

# Whistleblowing factsheet for employees

January 2022

*Keeping children safe is everyone's responsibility*

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\* **Contents** (taken from [Whistleblowing for employees - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/whistleblowing-for-employees))

## 2 What is a whistleblower

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You're a whistleblower if you're a worker and you report certain types of wrongdoing. This will usually be something you've seen at work - though not always.

The wrongdoing you disclose must be in the public interest. This means it must affect others, for example the general public.

As a whistleblower you're protected by law - you should not be [treated unfairly or lose your job](#) because you 'blow the whistle'.

You can raise your concern at any time about an incident that happened in the past, is happening now, or you believe will happen in the near future.

## 3 Who is protected by law

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You're protected if [you're a worker](#), for example you're:

- an employee, such as a police officer, NHS employee, office worker, factory worker
- a trainee, such as a student nurse
- an agency worker
- a member of a [Limited Liability Partnership](#) (LLP)

Get independent advice if you're not sure you're protected, for example from [Citizens' Advice](#).

A confidentiality clause or 'gagging clause' in a settlement agreement is not valid if you're a whistleblower.

## 4 Complaints that count as whistleblowing

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You're protected by law if you report any of the following:

- a criminal offence, for example fraud
- someone's health and safety is in danger
- risk or actual damage to the environment
- a miscarriage of justice
- the company is breaking the law, for example does not have the right insurance
- you believe someone is covering up wrongdoing

## 5 Complaints that do not count as whistleblowing

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- Personal grievances (for example bullying, harassment, discrimination) are not covered by whistleblowing law, unless your particular case is in the public interest.
- Report these under your employer's grievance policy.

- Contact the [Advisory, Conciliation and Arbitration Service \(Acas\)](#) for help and advice on resolving a workplace dispute.

## 6 Who to tell and what to expect

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You can tell your employer - they may have a whistleblowing policy that tells you what to expect if you report your concern to them. You can still report your concern to them if they do not have a policy.

There are other options if you do not want to report your concern to your employer, for example you can get legal advice from a lawyer, or tell a prescribed person or body.

If you tell a prescribed person or body, it must be one that deals with the issue you're raising, for example a disclosure about wrongdoing in a care home can be made to the Care Quality Commission.

## 7 Making your claim anonymously or confidentially

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You can tell your employer or a prescribed person anonymously but they may not be able to take the claim further if you have not provided all the information they need.

You can give your name but request confidentiality - the person or body you tell should make every effort to protect your identity.

If you report your concern to the media, in most cases you'll lose your whistleblowing law rights.

## 8 What your employer or a prescribed person will do

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Your employer or the prescribed person will listen to your concern and decide if any action is needed. You may be asked for further information.

You must say straight away if you do not want anyone else to know it was you who raised the concern.

You will not have a say in how your concern is dealt with.

Your employer or the prescribed person can keep you informed about the action they've taken, but they cannot give you much detail if they have to keep the confidence of other people.

A prescribed person cannot help you with your relationship with your employer.

## 9 If you're not satisfied with how your employer dealt with your concern

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Tell someone else (for example a more senior member of staff) or a **prescribed person or body** if you believe your concern was not taken seriously or the wrongdoing is still going on.

Contact the **Advisory, Conciliation and Arbitration Service (Acas)**, the whistleblowing charity **Protect** or your trade union for more guidance.

## 10 If you're treated unfairly after whistleblowing

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You can take a case to an **employment tribunal** if you've been treated unfairly because you've blown the whistle.

You can get further information from the **Advisory, Conciliation and Arbitration Service (Acas)**, **Citizens' Advice**, the whistleblowing charity **Protect** or your trade union.

If you reported your concern anonymously, you may find it harder to argue that your unfair treatment was as a result of your whistleblowing.

You must raise any claim of unfair dismissal within 3 months of your employment ending.

You must notify Acas if you want to take your case to an employment tribunal.

## 11 National Whistleblowing advice lines

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### **Her Majesty's Chief Inspector of Education, Children's Services and Skills ('the Chief Inspector')**

Contact them about matters relating to the welfare of children provided with accommodation by boarding schools, colleges and residential special schools.

The Chief Inspector  
Ofsted  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD

Tel: 0300 123 3155  
Email: [whistleblowing@ofsted.gov.uk](mailto:whistleblowing@ofsted.gov.uk)

### **Office of Qualifications and Examinations Regulation (Ofqual)**

Contact them about matters in relation to which the Office of Qualifications and Examinations Regulation exercise functions under the Apprenticeships, Skills, Children and Learning Act 2009.

Whistleblowing and malpractice  
Complaints investigation manager  
Ofqual  
Earlsdon Park  
53-55 Butts Road  
Coventry  
CV1 3BH

Tel: 0300 303 3344

Email: [whistleblowing@ofqual.gov.uk](mailto:whistleblowing@ofqual.gov.uk)

Online form: [complaints.ofqual.gov.uk/new-concern](https://complaints.ofqual.gov.uk/new-concern)

### **Secretary of State for Education**

Contact them about matters relating to the following educational institutions in England:

- maintained schools
- maintained nursery schools
- independent schools (including academies and free schools)
- non-maintained special schools
- pupil referral units
- alternative provision academies
- 16-19 academies (and free schools)
- an institution within the further education sector
- special post-16 institutions

Ministerial and Public Communications Division  
Department for Education  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD

Tel: 0370 000 2288

Website: [www.gov.uk/contact-dfe](https://www.gov.uk/contact-dfe)

### **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

Email: [info.request@childrenscommissioner.gov.uk](mailto:info.request@childrenscommissioner.gov.uk)

Website: <https://www.childrenscommissioner.gov.uk/>

## **Her Majesty's Chief Inspector of Education, Children's Services and Skills ('the Chief Inspector')**

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

Email: [whistleblowing@ofsted.gov.uk](mailto: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

Email: [help@nspcc.org.uk](mailto:help@nspcc.org.uk)

Website: [Whistleblowing Advice Line | NSPCC](#)