undertaking any necessary reviews, e.g. in relation to good practice recommendations or changes in legislation.
Local	• Ensuring all members of each school community have

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Governance Committees and Oversight Boards	access to this policy. • Investigating, in liaison with the Headteacher/Head of School, any concerns that are raised. • Ensuring this policy provides an open and transparent framework where employees of the school can raise their concerns. • Ensuring that the minutes of the LGC's 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 for each school.
Headteacher/ Head of School	• Ensuring all members of staff have read and understood this policy. • Receiving, investigating and responding to any concerns that have been raised by Trust school staff. • Being the first point of contact regarding whistleblowing.
The Chair of Governors	• Will be responsible for receiving any concerns raised about the Headteacher/Head of School.
All members of staff	• Raising any concerns that meet the definitions in the Definitions section of this policy. • Being truthful and reasonable with any concerns that they have. • Not raising malicious or unfounded concerns.

Harassment and Victimisation of Staff

The Trust 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 Trust as a whole; however, the Trust 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 Trust's Disciplinary Policy and Procedure.

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Non-Employees

The PIDA and the Employment Rights Act 1996 do not protect non-employees as far as whistleblowing is concerned. Irrespective of this, the Trust 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 Trust's Complaints and Concerns 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.

Procedure

When raising concerns, individuals will express them in writing to the Headteacher/Head of School. If an individual is raising a concern about the Headteacher/Head of School 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/Head of School's duties outlined in the Interview and investigation section of this policy.

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 Trust 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. The Protect website can be accessed here (www.protect- advice.org.uk), or they can be contacted on 020 31172520.

Once an individual has raised a concern, the Trust 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 DfE they should use the online contact form. Appropriate whistleblowing procedures will be put in place for concerns about poor or unsafe practice and potential failures in the Trust 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 Trust

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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 Local Authority Designated Officer.

The Trust 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.

Interview and Investigation

The Headteacher/Head of School 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/Head of School 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/Head of School will request the individual puts their concern in writing, if they have not already done so. The Headteacher/Head of School will write a summary of the concern if the individual is unable to put it in writing.

The Headteacher/Head of School 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 Trust 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 perpetrator.
- That the Board of Trustees/Local Governing Committee 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.

The Headteacher/Head of School may appoint an appropriate Investigating Officer. If an investigation is carried out, by the Headteacher/Head of School, or investigating officer, the whistleblower will be informed of the final outcome.

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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 Data Protection Policy.

It may be possible for the concern to be resolved by simply agreeing the necessary action or explaining procedures to the alleged perpetrator; 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, upon completion 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 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, e.g. the Local Authority.
- 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

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 Complaints Procedure Policy.

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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.

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