



## Policy for Whistleblowing (safeguarding)

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Target Audience: All staff (paid or volunteers)

Low-Level Policy  
Grievance  
Dignity at Work

Related Documents: Low level Concern  
Complaints  
School's Financial Policies and Procedures  
Information Governance

References:

## Revision History

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## Contents

Policy Statement.....	4
Purpose .....	4
Scope.....	5
Responsibilities.....	5
Equality and Diversity.....	6
Legal Context .....	7
Public Interest Disclosure Act (1998) (PIDA).....	7
Is this the correct policy to use?.....	7
Whistleblower (the person raising the concern).....	7
Trade unions and Professional Associations (or Work Colleague).....	7
Local Authority .....	8
Protection provided to whistleblowers.....	8
Victimisation .....	8
Confidentiality.....	8
Whistleblowing Procedure .....	8
Steps to follow when raising a concern internally .....	8
Step one .....	9
Step two.....	9
Step three.....	9
How the school will respond to a whistleblowing concern.....	9
Additional Support for Employees .....	10
External Disclosures and Independent Advice.....	10
Appendix 1 – Key policies .....	11
Appendix 2 – Key Contacts .....	12
Appendix 3 – Harm Threshold and Low-Level Concerns .....	13
Harm Threshold .....	13
What is a low-level concern? .....	13

## Policy Statement

At Edukos Trust we strive to be: **EXCEPTIONAL. TOGETHER.** Creating great schools, ensuring better lives for all who we serve through our 3 core values:

- **Friendly**
- **Growth**
- **Trust**

## Purpose

The Trustees are committed to running its schools in the best way possible, maintaining an effective safeguarding culture and associated procedures. This policy and procedures seek to reassure people that it is safe and acceptable to speak up and to enable them to raise any concern that they may have at an early stage and in the right way. Rather than wait for proof, the Trustees would prefer people to raise their concern as soon as you feel able to do so.

**KCSIE 2023 states what school or college staff should do if they have concerns about safeguarding practices within the school or college.**

- **All staff and volunteers should feel able to raise concerns about poor or unsafe practice and potential failures in the school's or college's safeguarding regime and know that such concerns will be taken seriously by the senior leadership team.**
- **Appropriate whistleblowing procedures should be put in place for such concerns to be raised with the school's or college's senior leadership team.**
- **Where a staff member feels unable to raise an issue with their employer, or feels that their genuine concerns are not being addressed, other whistleblowing channels are open to them.**

This policy exists to:

- Encourage individuals affected to report suspected concerns and wrongdoing as soon as possible in the knowledge that their concerns will be taken seriously and investigated and that their confidentiality will be respected.
- Let all staff in the Trust know how to raise concerns about potential wrongdoing in or by the trust.
- Set clear procedures for how the Trust will respond to such concerns.
- Let all staff know the protection available to them if they raise a whistleblowing concern.
- Assure staff that they will not be victimised for raising a legitimate concern through the steps set out in the policy, even if they turn out to be mistaken (though vexatious or malicious concerns may be considered a disciplinary issue).

The policy aims to:

- Encourage a person to feel confident in raising concerns and to question concerns that you may have about perceived wrong doings.
- Provide a clear process in which you can communicate your concerns.
- Ensure that they receive a response to your concerns and are aware of how you
- can pursue the complaint further if you are not satisfied with the school's response.
- Reassure you that if your disclosure is genuine, you will be protected from harassment, reprisals, or victimisation by anyone working for or with the Trust

The policy provides guidance and clarity and is primarily for concerns where there is a risk that is in the public interest, it supports instance whereby:

- A person may be worried about raising a concern and may think it best to keep it to themselves, perhaps feeling it's none of their business or that it's only a suspicion and may feel that raising the matter would be disloyal to colleagues or the senior leadership of the school.
- A person may decide to say something but find that they have spoken to the wrong person or raised the issue in the incorrect way and are not sure what to do next.

## Scope

The whistleblowing policy applies to all those who work in a school in a paid or unpaid capacity, included but not limited to:

- employed (full-time or part-time)
- individual or organisation is using the school premises for the purposes of running activities for children (KCSiE 2023)
- subcontracted to deliver a service to a school
- working as a consultant
- employed through an agency
- volunteer

If you have a whistleblowing concern, you are encouraged to notify your Head Teacher/DSL/Governor for Safeguarding as soon as is practicably possible.

## Responsibilities

The **Trust Board and the CEO and LGBs** are responsible for monitoring the effectiveness of this policy, ensuring that a consistent approach to Whistleblowing is applied across the Trust and its schools. They will also:

- establish a culture whereby all individuals fully understand that it is safe and accepted to raise whistleblowing concerns
- actively want and expect individuals to raise whistleblowing concerns ensuring that victimisation of anyone who uses the whistleblowing procedure is not tolerated

This includes school staff (see Scope above) and any related incidents when an individual or organisation is using the school premises for the purposes of running activities for children (KCSiE 2023).

The **Head Teachers and LGBs** are responsible for ensuring that this policy is implemented effectively and staff adhere to this policy. The Head Teacher will specifically deal with matters concerning whistleblowing.

Their responsibilities are to:

- reassure and support individuals to use these procedures
- receive concerns raised by individuals
- respect an individual's request that a concern is raised in confidence
- ensure that they effectively communicate with individuals
- record concerns using the school's confidential reporting form
- ensure that an initial assessment or preliminary investigation is carried out and if needed, appoint an Investigating Officer to lead the investigation

- acknowledge the concern to the person raising it, within ten days of it being raised and, in the response, indicate:
  - how it is proposed to deal with the matter
  - an estimate how long it will take to provide a final response
  - whether any initial enquiries have been made
  - provide information on individual support mechanisms
- inform, where appropriate, the person against whom alleged concerns have been raised, of the nature of the concerns and how it is proposed to deal with the matter

If the concern is about the **Head Teacher**, then the designated person is the **Chair of Governors**. If the concern is about the **Chair of Governors**, then the designated person is the **Chair of Trustees**.

**Employees** are responsible for ensuring they use this policy to support the smooth and effective running of the Trust and its schools.

It is the clear responsibility of **all members of staff and volunteers** to act on any concerns or information that gives them concern about the safety and wellbeing of a child or children arising from circumstances or events out of school.

Equally it is the responsibility of **all members of staff and volunteers** to act on any concerns or information that gives them concern about the safety and wellbeing of a child or children within the school or within the care of the school.

Such a concern in a safeguarding context may be related to:

- The conduct or behaviour of a member of staff or volunteer towards an individual child or children.
- Information that suggests a member of staff or volunteer is unsuitable to work with children.
- Belief that the **Designated Safeguarding Lead (DSL)**, senior managers or governors have failed to take appropriate action in response to safeguarding concerns raised

This Policy does not form part of any employee's contract of employment and may be amended at any time. The Policy applies to all employees or other workers who provide services to the Trust in any capacity including self-employed consultants or contractors who provide services on a personal basis and agency workers etc.

## Equality and Diversity

Edukos Trust is committed to:

- Promoting equality and diversity in its policies, procedures and guidelines;
- Ensuring staff are protected from unlawful direct or indirect discrimination resulting from a protected characteristic (e.g. age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).
- Delivering high quality teaching and services that meet the diverse needs of its children and its workforce, ensuring that no individual or group is disadvantaged

This policy addresses the following equality duties:

- to eliminate unlawful discrimination, harassment, and victimisation
- to advance equality of opportunity
- to foster good relations between different groups of people

## Legal Context

### Public Interest Disclosure Act (1998) (PIDA)

This policy is drafted in line with the provisions of the Public Interest Disclosure Act (1998) (PIDA). The Act protects you from detrimental treatment or victimisation by your employer if, in the public interest, you disclose a concern regarding any wrongdoing.

Examples of concerns that you may raise include but is not limited to:

- data protection issues
- fraud or theft
- breaches of the policies and procedures
- conflicts of interest
- safeguarding issues
- health and safety

Please also see Appendix 3.

### Is this the correct policy to use?

If something is troubling a person and they think that the school should know about or investigate it, please use this policy. If, however, they wish to make a complaint about their employment or how they have been treated, they are encouraged to use the grievance or dignity at work policies, which are available on the Edukos Trust Policies Team.

If a person has a concern that relates to financial misconduct or fraud, the person is advised to refer to the Trust's financial policies and procedures which are available on the Edukos Trust Policies Team.

### Whistleblower (the person raising the concern)

- should raise the concern in 'good faith'
- report the concern to the appropriate person in the school and in exceptional cases outside the school governance
- Follow a clear reporting procedure for children, parents and other people to report concerns or complaints, including abusive or poor practice – see Section Whistleblowing Procedure.

We also acknowledge that Low-level concerns can arise in several ways from various sources, e.g., suspicion, complaint or a disclosure. Procedures are in place for confidentially sharing and handling of low-level concerns.

A 'Low-level' concern does not mean that it is insignificant; a low-level concern is any concern that an adult working in or on behalf of the school/college may have acted in a way that is inconsistent with expectations and the Staff Code of Conduct, including inappropriate conduct outside of work and does not meet the 'harm threshold' or is otherwise not serious enough to consider a referral to the Local Authority Designated Officer (LADO)

### Trade unions and Professional Associations (or Work Colleague)

- may support the whistleblower to lodge the concern(s)
- may support the whistleblower to formally present their concerns to the appropriate person

A representative cannot speak on behalf of the whistleblower.

## Local Authority

Where the concern is raised directly with the Local Authority, the relevant designated posts will provide advice and guidance to the school's:

- Local Authority Designated Officer (LADO)
- Director of Children and Young People, Education & Schools
- Support provided from the Safeguarding in Education Team (SiET)
- The Local Authority will provide support, guidance and advice on HR and Legal matters as required

## Protection provided to whistleblowers

### Victimisation

Provided the whistleblower is raising a genuine concern, it does not matter if they are mistaken. Of course, Edukos Trust does not extend this assurance to someone who maliciously raises a matter they know is untrue.

If the whistleblower has raised a genuine concern under this policy, they will not be at risk of losing their job or suffering any form of reprisal as a result.

The school will not tolerate the harassment or victimisation of anyone raising a genuine concern and we consider it a disciplinary matter to victimise anyone who has raised a genuine concern.

### Confidentiality

With these assurances, we hope that the whistleblower will raise their concern openly. However, the school recognises that there may be circumstances when they would prefer to speak to someone confidentially first. If this is the case, they are requested to advise the school of their concern(s) at the outset.

If they ask the school not to disclose their identity, it will not be disclosed without the whistleblower's consent (unless required by law). The whistleblower should understand that there may be times when the school is unable to resolve a concern without revealing their identity, for example where personal evidence is essential or in an investigation report to provide context. In such cases, the school will discuss with them whether and how the matter can be best progressed.

Please remember that if the whistleblower does not identify themselves (and therefore are raising a concern anonymously) it may be difficult for the school to investigate the matter. The school will not be able to protect the position of the whistleblower or provide feedback, as it can when a whistleblower's identity is disclosed at the outset.

## Whistleblowing Procedure

### Steps to follow when raising a concern internally

Please see Appendix 3 for further details relating to the 'Harm Threshold' and 'Low-level' concerns

When raising your concern, the whistleblower does not need to have firm evidence of malpractice. However, the school requests that they explain as fully as they can, the information or circumstances that have given rise to their concern.



If they wish to raise the matter confidentially, you are requested to advise the school of this at the outset, so that appropriate arrangements can be made.

### Step one

If you have a concern about malpractice, the school hopes that the whistleblower will feel able to raise it first with their line manager or Head Teacher. This may be done:

- verbally
- in writing in open correspondence
- using the school's Confidential Reporting Form.

### Step two

If they feel unable to raise the matter with their line manager or Head Teacher, for whatever reason, they are encouraged to report it to the Chair of Governors.

### Step three

If the whistleblower feels unable to raise the matter with the Chair of Governors, for whatever reason, they are encouraged to report it to one of the LADO Officers. The list of LADO, with their contact details is available in Appendix 2 of this Policy.

These people have been given special responsibility and training for dealing with whistleblowing concerns.

If the whistleblower feels unable to raise their concerns with any of the LADO Officers, they can communicate their concerns sending it directly to the CEO of Edukos Trust.

### How the school will respond to a whistleblowing concern

The nature of the concern will be evaluated in terms of the 'Harm Threshold' and 'Low-level' concerns criteria (Appendix 3) and this will inform subsequent action and decision making and involvement of the LADO.

Where a concern has been raised under step one or two (above), it will be acknowledged within 5 working days.

The Head Teacher or Chair of Governors will:

- write to the whistleblower acknowledging their concern(s)
- undertake a preliminary investigation

If the Headteacher or Chair of Governors is satisfied that the concern raised requires a formal investigation, which may involve consultation with the LADO, an Investigating Officer will be identified. This would normally be a member of the Senior Leadership Team who has no involvement in the substance of the allegation.

The Headteacher or Chair of Governors will write to the whistleblower to confirm:

- details of the appointed Investigating Officer
- details of how the concern(s) will be investigated
- details of the support mechanisms available to the whistleblower during the investigation

During the investigation, the Investigating Officer will maintain regular contact with the whistleblower and, where possible, provide a timetable for the investigation.

At the conclusion of the investigation, a report will be sent to the Headteacher or Chair of Governors, outlining the findings of the investigation and providing any recommendations.

Recommendations are sometimes provided to assist the school in addressing findings that are reported during the investigation.

The Headteacher or Chair of Governors will then write to the whistleblower with details of his/her findings.

If during the above or following completion of the process the person raising the issue still has concerns that a child or children are at risk or that appropriate procedures have not been followed the member of staff should contact the LADO or the Safeguarding and Partnership Hub or, in situations where children are thought to be in immediate danger or risk of harm, the Police by contacting 999.

### Additional Support for Employees

Any employee who raises a concern or is the subject of an investigation under the Whistleblowing Policy can access additional support from the school such as a referral to the school's Occupational Health provider.

### External Disclosures and Independent Advice

It is the aim of the Whistleblowing Policy to provide the whistleblower with the reassurance and information that they need to raise their concern internally.

If they would prefer to report the concern(s) externally, they may wish to seek advice from their Trade Union, regulatory or professional body, or from the whistleblowing charity, 'PROTECT'. What is most important is that the concern is raised and considered.

PROTECT can be contacted

- by telephone on 020 3117 2520
- by email on [whistle@protect-advice.org.uk](mailto:whistle@protect-advice.org.uk)

more information about what they do can be found by visiting [www.protect@advice.org.uk](http://www.protect@advice.org.uk)

## Appendix 1 – Key policies

See Local School Protocol for school specific details

## Appendix 2 – Key Contacts

See Local School Protocol for school specific details

## Appendix 3 – Harm Threshold and Low-Level Concerns

### Harm Threshold

- This involves managing cases of allegations that might indicate a person would pose a risk of harm if they continue to work in their present position, or in any capacity with children in a school or college. It involves behaviour where it is alleged that anyone working in the school or a college that provides education for children under 18 years of age, including supply teachers, volunteers and contractors has:
  - behaved in a way that has harmed a child, or may have harmed a child and/or
  - possibly committed a criminal offence against or related to a child, and/or
  - behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children, and/or
  - behaved or may have behaved in a way that indicates they may not be suitable to work with children.

### What is a low-level concern?

The term ‘low-level’ concern does not mean that it is insignificant. A low-level concern is any concern – no matter how small, and even if no more than causing a sense of unease or a ‘nagging doubt’ – that an adult working in or on behalf of the school or college may have acted in a way that:

- is inconsistent with the staff code of conduct, including inappropriate conduct outside of work and
- does not meet the harm threshold or is otherwise not serious enough to consider a referral to the LADO.

Examples of such behaviour could include, but are not limited to:

- being over friendly with children
- having favourites
- taking photographs of children on their mobile phone, 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 pupils.

Such behaviour can exist on a wide spectrum, from the inadvertent or thoughtless, or behaviour that may look to be inappropriate, but might not be in specific circumstances, through to that which is ultimately intended to enable abuse.