WHISTLEBLOWING POLICY

POLICY	PROCEDURE	REFERENCE	FORMS
SHPo1 Health and Safety Policy	SPPr4 – Disciplinary Procedure	Security Guidelines	
SPPo20 Equal Opportunities Policy	SPPr5 – Grievance Procedure	SPR22 Whistleblowing for Employees	
SPPo21 Anti-Harassment, Bullying and Victimisation Policy	SPPr6 – Capability Procedure		

➢ ABOUT THIS POLICY

All Members, Governors and employees have a responsibility to carry out their duties to the highest standards of openness, probity and accountability and to come forward when they have serious concerns about malpractice or wrongdoing in the work of the school.

This policy aims to:

- Provide avenues for employees to raise concerns and receive feedback on any action taken.
- Allow employees to take the matter further if they are dissatisfied with the School's response.
- Reassure employees that they will be protected from reprisals of victimisation for whistleblowing in good faith.

STATUTORY AND SAFEGUARDING FRAMEWORK

This policy is underpinned by the Public Interest Disclosure Act 1998 and should be read alongside the Child Protection and Safeguarding Children Policy and Procedure, Staff Code of Conduct Policy, Recruitment Policy and procedures relating to low-level concerns and allegations against adults.

The Academy recognises that effective whistleblowing arrangements form an important component of its safeguarding culture. In accordance with Keeping Children Safe in Education and, where applicable, the safeguarding and welfare requirements of the Early Years Foundation Stage Framework, all staff must feel confident to raise concerns about safeguarding practice, professional conduct, the behaviour of colleagues, recruitment processes or any activity that may place children at risk.

The Academy is committed to promoting a culture of openness, transparency and accountability in which concerns can be raised promptly, professionally and without fear of victimisation or detriment. Staff should understand that raising concerns about safeguarding practice is a professional responsibility and an important part of protecting children from harm.

➢ WHAT IS A WHISTLEBLOWER?

- A whistleblower is someone who is a worker and these persons can report certain types of wrongdoing. This will usually be something seen at work - though not always.

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- The wrongdoing disclosed must be in the **public interest**. This means it must affect others, for example the general public.
- The whistleblower is protected by law - and should not be treated unfairly or lose their job because they 'blow the whistle'.
- Concerns can be raised at any time about an incident that happened in the past, is happening now, or you believe will happen in the near future.
- A confidentiality clause or 'gagging clause' in a settlement agreement is not valid if you are a whistleblower.

2.1 Complaints that count as whistleblowing

Employees are 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

2.2 What is malpractice or wrongdoing?

These may include:

- Any unlawful act, whether criminal or a breach of civil law, including corruption or fraud.
- Breach or failure to comply with the school's policies or procedures.
- Breach or failure to comply with established standards or practice, including statutory codes or practice and standards promoted by professional bodies.
- Any form of improper conduct.
- Actions likely to cause physical danger to any person or to give rise to a risk of significant damage to property.
- Failure to take reasonable steps to report and rectify any situation which is likely to give rise to a significant, avoidable cost or loss of income to the school or would seriously prejudice the Governors or the School.
- Abuse of power or the use of the Members or Governing Body's powers and authority for any unauthorised or ulterior purpose.

2.3 Complaints that do not count as whistleblowing

- 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 the school **Grievance Policy SSPo26**
- Contact the Advisory, Conciliation and Arbitration Service (Acas) for help and advice on resolving a workplace dispute.

WHO TO TELL

- There are existing procedures in place (e.g. grievance, harassment and bullying) which make provision for employees to lodge a concern relating to their own employment. This whistleblowing policy is intended to complement those procedures by covering concerns that appear to fall outside their scope.
- Tell the employer or prescribed person/body. This person will listen to the concern and decide if any action is needed. The whistleblower may be asked for further information.
- As a first step an employee should normally raise concerns with her/his immediate manager. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice (ie whistleblowing).

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Who the concern is about	Who to report the concern to
Another employee or immediate Line Manager	Assistant Principal
The Assistant Principal	Principal
The Principal	Chair of Governors (c/o Clerk to Governors, or email Clerk, marked as CONFIDENTIAL)
The Chair of Governors	Chair of Members if not resolved the DfE

- For whistleblowing concerns the below should be followed:
  - The Principal, (Waterside Court 4, Waterside Drive, SL3 6EZ) or
  - The Chair of Governors, (c/o Clerk to Governors, or email to christina@lhpa.co.uk marked as CONFIDENTIAL)

SAFEGUARDING, LOW-LEVEL CONCERNS AND ALLEGATIONS

Whistleblowing arrangements are separate from, but closely linked to, the Academy's safeguarding procedures.

Staff should be aware that concerns regarding the conduct of adults may fall within different safeguarding processes depending upon the nature of the concern.

Where behaviour appears inconsistent with the Staff Code of Conduct but does not meet the harm threshold, it may be managed as a low-level concern in accordance with safeguarding procedures.

Where there is reason to believe that an adult has harmed a child, may have harmed a child, may have committed a criminal offence against a child, may pose a risk of harm to a child, or may be unsuitable to work with children, the concern will be treated as an allegation and managed in accordance with the Child Protection and Safeguarding Children Policy and Procedure.

Staff are not expected to determine which process applies before reporting a concern. Any safeguarding-related concern should be raised promptly and the appropriate procedure will be determined by safeguarding leaders.

LOW-LEVEL CONCERNS

The Academy recognises that concerns about the conduct of adults should be raised at the earliest possible stage. A low-level concern is any concern, no matter how small, that an adult working in or on behalf of the Academy may have acted in a manner that:

• is inconsistent with the Staff Code of Conduct, including conduct outside work; and
• does not meet the harm threshold for referral to the Local Authority Designated Officer (LADO).

Examples may include:
• being over-friendly with children;
• having favourites;
• taking photographs of children on a personal mobile device contrary to school policy;
• engaging with a child on a one-to-one basis in a secluded area or behind a closed door; or
• humiliating children.

Low-level concerns may arise from observations, complaints, disclosures, concerns raised by children, parents or colleagues, or information identified through safeguarding or vetting processes.

Staff should share all low-level concerns promptly with the Principal, who will determine the appropriate safeguarding process and ensure that concerns are recorded and reviewed appropriately.

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➢ WHAT TO EXPECT

- Employees are encouraged to express their concerns at the earliest opportunity. The earlier a concern is raised, the easier it is normally to take action. When raising a concern, employees must declare any personal interest they have in the matter.
- Employees are encouraged to set out in writing the background and history of the concern, giving names, dates and places where possible and the reason why they are particularly concerned about the situation. If employees do not feel able to put their concern in writing the matter can be raised by telephone or by way of a meeting with the appropriate person. In any event, employees should try to make an immediate note of relevant details, e.g. what was said in a telephone or other conversation.
- Employees should state straight away if they do not want anyone else to know that they have raised the concern.
- Although employees are not expected to prove the truth of an allegation, they will need to demonstrate to the person contacted that there are sufficient grounds for a concern. However, they should not attempt to investigate a concern or accuse individuals directly.
- Employees will not have a say in the outcome of how the concern has been dealt with.
- The employer or prescribed person/body can keep you informed about the action taken, but they cannot give much detail if they have to keep the confidence of others.
- Employees should not discuss their concerns with anyone other than those referred to in Section 3
- The prescribed person/body cannot help the employee with their relationship with the employer.

There are other options if you do not report your concern to the employer or prescribed person/body:

- You can get legal advice from a lawyer
- Employees may invite their trade union or professional association to raise the matter on their behalf.

➢ HOW THE SCHOOL WILL RESPOND

- The action taken by the school will depend on the nature of the concern. The matters raised may:
  - be investigated internally;
  - be referred to the police;
  - be referred to an external auditor;
  - form the subject of an independent enquiry.

- In order to protect individuals and the school, initial enquiries will be made to decide whether an investigation is appropriate and if so, what form it should take. Concerns or allegations, which fall within the scope of specific procedures (e.g. child protection or discrimination issues or financial irregularities), will normally be referred for consideration under those procedures.

- Some concerns may be resolved by action agreed between the employee raising the concern and the person to whom it is reported without the need for investigation.

- The person with whom the concern is raised will write personally to the employee who has raised the concern within 10 working days:

  - acknowledging that the concern has been received;
  - indicating how s/he proposes to deal with the matter;
  - giving an estimate of how long it will take to provide a response.

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- Employees raising a concern will be informed of the final outcome of any investigation. In some circumstances, however, it may not be possible to reveal the full details where this relates to personal issues involving a third party.

➢ MAKING A CLAIM ANONYMOUSLY OR CONFIDENTIALLY

- Employees can tell the 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. Employees are strongly encouraged to put their names to their allegations. Concerns expressed anonymously are much less powerful and are extremely difficult to investigate but they will be considered at the discretion of the Members or Governing Body.
- The employee can give their name but request confidentiality - the person or body should make every effort to protect your identity. It must be appreciated, however, that the investigation process may reveal the source of the information and a statement by the employee may be required as part of the evidence.
- If you report your concern to the media, in most cases you will lose your whistleblowing law rights.
- In exercising the discretion, the factors to be taken into account will include:
  - the seriousness of the issues raised;
  - the credibility of the concern;
  - the likelihood of confirming the allegation from attributable sources.
- All employees have a duty not to disclose or make public any professional or trade secret or confidential information they come across in their work. This whistleblowing policy does not affect the contract of employment or any confidentiality agreement.

➢ IF YOU ARE NOT SATISFIED WITH HOW YOUR EMPLOYER HAS DEALT WITH YOUR CONCERN

- Tell someone else (for example a more senior member of staff) or a prescribed person/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.

EXTERNAL REPORTING ROUTES

Whilst the Academy encourages staff to raise concerns internally in the first instance wherever possible, staff should be aware that independent reporting routes are available where they believe this is necessary.

In matters relating to safeguarding and child protection, staff may seek advice through the NSPCC Whistleblowing Advice Line. This service provides independent advice for individuals who believe concerns relating to the safety or welfare of children have not been addressed appropriately.

Staff may also obtain advice from prescribed regulatory bodies, professional associations, trade unions or other appropriate external organisations where permitted by law.

The availability of external reporting routes does not remove the Academy's expectation that concerns should normally be raised internally at the earliest available opportunity unless there is a compelling safeguarding reason why this would be inappropriate.

➢ IF YOU ARE UNFAIRLY TREATED AFTER WHISTLEBLOWING

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

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- 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.

HARASSMENT OR VICTIMISATION

- The Members and Governing Body recognise that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal by those responsible for the malpractice. The Members and Governing Body will not tolerate harassment or victimisation and will take action to protect employees when they raise concerns in good faith.
- This does not mean that if an employee is already the subject of procedures such as discipline, capability, or redundancy, that those procedures will be halted as a result of a concern being raised under the provisions of this policy.
- If an employee makes an allegation in good faith but it is not confirmed by the investigation, no action will be taken against the employee. If, however, an employee knowingly makes malicious and false allegations, disciplinary action may be taken against the employee.
- Disciplinary action will be taken against any employee who tries to stop another employee from raising a concern or if an employee is responsible for any act of recrimination against an employee who raises a concern.

- Where an employee may have been party themselves to an act of possible gross misconduct on which they are now "blowing the whistle" this could be considered in mitigation. They are not, however, exempt from disciplinary action.
- Disciplinary action may be taken against employees if they contact the media (newspapers, TV, radio etc.) with concerns about conduct at work without first following the steps set out in this policy.

STAFF AWARENESS AND SAFEGUARDING CULTURE

The Academy recognises that whistleblowing procedures are only effective where staff understand them and feel confident using them.
Information regarding whistleblowing procedures will therefore form part of staff induction, safeguarding training and regular policy updates.
Particular attention will be given to ensuring that staff understand the distinction between whistleblowing concerns, low-level concerns, safeguarding concerns, allegations against adults and employment grievances.
The Academy will ensure that trainee teachers, agency staff, volunteers, governors, contractors and temporary staff are aware of whistleblowing arrangements and understand the support available where concerns arise.

MONITORING

- All concerns raised under this policy will be recorded in strictest confidence together with the outcome in a register held by the Clerk to the Governors. The purpose of this record is to ensure that a central record is kept which can be cross-referenced with other concerns raised in order to monitor any patterns and to assist in monitoring and reviewing the policy.

POLICIES TO READ IN CONJUNCTION WITH THIS DOCUMENT:

This policy should be read alongside:

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- Child Protection and Safeguarding Children Policy and Procedure
- Staff Code of Conduct Policy
- Recruitment Policy
- Low-Level Concerns Procedures
- Health and Safety Policy
- Whistleblowing for Employees Guidance

These documents collectively establish the Academy's expectations regarding safeguarding, professional conduct, safer recruitment, allegations management, whistleblowing and the protection of children.

and through the procedures for addressing poor standards which include:

- Disciplinary Procedure SPPr4
- Grievance Procedure SPPr5
- Capability Procedure SPPr6

EVALUATION

- This policy will be kept under review and as a result, may be subject to amendment.

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