

Whistle-Blowing Policy



Statement of Intent

Our mission is to promote a love of learning in order to maximise the life chances of every child in our Trust. Through nurturing, high expectations and skilled teaching, we will have a lasting and positive impact on our local and wider community.

Our Vision

The TEACH Trust supports our children to become empowered citizens that make a meaningful contribution to society. Our curriculum reflects our locality and all it offers and aims to educate all children in matters which affect humanity in the wider world: these include all matters that relate to the climate and the world around us, such as climate change; the importance of respecting and celebrating the importance of equality and diversity; and being responsible global citizens.

We have the highest aspirations for our children: the broad and balanced curriculum promotes learning, provides cultural capital and supports spiritual, moral, social and cultural development. The Rights Respecting Gold awards and Anti Bullying awards reflect some of many ways in which education for character are integral to the work of our schools and highlights our focus on the children's personal development.

We aim to inspire our children to be socially conscious individuals who make a difference to the world. All our children secure the key learning and skills they will need to become lifelong learners and gain employment. Our ultimate aim is to improve all our children's life chances and prepare them to thrive in their future lives.

Under the Equality Act 2010 and the Public Sector Equality Act which came into force in April 2011, the Trust has due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations.

What is the aim of this Policy?

The Trust and its Trustees are committed to high standards of conduct and to compliance with legal obligations and good practice. All people who work for and with the Trust are encouraged to speak up and raise concerns about any aspect of the Trust or the schools work. They are encouraged to raise genuine, serious concerns as "whistle-blowers", and this policy provides a procedure for doing so.

The Trustees will take any action necessary in proportion to the nature of the concern. The policy explains how those who raise concerns reasonably and in the public interest will be protected from detriment such as victimisation or discipline.

This policy aims to contribute to the creation of an open and supportive culture in line with the Code of Practice under the Public Interest Disclosure Act 1998.

Who is protected / covered by the Policy?

The law provides protection for employees; agency employees; trainees and workers in the Trust who raise legitimate concerns about specified matters. These are called 'qualifying disclosures' which are in the public interest and are described by The Public Interest Disclosure Act 1998 as:

- a criminal offence;
- a breach of a legal obligation;
- a miscarriage of justice;
- a danger to the health and safety of any individual;
- damage to the environment; or
- deliberate covering up of information tending to show any of the above five

matters.

If you reasonably believe that your disclosure is made in the public interest and you comply with this policy, then as a 'whistle blower' you will be protected from any detriment as a result of raising your concern. In particular, you will be protected from harassment or victimisation by a colleague.

The policy does **NOT** apply to raising grievances about an employee's personal situation and thus, does not replace existing procedures for personal differences or conflicts (for instance complaints about breaches of an employee's own contract of employment should be raised as a grievance). If you have concerns in this area you should consult the Trust Grievance Policy or your CEO or Headteacher, who can advise you about the grievance and other more appropriate procedures.

What is expected of the whistle-blower?

If you raise a concern to someone within the Trust, you are expected to:

- reasonably believe that your concern is in the public interest
- reasonably believe that your concern is correct; and
- not raise your concern for personal gain

Should it not be possible to resolve a concern without revealing your identity, we will discuss with you what steps we will take to protect you from unfair treatment or detriment. This may include agreement to alternative working arrangements during any consequential investigation into the allegations. However, if you want your identity to remain confidential, we will where appropriate, respect your decision and not reveal your identity without your consent, unless this is unavoidable/deemed necessary. It should be recognised that if there are reasonable grounds for believing the allegations to be true, the public interest will rarely be served by taking no action.

Anonymous concerns will be considered to the extent that it is reasonable and practicable to do so. It is often difficult to attach equal weight to anonymous allegations due to the investigator's difficulty in confirming or following up evidence. If you are unsure whether an incident should be reported under this policy you may wish to discuss the matter initially with your trade union representative or Headteacher.

Disclosures to other Organisations

If you are going to raise a concern it should be made to the Trust first as this policy encourages employees to raise genuine and serious concerns to the Trust or its regulators. However, if you feel unable to use the procedure described in this policy, your concern should be made to a prescribed person, so that your employment rights are protected.

If you decide you cannot go to the Trust with the disclosure first, you should contact a prescribed person or body (guidance is available from GOV.UK – Blowing the whistle; list of prescribed people and bodies -

<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>

False Allegations

Failure to comply with this policy, including, raising frivolous or malicious concerns may result in disciplinary action being taken. A qualifying disclosure that is not confirmed by subsequent legislation will not lead to any action, penalty or detriment against the person making the allegation or disclosure.

However, where employees or other individuals knowingly make malicious or false accusations or allegations, these will be treated as an act of gross misconduct which is incompatible with their duties to the Trust.

Low Level Concerns

At TEACH, we consider a low-level concern (LLC) to be any concern about an adult's behaviour towards a child that does not meet the allegation threshold set out above, or is not otherwise serious enough to consider a referral to the LADO. A low-level concern is any concern no matter how small, and even if no more than a 'nagging doubt' – that an adult may have acted in a manner which:

- is not consistent with an organisation's Code of Conduct, and/or
- relates to their conduct outside of work which, even if not linked to a particular act or omission, has caused a sense of unease about that adult's suitability to work with children.

Examples of LLCs may include, but are not limited to:

- being over friendly with children;
- having favourites;
- engaging with a child on a one-to-one basis in a secluded area or behind a closed door;

Through our staff code of conduct, staff are reminded that they have a duty to report safeguarding concerns about staff and that any allegations or concerns including low level concerns must be raised without delay to the school's Headteacher in the first instance.

We expect:

- All LLCs will be shared responsibly with the Headteacher, recorded in writing and dealt with in an appropriate and timely manner.
- All LLCs will be reviewed, so that potential patterns of concerning, problematic or inappropriate behaviour can be identified.
- All LLCs that are found to be escalating and are reaching **the harm threshold, to be referred to the LADO.**

If there is any doubt about the level at which behaviour needs to be addressed, LADO advice will be taken.

The reporting procedures is as follows:

- Staff to report concerns about staff following the child protection reporting procedure
- Headteacher will speak to the person who has raised a LLC, review the information and determine whether the behaviour:
 - (a) is entirely consistent with the organisation's Code of Conduct, and the law
 - (b) constitutes a LLC
 - (c) is serious enough to consider a referral to LADO
 - (d) when considered with any other LLCs that may have previously been raised about the same individual, should be reclassified as an allegation, and referred to LADO/ other relevant external agencies

- Headteacher / DSL to speak to the individual about whom the concern has been raised (unless advised not to do so by the LADO or other agencies involved)
- HT / DSL to also consider whether LLC raises misconduct or capability issues in consultation with LADO if appropriate
- HT / DSL to make appropriate records of all internal and external conversations, their determination, the rationale for their decision, and details of any action taken, and to retain records in a file separate to the personnel file.

Staff are reminded that they do not need to be able to determine in each case whether their concern is a low-level concern, or if it is in fact serious enough to consider a referral to the LADO, or meets the threshold of an allegation. Once staff share what they believe to be a low-level concern, that determination should be made by the Headteacher/CEO. This concern would then be written up by the HT and saved in the confidential staff HR folder.

The purpose of the policy is to encourage an open and transparent culture, which enables the school to identify concerning, problematic or inappropriate behaviour at an early stage. It aims to empower staff to share concerns with the Headteacher. We ensure that the staff working within TEACH Trust are clear about what constitutes appropriate behaviour, and are confident in distinguishing expected and appropriate behaviour from concerning, problematic or inappropriate behaviour, in themselves and others.

In order to support this we:

- Have a clear code of conduct for staff which is reviewed annually;
- Have clear safeguarding and child protection policies which are read and understood by staff;
- Empower staff to share any low-level safeguarding concerns with the HT;
- Address unprofessional behaviour and support staff to correct this behaviour at an early stage;
- Foster a culture of openness and trust so that staff can be assured that any concerns they raise about the conduct of colleagues will be received in a sensitive manner;
- Provide a responsive, sensitive and proportionate handling of concerns when they are raised.
- Identify and address weakness in the school or colleges safeguarding system.

Procedure for raising a concern

Raising concerns will be dealt with under the following stages. Not all concerns will follow the full sequence of stages, subject to the particular circumstances of each case. The action taken by the Trust will be reasonable and proportionate, depending on the nature of the concern.

Stage 1 – Informal

You should first raise your concern, in writing, to your Headteacher, to see if it can be resolved without a formal procedure. Give as much information as possible about the nature of the problem; the background (with dates if possible); who is involved; the reasons you are concerned.

The Headteacher will decide on the basis of the information provided, how the matter can be resolved. This may include informal resolution or formal consideration. The outcome will be explained to you.

If the concern is about the Headteacher, please raise your concern with the CEO.

If the concern is about the CEO, please raise your concern with the Chair of the Trust Board via the Governance Professional.

Stage 2 – Formal

If you feel unable to raise your concern with your Headteacher, or you are not satisfied with the response at the informal stage, you should raise your concern in writing to the CEO, who will decide the nature and extent of the investigation to be carried out.

The outcome of the investigation will be considered carefully by the CEO, who will decide whether any further action is necessary and/or to implement any recommendations. If the result of the investigation is that there is a case to be answered by any individual, the recognised procedure will be followed.

The amount of contact between you and the officers considering the issues raised will depend on the nature of the matters raised, however, you will be asked to indicate how much contact you would prefer.

Subject to confidentiality, you will be informed of the outcome of the investigation and how the matter has been resolved. If you are not satisfied with this response you may raise your concern with the Chair of the Trust Board or take the matter further with the prescribed persons or organisations where justified under this procedure.

If you need to contact the Local Authority Designated Officer (LADO), to discuss a possible safeguarding concern, please contact LADO@bcpcouncil.gov.uk

How will the Policy be monitored?

The Trustees have a responsibility for registering the nature of all concerns raised and to record the outcome. The Trust will identify any patterns of concern and assesses the effectiveness of the policy.

Review

This procedure will be kept under review and any amendments will be subject to consultation with staff representatives.

Complaints

The Secretary of State for Education is the prescribed person for matters relating to education for whistle blowers who do not want to raise matters direct with their employer. Concerns can be raised with DfE.

Volunteers who have concerns about schools should complain through the school's complaints procedure. They may also be able to complain to the local authority or DfE depending on the substance of the complaint.

Written October 2020

Reviewed October 2021

Reviewed December 2022

Reviewed December 2023

Next review date December 2024

Equality Impact Assessment

Question	Response	
		Please tick
Which relevant groups and stakeholders have been consulted with in relation to this policy?	Pupils	
	Trustees	√
	Staff	√
	Parents/Carers	
	Local Authority	√
	Trade Unions	√
	Other Advisors (give details)	√ HR
	Termly	
What are the arrangements for monitoring and reviewing the actual impact of the policy?	Annually	√
	When applied	
	If legislation changes	√
	If a formal complaint	√

Does the policy affect one group less or more favourably than another on the basis of:	Y/N
Disability	N
Gender reassignment	N
Marriage or civil partnership	N
Pregnancy and maternity	N
Race	N
Religion or belief	N
Sexual orientation	N
Sex (gender)	N
Age	N
SEN	N
Vulnerable	N
Traveller, migrant, refugees and people seeking asylum	N
EAL	n

	Y/N	Comments/Actions
Is there any evidence that some groups are affected differently?	N	
If you have identified potential discrimination, are any exceptions valid, legal and/or justifiable?	N/A	
Is the impact of the policy likely to be negative?	N	
If yes, can the impact be mitigated by taking different action?	N/A	

