



Horizons Therapeutic Education Trust

Whistleblowing or Raising Concerns at Work Policy

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CONTENTS

Section		Page Number
1	Policy statement	4
2	Scope	4
3	Introduction and Definition	4
4	What to do	5
5	Principles of Processing Data under GDPR	7
6	Child Protection	8
7	Managing the Procedure	9
8	Further information	10
9	Linked Policies	10

1. POLICY STATEMENT

At Horizons Therapeutic Education Trust (HTET), we are committed to creating a safe, transparent, and supportive environment for all staff, young people and stakeholders. As part of our safeguarding culture and professional standards, we actively encourage individuals to raise concerns about any wrongdoing, malpractice, or risks to the welfare of pupils, staff, or the wider school community.

This policy outlines how concerns can be raised confidentially and without fear of reprisal and recognises that early reporting is vital to maintaining trust and ensuring that issues are addressed promptly and appropriately.

Clear and decisive responses to whistleblowing from leaders emphasises to all that HTET is an organisation where high standards in practice and conduct are the expectation.

2. SCOPE

This Whistleblowing policy is made known to all staff in the Learning Centre(s).

Staff should report to an appropriate authority any circumstances within the Learning Centre(s) which they consider likely to significantly harm the safety, rights or welfare of any child attending the Centre(s).

This chapter informs staff how to report any wrongdoing at work or 'blow the whistle' without fear of being victimised or dismissed.

Any concerns that a colleague might or has been mistreating or abusing a child must always be reported, see [Safeguarding and Young Person Protection Policy](#).

The Head of Provision will report annually to the Board of Trustees on any whistleblowing activity.

3. INTRODUCTION AND DEFINITION

The importance of raising concerns at work in the public interest or 'whistleblowing' is recognised by HTET.

The Public Interest Disclosure Act 1998 provides legal protection against workers suffering detriment as result of making a 'protected disclosure'. A 'protected disclosure' is when a 'worker' makes a 'qualifying disclosure' - often known as 'whistleblowing'.

This should be read in conjunction with NHS Whistle blowing policy: [NHS England external Freedom to Speak Up policy for NHS workers](#).

A 'qualified disclosure' means any disclosure of information which, in the reasonable belief of the worker making the disclosure, 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;
-  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; or

 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 disclosure can relate to wrongdoing that has happened in the past, is presently happening or which the worker believes will happen in the near future.

The disclosure must be made in good faith: the worker must not commit a criminal offence by making the disclosure; they must reasonably believe the information disclosed to be substantially true; the disclosure must not be made for personal gain; in all the circumstances of the case, it must be reasonable for the worker to make the disclosure.

Failure to follow this policy for making a disclosure may result in the disclosure of information losing its protected status.

A worker has the right not to be subjected to any detriment by any act, or any deliberate failure to act, by their employer on the ground that the worker has made a protected disclosure. For example, they must not be treated unfairly by the Trust as an employer or be dismissed from their employment because they have made the disclosure.

It is important for individuals to feel safe and listened to when raising concerns. The Trust adopts an open approach to whistleblowing which promotes the values of openness and transparency and encourages employees to treat service users with dignity, respect and compassion. In that way, the wellbeing and safety of young people and the provision of good care become part of the culture and are seen as "the way we do things around here".

From the Trust's point of view, there are good business reasons for listening to workers who raise concerns, as it gives an opportunity to stop poor practice at an early stage before it becomes normalised and serious incidents take place.

From the worker's perspective, the freedom to raise concerns without fear means that they have the confidence to go ahead and "do the right thing". It is part of encouraging workers to reflect on practice as a way of learning.

4. WHAT TO DO

Before making a disclosure, or at any time during the process, workers can contact support organisations for advice – see [Further Information](#).

Workers should raise their concerns with the Head of Provision so that any appropriate action can be taken. If it is inappropriate to be shared with the Head of Provision, for example if the concerns are about them or a relative, staff should speak with a different member of the management team or raise their concerns directly with the Head of Trustees, Mark Conway (mark.conway@horizonstet.co.uk).

Disclosures can be made anonymously, although this may make it difficult in practice for the matter to be investigated if insufficient information has been given. If confidentiality is requested when making a disclosure, then every effort should be made to protect the identity of the whistleblower, although they should be advised that this may not always be possible. If it is not possible to withhold their identity, then, wherever possible, they should be notified of this as soon as possible.

After the matter has been raised, the matter will be looked into and where appropriate an internal inquiry or formal investigation will be carried out. The worker will be advised what will happen next, the likely timescale and arrangements made for contacting the worker and keeping them informed. Workers will be advised of the outcome to the extent that it is appropriate to do so although it may not be possible to include precise information as to the outcome as this may be in breach of the Trust's duty of confidence owed to someone else. A report of an outcome should be provided.

If the worker feels that their concern has not been addressed or the issues have not been resolved to achieve a solution and positive outcome, and that there are no further avenues for pursuing the matter within the Trust, then they can make a disclosure to a 'prescribed person'. Prescribed persons include:

Children's Commissioner for England

Contact them about matters relating to the rights, welfare and interests of children in England.

The Office of the Children's Commissioner
Sanctuary Buildings
20 Great Smith Street
London
SW1P 3BT

Tel: 020 7783 8330

E-mail: info.request@childrenscommissioner.gov.uk

Website: www.childrenscommissioner.gov.uk

Ofsted

Contact them about matters relating to regulation and inspection of children's social care.

Ofsted
Piccadilly Gate
Store Street
Manchester
M1 2WD

Tel: 0300 123 3155

E-mail: whistleblowing@ofsted.gov.uk

The National Society for the Prevention of Cruelty to Children (NSPCC)

Contact them about matters relating to child welfare and protection.

NSPCC
Weston House
42 Curtain Road
London
EC2A 3NH

Tel: 0800 028 0285

This phonenumber is staffed 365 days a year:

- Mon-Fri (incl. bank holidays) 8am to 10pm;
- Weekends 9am to 6pm.

E-mail: help@nspcc.org.uk

Website: www.nspcc.org.uk/keeping-children-safe/reporting-abuse/dedicated-helplines/whistleblowing-advice-line/

The Health and Safety Executive

Contact them about the health and safety of individuals at work, or the health and safety of the public arising out of or in connection with the activities of persons at work.

Tel: 0300 003 1647

Online form: www.hse.gov.uk/contact/concerns.htm

Health and Care Professions Council

Contact them about matters relating to the registration and fitness to practise of a member of a profession regulated by the Health and Care Professions Council, or any other activities in relation to which the Council has functions.

Health and Care Professions Council
Park House
184-186 Kennington Park Road
London
SE11 8BU

Tel: 0845 300 6184

Website: www.hcpc-uk.org

Social Work England

Contact them about matters relating to the registration and fitness to practise of a social worker.

1 North Bank
Blonk Street
Sheffield,
S3 8JY

Tel: +44 (0)808 196 2274

E-mail: enquiries@socialworkengland.org.uk

Website: socialworkengland.org.uk

5. PRINCIPLES OF PROCESSING DATA UNDER GDPR

Whilst a large 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 greatly 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 GDPR 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 form which permits identification for no longer than necessary for purpose
-  Processed in a manner to ensure appropriate security of data

Data minimisation in a whistleblowing context

‘Data minimisation’ means data reporters and handlers only collecting data that is “adequate, relevant and limited to what is necessary”. When capturing a whistleblowing report, detail is essential. More detail can greatly 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).

Storing whistleblowing report and subject data

The Trust's Data Protection Policy requires that data is not kept for longer than is necessary for the purposes for which the personal data was processed. Whilst GDPR does not impose an exact timeframe, 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 issue resolved.

Consent Under 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.

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.

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. 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.

Rights of the Data Subject

Articles 12-23 (The UK General Data Protection Legislation – UK GDPR) outline the rights afforded to Data Subjects under the GDPR, namely:

-  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 Members State to restrict the GDPR subject's rights for the 'prevention, investigation, detection or prosecution of criminal offences' or civil 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, GDPR does put the whistleblower in a much stronger position and affords them more authority over their own data.

6. CHILD PROTECTION

The Trust is committed to promoting and safeguarding the welfare of children. Any matter that comes to the attention of staff and is of a child protection nature will be reported to the relevant authorities under the Safeguarding Children and Young Person Protection Policy

Where a member of staff considers that a child protection matter has arisen within the Learning Centre(s) and has not been dealt with appropriately, they may make use of this procedure and report matters of concern to the senior manager within the Centre(s) or a report can be made to the local authority (for the area where the child is placed or the relevant person lives) or to the Regulatory Authority (Ofsted).

7. MANAGING THE PROCEDURE

4.1 What do I do as a Manager if concerns are raised with me?

- a. You must arrange to meet the person raising the concerns as quickly as possible to establish exactly what the concern is and understand what has given rise to it;
- b. You need to consider carefully where the meeting should take place and allow the person raising the concerns to be accompanied by an appropriate friend or colleague, if that is their wish;
- c. You must make a note of your conversations with the person raising the concerns and agree the accuracy of that note with them;
- d. You must be sensitive to the fact that the person concerned may feel uncomfortable about raising issues with you regarding a colleague or a manager;
- e. You must consider and address the support needs of the person who is the subject of the concerns and of the person raising them;
- f. If a person disclosing a concern wishes their identity to be confidential, you should advise them that this may make it difficult in practice for the matter to be investigated if insufficient information has been given; that every effort will be made to protect the identity of the whistleblower, but that this may not always be possible. If it is not possible to withhold their identity, then, wherever possible, they will be notified of this as soon as possible.
- g. You must prioritise the process of dealing with the issue remembering that, wherever possible, it should be addressed within 28 days of the matter being raised with you.

4.2 What do I do once I have established what the concerns are?

- a. If the issue appears to be of a relatively minor and straightforward nature, you may decide to resolve it informally and directly with the individual who is the cause of the concerns.
- b. If the issue appears to be complex or more serious, you must first consider whether any immediate action is necessary to protect the needs of the child, or other service users. (This may include referring the matter to the police and/or initiating a referral to Children's Social Care. If the concern relates to the welfare of a child and you do not feel able to respond, you should seek advice on how to proceed from the Designated Manager (Whistleblowing).)
- c. You must then decide how the issue is to be investigated and must arrange for that investigation to take place as quickly as possible.
- d. You must inform the person raising the concerns of the action that you have taken and of the outcome of any investigation.

4.3 What do I do if I have no line management responsibility for the individual who is the cause of the concerns?

- a. You must refer the matter to an appropriate manager with responsibility for the individual who is the cause of the concerns. However, in considering who to refer the matter to, you should take account of the level of seriousness of the concerns and any reservations expressed by the person raising them about who they should be referred to. If you are left with any uncertainties, you should talk to the Designated Manager (Whistleblowing).

4.4 Who notifies the person raising the concern of the outcome of any investigation if I refer the matter to the Line Manager of the individual who is the subject of the concerns?

- a. You must decide which of you will do this in your discussions with the Line Manager or the Designated Manager (Whistleblowing) of the person who is the cause of the concerns. If

confidentiality is an issue, then it will be necessary for you to advise the person raising the concern of the outcome of the investigation. If not, it may be most appropriate for the Manager initiating the investigation to do so. Either way, the employee raising the concerns should be told before the investigation begins, if possible, who will notify them of its outcome.

8. FURTHER INFORMATION

Legislation, Statutory Guidance and Government Non-Statutory Guidance

[Raising Concerns with Ofsted about Children's Social Care Services: Policy and Guidance for Whistleblowers \(GOV.UK\)](#)

[Whistleblowing for Employees \(GOV.UK\)](#)

Good Practice Guidance

[Raising Concerns at Work: Whistleblowing Guidance for Workers and Employers in Health and Social Care \(BASW\)](#)

Useful Websites

[Protect - Speak Up, Stop Harm](#) - Free, confidential whistleblowing advice.

[NSPCC Whistleblowing Advice Line](#) - Support for professionals who are worried about how child protection issues are being handled in their workplace.

[Speak Up](#) - Support for NHS and Social Care Employees and Managers.

9. LINKED POLICIES

 HTET Safeguarding and Young Person Protection Policy

 HTET Grievance Policy

 HTET Data Protection Policy