



EMPOWER
LEARNING ACADEMY TRUST

Whistle-blowing Policy for Schools including managing allegations September 2020

Agreed by Trust Board:

Reviewed: July 2020

Reviewed by: AFT

Next Review Date: July 2021

Whistle-blowing Policy for Schools including managing allegations

- 1.0 In line with the London Safeguarding Children Board and the London Child Protection Procedures, Empower Learning Academy Trust operates a whistle blowing policy.
- 2.0 The purpose of this document is to assist all staff to whistleblow if they have concerns about any adult in the school setting, whether paid or voluntary.
- 3.0 This policy reflects the requirements of:
 - 3.1 Working Together to Safeguard Children 2018
 - 3.2 Keeping Children Safe in Education 2020.
 - 3.3 London SCB (Safeguarding Children Board) Child Protection Procedures 5th Edition, 2018
- 4.0 This policy and the following procedures apply to all paid staff, volunteers and governors working with or in Empower Learning Academy Trust.
- 5.0 This document applies to processes that must be followed in the following circumstances:
 - 5.1 Concerns about the suitability of a member of staff (paid or voluntary) working safely with children
See SECTION A
 - 5.2 Concerns about the conduct of a member of staff, their honesty or integrity
See SECTION B
- 6.0 If you are the whistle-blower or the subject of an allegation use SECTION C.
- 7.0 To assist in determining which section, the following can be used as a guide. Whistleblowing is separate from LADO because not all allegations go to the LADO. A whistleblow could be made because of:
 - 7.1 Allegations of harm or possible harm to a child from a staff member or volunteer in the school
➔ SECTION A
 - 7.2 Financial irregularity
➔ SECTION B
 - 7.3 Adult bullying (not involving children)
➔ SECTION B
 - 7.4 Cheating/changing assessment and exam results
➔ SECTION B
 - 7.5 Health & safety concerns
➔ SECTION B, but consider SECTION A because of the impact of this on the possible safety of the child
 - 7.6 Policies and procedures not being followed
➔ SECTION B, unless it concerns safeguarding and child protection issues in which case APPENDIX 2, Escalation policy.
- 8.0 APPENDIX 1
Havering Local Area Designated Officer (LADO) referral form

Section A: Child Protection Whistle Blowing

10.0 All staff should be aware of this policy and feel confident to voice concerns about the attitudes or actions of colleagues; this includes contact and actions using mobile phones, internet, email and chat.

11.0 If a member of staff believes a colleague has:

11.1 Behaved in a way that has harmed a child, or may have harmed a child;

11.2 Possibly committed a criminal offence against or related to a child;

11.3 Behaved towards a child or children in a way that indicates they are unsuitable to work with children;

12.0 For all of the above please speak to your Headteacher immediately

The Headteacher will report to the LADO on the same working day.

13.0 Allegations can be made in relation to physical chastisement and restraint but can also relate to inappropriate relationships between members of staff and children or young people, for example:

13.1 Having a sexual relationship with a child under 18 if in a position of trust in respect of that child, even if consensual (see ss16-19 Sexual Offences Act 2003);

13.2 'Grooming', i.e. meeting a child under 16 with intent to commit a relevant offence (see s15 Sexual Offences Act 2003);

13.3 Other 'grooming' behaviour giving rise to concerns of a broader child protection nature e.g. inappropriate text / e-mail messages or images, gifts, socialising etc;

13.4 Possession of indecent photographs / pseudo-photographs of children.

14.0 In addition, these procedures should be applied when there is an allegation that any person who works with children:

14.1 Has behaved in a way in their personal life that raises safeguarding concerns. These concerns do not have to directly relate to a child but could, for example, include arrest for possession of a weapon;

14.2 As a parent or carer, has become subject to child protection procedures;

14.3 Is closely associated with someone in their personal lives (e.g. partner, member of the family or other household member) who may present a risk of harm to child/ren for whom the member of staff is responsible in their employment/volunteering).

For all of the above please speak to your Headteacher immediately

The Headteacher will report to the LADO on the same working day.

15.0 **If a member of staff is worried about the conduct of the Headteacher**, or they believe that a reported allegation or concern is not being dealt with properly, they should report the matter on the same working day:

- to the Havering Local Authority, Designated Officer (LADO), 01708 431653

- to the Chair of Governors
- to the NSPCC whistleblowing helpline 0800 028 0285 and help@nspcc.org.uk

16.0 For confidential advice on how to raise a concern about malpractice at work, visit 'Public Concern at Work' www.pcaw.co.uk

Section B: Fraud or financial wrong doing

17.0 Examples of Illegal and/or Improper Conduct:

- 17.1 Fraudulent or improper use of the school's money or assets
- 17.2 Mismanagement of statutory tests and assessments
- 17.3 Dangerous practices at work
- 17.4 Corruptly receiving any gift or advantage
- 17.5 Allowing private interests to override the interests of the school

18.0 All staff should be aware of this policy and feel confident to voice concerns about the attitudes or actions of colleagues; this includes concerns about mismanagement of school budget, school funds or school resources, handling and managing statutory tests and assessments.

19.0 Report financial or asset concerns to

- the Headteacher
 - if the concern is about the Headteacher contact fraud.reports@education.gov.uk
- also see <https://www.gov.uk/education/school-complaints-and-whistleblowing>

20.0 Report statutory test or assessment concerns to

- the Local Authority 01708 433847
- the Standards and Testing Agency (STA) sta.maladministration@education.gov.uk

21.0 Also see <https://www.gov.uk/complain-about-school/state-schools>

22.0 Also see Section D – contacts and useful information.

Section C: All Staff Whistle Blowing Policy

23.0 Policy statement

24.0 Employees are often the first to realise that there may be something seriously wrong within the school. However, they may not express their concerns because they feel that to speak up would be disloyal to their colleagues or to the school. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report something which after all, may just be a suspicion of malpractice.

25.0 Empower Learning Academy Trust is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect and encourage employees, and others with whom we deal, who have concerns about any aspect of the school's work, to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis (i.e. between the employee voicing the concern and the person to whom the concern is voiced).

26.0 This policy document makes it clear that you can do so without fear of victimisation, reprisal, subsequent discrimination or disadvantage. This Whistle Blowing/Confidential Reporting policy is intended to encourage and enable employees and others to raise concerns within Empower Learning Academy Trust rather than overlooking a problem or 'blowing the whistle' outside, in line with the Public Interest Disclosure Act 1998 (Whistle Blowing).

27.0 Aims and scope

28.0 This section of the whistle blowing policy applies to all employees at Empower Learning Academy Trust (permanent, temporary, casual), contractors and those in partnership roles working for the school on school premises, for example volunteers, agency staff, builders, etc.

29.0 This whistle blowing policy does not apply to pupils/students. Where applicable, employees are responsible for making pupils/students aware of the existence of the school's complaints procedure and other appropriate reporting procedures.

30.0 The procedure is designed to enable employees to notify the Headteacher/Chair of Governors of any reasonable suspicion of illegal or improper conduct.

31.0 It is a procedure in which the Headteacher/Chair of Governors will be expected to act swiftly and constructively in the investigation of any concerns in accordance with the school's disciplinary procedure. Safeguarding and child protection concerns will always be notified to the LADO.

32.0 The Headteacher/Chair of Governors will follow the London Child Protection procedures.
http://www.londoncp.co.uk/chapters/alleg_staff.html

33.0 Concern about a colleague's professional capability should not be dealt with using this procedure.

34.0 Roles and Responsibilities

35.0 Headteacher/Chair of Governors

35.1 The Headteacher, or where the complaint is about the Headteacher, the Chair of Governors, is expected to act swiftly and constructively in the investigation of any concerns in accordance with the school's disciplinary procedure. Safeguarding and child protection concerns will always be notified to the LADO.

35.2 Where concerns are raised with outside agencies the Headteacher/Chair of Governors must fully cooperate with any resulting investigation(s).

35.3 The Headteacher/Chair of Governors will make every effort to meet any request of anonymity where possible.

35.4 The Headteacher/Chair of Governors, where possible, should inform the complainant of the outcome of the investigation.

36.0 Employees

36.1 All employees are expected to bring to the attention of the Headteacher/Chair of Governors any serious impropriety or breach of procedure.

36.2 All employees who report concerns under the whistle blowing procedure must be prepared to justify and support their claim in writing.

36.3 If another member of staff (other than the Headteacher/Chair of Governors) is approached by a colleague on a matter of concern as defined in this document, he/she should be advised to take the matter to the Headteacher/Chair of Governors.

36.4 Employees must act in the public interest and must have reasonable grounds for believing the information to be accurate

37.0 Legal

- 38.0 Employees and workers who make a 'protected disclosure' are protected from being treated badly or being dismissed. If they are, they can claim unfair dismissal when the reason for the 'whistleblowing' meets any of the 'qualifying disclosures' criteria. They include when someone reports:
- 38.1 Safeguarding and child protection issues
 - 38.2 That someone's health and safety is in danger
 - 38.3 Damage to the environment
 - 38.4 A criminal offence
 - 38.5 That the company/school isn't obeying the law i.e. not have the right insurance etc.
 - 38.6 That someone's covering up a wrongdoing
- 39.0 The Headteacher/Chair of Governors should ensure that, where this procedure has been used in the public interest, employees are not subjected to harassment and/or victimisation for doing so.
- 40.0 The key piece of 'whistleblowing' legislation is the Public Interest Disclosure Act 1998. Other Acts and Statutory Instruments which govern the topic are:
- 40.1 Police Reform Act 2002 Section 37
 - 40.2 Employment Rights Act 1996 Section 103A
 - 40.3 Employment Rights Act 1996 Sections 43A to 43L
 - 40.4 Management of Health and Safety at Work Regulations 1999 (SI 1999/3242) Regulation 14
 - 40.5 Public Interest Disclosure Act 1998
 - 40.6 Public Interest Disclosure (Compensation) Order 1999 (SI 1999/1548)
 - 40.7 Public Interest Disclosure (Prescribed Persons) Order 1999 (SI 1999/1549)
 - 40.8 Public Interest Disclosure (Prescribed Persons) (Amendment) Order 2003 (SI 2003/1993)
 - 40.9 Public Interest Disclosure (Prescribed Persons) (Amendment) Order 2004 (SI 2004/3265)
 - 40.10 Public Interest Disclosure (Prescribed Persons)(Amendment) Order 2005 (SI 2005/2464)
 - 40.11 The Employment Tribunals (Constitution and Rules of Procedure) (Amendment) Regulations 2010 (SI 2010/131)
 - 40.12 Enterprise and Regulatory Reform Act 2013
 - 40.13 This policy has also been developed in line with the London Safeguarding Children Board and the London Child Protection Procedures.

41.0 Procedure

42.0 Key Principles

- 43.0 This procedure is not designed to replace or be used as an alternative to the school's grievance procedure, which should be used where an employee is only aggrieved about his/her own situation. Employees who are worried about wrong-doing at work do not necessarily have a personal grievance.
- 44.0 Employees must act in the public interest and must have reasonable grounds for believing the information to be accurate.

- 45.0 No employee who uses this procedure in the public interest will be penalised for doing so. The school will not tolerate harassment and/or victimisation of any employee raising concerns.
- 46.0 An employee who is not sure whether the conduct he/she is concerned about does constitute illegal or improper conduct or is unsure about how to proceed can contact the Headteacher/Chair of Governors or Public Concern at Work (www.pcaw.co.uk) for advice.
- 47.0 Safeguards
- 48.0 The school is committed to good practice and high standards and wants to be supportive of employees.
- 49.0 The school recognises that the decision to report a concern can be a difficult one to make.
- 50.0 The school will not tolerate any harassment or victimisation (including informal pressures) upon you as a result of making a disclosure in accordance with this policy and will take appropriate action to protect you when you raise a concern in the public interest. The school, in the event of reprisals or victimisation against you because you have acted in accordance with this policy, will consider and may take disciplinary action against any employee responsible for such victimisation and/or reprisal.
- 51.0 In some circumstances it is recognised that a person making information known about their colleagues may find it difficult to return to his/her normal job. The school has a duty of care to provide a safe working environment and treat its employees with respect. If this is not possible in the employee's normal job because of the situation surrounding the disclosure of confidential information, the school will seek to redeploy the individual, taking account of their generic and specialist skills, abilities and experience.
- 52.0 The School has a duty of care to their employees. The school will ensure they provide effective support for anyone facing an allegation and provide them with a named contact if they are suspended. Where the school is not the employer of an individual there is still a responsibility to ensure allegations are dealt with appropriately and that they liaise with relevant parties (this includes supply teachers and volunteers). It is essential that any allegation of abuse made against a teacher or other member of staff or volunteer is dealt with very quickly, in a fair and consistent way that provides effective protection for the child and, at the same time supports the person who is the subject of the allegation.
- 53.0 Confidentiality
- 54.0 All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At the appropriate time, however, you may need to come forward as a witness.
- 55.0 Anonymous Allegations
- 56.0 This policy encourages you to put your name to your allegation whenever possible. Concerns expressed anonymously are much less powerful; if made anonymously, the concern will be considered at the discretion of the school.
- 57.0 In exercising this discretion the factors to be taken into account would include:
- 57.1 The seriousness of the issues raised
 - 57.2 The credibility of the concern; and
 - 57.3 The likelihood of confirming the allegation from attributable sources
- 58.0 Untrue Allegations

- 59.0 If you make an allegation in the public interest, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation that is made frivolously, maliciously or for personal gain, disciplinary action may be taken against you.
- 60.0 Mechanism for Raising Concerns
- 61.0 Where the issue concerns your Headteacher or, having made your report, you believe he/she has failed to take appropriate action, you should bring it to the attention of the Chair of Governors.
- 62.0 Employees who feel unable to follow this route, for whatever reason, have the option of contacting one of the names listed in section D/67 (Useful Contacts).
- 63.0 Depending on the nature of the concern, the complainant will be asked to justify and support their claim. Normally the complainant will be asked to do this in writing. It will, therefore, be helpful to note down any facts and dates as they happen.
- 64.0 Financial regulations require any employee who suspects fraud, corruption or other financial irregularity to ensure this is reported to the schools' internal auditor for possible investigation. Normally you must first report any suspicion of such irregularities to the Headteacher who in turn will report it to the Internal Audit and Corporate Risk Manager.
- 65.0 Employees who want to use the procedure but feel uneasy about it may wish to consult their trade union initially and bring a colleague or trade union representative along to any discussions, so long as the third party is independent of the issue.
- 66.0 Where anonymity is requested efforts will be made to meet the request where appropriate but that might not always be possible.
- 67.0 The earlier and more open the expression of concern the easier it will be to take appropriate action.
- 68.0 Each case will be investigated thoroughly with the aim of informing the complainant of the outcome of any investigation as quickly as possible.
- 69.0 **Supply teachers**
- 70.0 In some circumstances the school may have to consider an allegation against an individual not directly employed, where disciplinary procedures do not fully apply, for example, supply teachers provided by an employment agency.
- 71.0 Whilst the school is not the employer of supply teachers, they will ensure allegations are dealt with properly. In no circumstances will the school cease to use a supply teacher due to safeguarding concerns, without finding out the facts and liaising with the local authority designated officer (LADO) to determine a suitable outcome.
- 72.0 The Governing body will discuss with the agency whether it is appropriate to suspend the supply teacher, or redeploy them to another part of the school, whilst they carry out their investigation.
- 73.0 The Agency should be fully involved and co-operate in any enquiries from the LADO, police and/or children's social services. The school will usually take the lead because the Agency does not have direct access to children or other school staff, so they will not be able to collect the facts when an allegation is made, nor do they have all the relevant information required by the LADO as part of the referral process. Supply teachers, whilst not employed by the school, are under the supervision, direction and control of the governing body when working in the school. They should be advised to contact their trade union representative if they have one, or a colleague for support. The allegations management meeting which is often arranged by the LADO should address issues such as information sharing, to ensure that any previous concerns or allegations known to the Agency are taken into account by the school during the investigation.

Section D: Contacts and useful information

75.0 Useful contacts

75.1 MASH Team

01708 433222 (day)

01708 433999 (night)

https://www.havering.gov.uk/downloads/download/306/multi-agency_referral_form_marfLADO

75.2 LADO

Lisa Kennedy

lado@havering.gov.uk

01708 431653

75.3 NSPCC whistleblowing helpline

0800 028 0285 and www.nspcc.org.uk/Helpline

75.4 Assessment

Grahame Smith, School Assessment and Moderation

01708 433813

Grahame.smith@havering.gov.uk

75.5 Finance/Auditor

Current interim Director of Finance (oneSource)

Mark Hobson on 0203 373 9736 / mark.hobson@onesource.co.uk

Head of Assurance (oneSource)

Jeremy Welburn on 01708 433307 / Jeremy.welburn@onesource.co.uk

75.6 Education HR

Peter Whitelock, Education HR Advisor

01708 433087

Peter.whitelock@havering.gov.uk

75.7 Schools' Health & Safety Team

Sue Wilks, Corporate Health & Safety Manager

017084 432903

Sue.wilks@havering.gov.uk**76.0 Trade Unions**76.1 NASUWT – John McGill – john.mcgill@exec.nasuwt.org.uk76.2 NEU (previously NUT) – secretary@havering.nut.org.uk

76.3 VOICE – Sue Peachey - 01332 372 337

- 76.4 NAHT – dunbarers@aol.com linabeck@hotmail.com
- 76.5 UNISON – Jennifer Kinagby – 01708 433434 or 434822
- 76.6 GMB – Andy Hampshire – 01708 433793
- 76.7 UNITE – Michelle Cook – 020 8596 9966
- 76.8 ASCL – Mo Sabur – 0116 299112
- 76.9 NAU (previously ATL) – Karen Jupp – kjupp@steds.org.uk

77.0 Other agencies

- 77.1 DfE complaints
 - <https://www.gov.uk/education/school-complaints-and-whistleblowing>
 - <https://www.gov.uk/government/publications/school-complaints-procedures>
 - <https://www.gov.uk/complain-about-school>
 - <https://www.gov.uk/complain-about-school/state-schools>
- 77.2 DfE whistleblowing guidance
 - <https://www.gov.uk/guidance/whistleblowing-procedure-for-maintained-schools>
 - <https://www.gov.uk/government/publications/complain-about-an-academy>
- 77.3 Health & Safety Executive
 - 020 7717 6000 / 020 7556 2100
 - <http://www.hse.gov.uk/>
- 77.4 The Environment Investigation Agency
 - 020 7490 7040
- 77.5 Financial Services Authority
 - 0845 606 13234 / 020 7676 1099
- 77.6 HM Treasury
 - 020 72703000 / 020 7270 5000
- 77.7 Director General – Serious Fraud Office
 - 020 7239 7272
- 77.8 Inland Revenue
 - 020 7605 9800 / 020 8370 7300 / 020 8522 5700 / 020 8509 4700
- 77.9 Customs and Excise
 - 020 7620 1313 / 0800 595 000
- 77.10 National Audit Office
 - 020 7790 7000
- 77.11 Audit commission – replaced by
 - Public Sector Audit Appointments Ltd,
 - National Audit Office,
 - Financial Reporting Council
 - and Cabinet Office

77.12 ICO – Information Commissioners Office

<https://ico.org.uk/>

78.0 For confidential advice on how to raise a concern about malpractice at work; visit ‘Public Concern at Work’ www.pcaaw.co.uk

79.0 **Related Documents**

79.1 The School’s Disciplinary Procedure

79.2 The School’s Grievance Procedure

79.3 The Safeguarding and Child Protection Policy for Schools

80.0 **Where to go for further information**

80.1 Working together to safeguard children 2018

<https://www.gov.uk/government/publications/working-together-to-safeguard-children--2>

80.2 London Child Protection Procedures, edition 5

<http://www.londoncp.co.uk/>

Section 7 - http://www.londoncp.co.uk/chapters/alleg_staff.html

80.3 DfE: Statutory guidance: Keeping children safe in education 2020

<https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>

80.4 DfE: Advice what to do if you are worried that a child is being abused 2015

<https://www.gov.uk/government/publications/what-to-do-if-youre-worried-a-child-is-being-abused--2>

80.5 DfE Guidance: Sexual violence and sexual harassment between children in schools and colleges 2018

<https://www.gov.uk/government/publications/sexual-violence-and-sexual-harassment-between-children-in-schools-and-colleges>

80.6 DfE Guidance: Protecting children from radicalisation: the prevent duty

<https://www.gov.uk/government/publications/protecting-children-from-radicalisation-the-prevent-duty>

80.7 Gov.UK: Safeguarding children, latest documents

<https://www.gov.uk/topic/schools-colleges-childrens-services/safeguarding-children/latest>

Local Variations:

Hall Mead School

Section A (Ref. page 3 and 4 item 12, 14.3, 15)

Contact information

Mr Simon London, Headteacher – 01708 225684

Mrs Michelle McKee, Chair of Local Governance Committee

Bower Park Academy

Section A (Ref. page 3 and 4 item 12, 14.3, 15)

Contact information

Mr S Deen, Principal – 01708 730244

Mr Neil Consterdine, Chair of Local Governance Committee

Brittons Academy

Section A (Ref. page 3 and 4 item 12, 14.3, 15)

Contact information

Mr Will Thompson, Principal – 01708 630002

Mr Dave Harries, Chair of Interim Transition Board

Hacton Primary School

Section A (Ref. page 3 and 4 item 12, 14.3, 15)

Contact information

Mrs Emily Leslie- 01708 443991

Mr Tim Steel, Chair of Local Governance Committee