



Aldermaston  
CE Primary  
School

## Whistleblowing Policy

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<b>Statutory</b>	Yes
<b>Author</b>	Headteacher
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## **A whistleblowing policy and procedure**

Openness, probity and accountability are vital components of public service. Employees and other workers who discover serious shortfalls in these areas are encouraged to come forward and disclose their concerns to someone who can be trusted to take action. This process is known as 'whistleblowing'. These issues will be taken seriously and treated in a confidential manner.

This policy applies to all school employees and those working in the school or on school premises. It also covers suppliers and those providing services under a contract with the school on their own premises.

The policy has been introduced to:

- allow workers to feel confident in raising serious concerns and to question and act upon concerns about practice
- identify avenues for workers to raise those concerns and receive feedback on any action taken
- ensure that workers receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied
- reassure workers that they will be protected from possible reprisals or victimisation if they have reasonable belief that there is malpractice or impropriety.

### **Examples of areas covered**

This policy is intended to cover areas of concern, such as:

- that a criminal offence has been committed, is being committed, or is likely to be committed (e.g., sexual, mental or physical abuse of pupils)
- that a person has failed or is likely to fail to comply with any legal obligation to which they are subject (e.g., a breach of procedures and regulations set by examination boards/awarding bodies)
- that a miscarriage of justice has occurred, is occurring, or is likely to occur
- that the health and safety of any individual has been, or is being, or is likely to be endangered

- that the environment has been, is being, or is likely to be damaged
- the deliberate concealment of information tending to show any of the above types of wrongdoing
- the unauthorised use of public funds including action which may breach financial regulations (e.g., fraud, bribery and corruption).

This policy is not intended to replace the school's dispute resolution or other established procedures, but may lead to those being initiated.

### **How to raise a concern**

As a first step, you should normally raise concerns, either verbally or in writing, with the head teacher or (if the head teacher has created the concern or has failed to take appropriate action), the chair of the school's governing body. Any concern should be raised at the earliest opportunity possible.

As much information and as many facts as possible should be supplied, including dates, times and names. Although you will not be expected to provide conclusive proof of the allegation, you will need to demonstrate to the person contacted that you have reasonable grounds for your concern. It has been successfully argued in a number of high-profile employment tribunals that sufficient qualifying information must be provided – it is not enough to make broad-natured or vague allegations.

You may invite your trade union representative or a workplace colleague to be present during any meetings or interviews in connection with the concerns you have raised. You are encouraged to put your name to the allegations whenever possible.

Concerns expressed anonymously may be considered at the discretion of the head teacher or chair of governors. In exercising this discretion, the factors to be taken into account will include:

- the seriousness of the concerns identified
- the likelihood of confirming the allegation from a credible source
- whether the details provided contain sufficient and qualifying information to allow the matter to be investigated.

### **How the school will respond**

An initial assessment will be made by the head teacher or chair of governors to determine whether the concerns which have been raised warrant any action on the part of the school. Such an assessment may include a preliminary investigation. Some concerns may be resolved by agreed action without the need for investigation.

Where the concerns justify further action, the matter will be referred to a designated person who will follow the appropriate procedure, e.g.:

- a disciplinary investigation
- referral to the local authority audit team
- informing the police
- referring to the local authority designated officer for safeguarding issues.

Within five working days, the person with whom the concern has been raised will write to the worker:

- acknowledging that the concern has been received
- indicating how the school proposes to deal with the matter
- informing whether further investigations will take place, and if not why not
- giving an estimate of how long it will take to provide a final response
- providing information on staff support facilities.

The amount of contact between the person considering the issues and the worker will depend on the nature of the matters raised, the potential difficulties involved, and the clarity of the information provided. If necessary, the school will seek further information from the worker. Any meeting arranged for these purposes may be offsite, if requested.

The school accepts that all workers need to be assured that the matters will be properly addressed. Subject to legal constraints, workers who have raised the concern will be informed of the outcomes of any investigation, to an extent which does not prejudice the right to confidentiality of others concerned.

## **Protection for whistle-blowers**

The Public Interest Disclosure Act 1998 makes it automatically unfair to dismiss a worker on the grounds that they whistle-blew and made a 'protected disclosure' (i.e., a disclosure made with a reasonable belief that there has been a serious malpractice or impropriety). Compensation in these circumstances is unlimited.

In order for a worker to be protected under this legislation they must take reasonable steps to raise the matter internally first before going outside the organisation to raise their concern.

Following a number of legal cases, it was legislated that on and after 25 June 2013, qualifying disclosures were no longer required to be made in good faith but only on the grounds that there was reasonable belief that the disclosure is made in the 'public interest' – in other words, whether the person making the qualifying disclosure genuinely believed, at the time, that whistle-blowing was in the 'public interest' and that, at the time, the belief in the qualifying disclosure was reasonable. That said, 'public interest' does not have to be the sole or even predominant whistle-blowing motive.

If a whistle-blowing allegation is made frivolously, maliciously or for personal gain, disciplinary action is likely to be taken against the whistle-blower. Similarly, any attempt to victimise anyone who has whistle blown is also likely to be dealt with under the school's Disciplinary Procedure.

### **What should you do if the school does not deal with your concerns?**

A whistle-blower who makes a 'protected disclosure', such as those set out above, is protected provided that:

- they reasonably believe that the information disclosed, and any allegation contained in it, is substantially true
- they do not make the disclosure for purposes of personal gain
- at the time of the disclosure, they reasonably believe that they will be subject to a detriment by their employer, or relevant evidence will be concealed or destroyed, if they make a disclosure to their employer
- in all the circumstances of the case, it is 'reasonable' for them to make the disclosure.

### **Making a disclosure outside the school**

Making a disclosure outside the school is more likely to be 'reasonable' if it is made to a person or body that has appropriate jurisdiction. This will depend on the nature of the concern, but for local authority-maintained schools, might include:

<b>Nature of concern:</b>	<b>Relevant external body:</b>
Criminal activity	Police
Exam malpractice	Local authority assessment co-ordinator  The awarding body  Ofqual
Environmental damage	Environment Agency
<b>Breach of governance regulations Local authority</b>	
Financial irregularities	Local authority audit department
<b>Serious misconduct of a teacher Teaching Regulation Agency</b>	
Health and safety	Health and Safety Executive
Income tax/VAT	HMRC
Child protection	Local authority Designated Officer
Building regulations	Local authority planning department

Depending on the circumstances, other appropriate bodies may include:

- Ofsted
- secretary of state
- an academy's sponsor.

You may also seek confidential external advice from:

- your trade union or professional association
- the Citizens Advice
- Protect (formerly Public Concern at Work), a charity established in 1993 that offers free confidential advice to people concerned about crime, danger or wrongdoing at work – they can be contacted on 0203 117 2520 (option 1).

### **Whistleblowing Helpline**

Telephone: 0118 971 3362

Headteacher, Miss S Mosher

Email: [headteacher@aldermaston.w-berks.sch.uk](mailto:headteacher@aldermaston.w-berks.sch.uk)

Chair of Governors, Mrs. C Jones

Email: [c/o School Office aenquiries@aldermaston.w-berks.sch.uk](mailto:c/o School Office aenquiries@aldermaston.w-berks.sch.uk)

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