



# Whistleblowing Policy

Please read in conjunction with Child Protection Policy and KCSIE Part 1 and Annex A

**Date of Last Review: September 2023**

**Agreed by Governors: September 2023**

**Shared with staff: September 2023**

**Frequency of Review: When applicable/ Annually**

**Review: August 2024**

**Designated Safeguarding Lead - Mariam Ashique**

**Deputy Designated Safeguarding Lead - Zubeda Khan**

**Deputy Designated Safeguarding Lead EYFS - Tasneem Choudhury**

**Deputy Designated Safeguarding Lead Nursery - Qualsoom Minhas  
Safeguarding Governor - Mohammed Azeem**

**Named Governor for Safeguarding & Child Protection: Mohammed Azeem**

**Local Authority Designated Officer (LADO), for allegations against staff:**

[LADO@coventry.gov.uk](mailto:LADO@coventry.gov.uk)

tel: 024 7683 3443 (direct line)

**Chair of Governors: Mohammed Sulaiman Bhayat**



## 1. Introduction

### 1.1 Whistleblowing has been defined as:

'the disclosure by an employee or professional of confidential information which relates to some danger, fraud or other illegal or unethical conduct connected with the work place, be it of the employee or his/her fellow employees'

*(Public Concern at Work Guidelines 1997)*

1.2 Statutory protection for employees who whistleblow is provided by the **Public Interest Disclosure Act 1998 ("PIDA")**. The PIDA protects employees against victimisation if they make a protected disclosure within the meaning of the PIDA and speak out about concerns about conduct or practice within the school which is potentially illegal, corrupt, improper, unsafe or unethical or which amounts to malpractice.

1.3 This policy applies to all school staff including full and part time, casual, temporary, substitute staff and to individuals undertaking work experience in the school.

## 2. Aims and Scope of Policy

2.1 The governing body is committed to high standards in all aspects of the school and will treat whistle blowing as a serious matter. In line with the Governing body's commitment to openness, probity and accountability, members of staff are encouraged to report concerns which will be taken seriously, investigated and appropriate action taken in response.

2.2 This policy aims to:

- give confidence to members of staff about raising concerns about conduct or practice which is potentially illegal, corrupt, improper, unsafe or unethical or which amounts to malpractice or is inconsistent with school standards and policies so that s/he is encouraged to act on those concerns
- provide members of staff with avenues to raise concerns
- ensure that members of staff receive a response to the concerns they have raised and feedback on any action taken
- offer assurance that members of staff are protected from reprisals or victimisation for whistleblowing action undertaken in good faith and within the meaning of the PIDA.

2.3 This policy covers whistleblowing relating to alleged:

- unlawful conduct
- miscarriages of justice in the conduct of statutory or other processes
- failure to comply with a statutory or legal obligation
- potential maladministration, misconduct or malpractice
- health and safety issues including risks to the public as well as risks to pupils and members of staff
- action that has caused or is likely to cause danger to the environment
- abuse of authority
- unauthorised use of public or other funds
- fraud or corruption
- breaches of financial regulations or policies
- mistreatment of any person
- action that has caused or is likely to cause physical danger to any person or risk serious damage to school property
- sexual, physical or emotional abuse of members of staff or pupils
- unfair discrimination or favouritism
- racist incidents or acts, or racial harassment and
- any attempt to prevent disclosure of any of the issues listed.



2.4 The PIDA sets out the full statutory rights and obligations of members of staff wishing to whistleblow.

2.5 The governing body will not tolerate harassment or victimisation of members of staff when matters are raised in accordance with the PIDA provisions. Any member of staff who victimises or harasses a member of staff as a result of their having raised a concern in accordance with the whistleblowing policy will be dealt with under the governing body's staff disciplinary procedures

### **3. Confidentiality**

3.1 The governing body recognises that members of staff may want to raise concerns in confidence and will do its utmost to protect the identity of members of staff who raise a concern and do not want their name disclosed.

3.2 However investigation into the concern could reveal the source of the information; and statements may be required from the member of staff as part of the evidence, which would be seen by all parties involved. If the investigation leads to prosecution and the whistle blower is likely to be called in to give evidence in court.

### **4. Anonymous Allegations**

4.1 Staff should put their name to allegations whenever possible - anonymous concerns are much less powerful. Nonetheless anonymous allegations may be considered under this whistleblowing procedure especially concerns raised relating to the welfare of children. In relation to determining whether an anonymous allegation will be taken forward the governing body will take the following factors into account:

- the seriousness of the issue raised
- the credibility of the concern
- the likelihood of confirming the allegation from attributable sources, and obtaining information provided.

### **5. Untrue and Malicious/Vexatious Allegations**

5.1 If a member of staff makes an allegation in good faith but it is not confirmed by further inquiry the matter will be closed and no further action taken. If, however, the inquiry shows that untrue allegations were malicious and/or vexatious or made for personal gain then the governing body will consider taking disciplinary action against the member of staff.

### **6. Allegations Concerning Child Protection Issues**

6.1 If a member of staff raises a concern related to a child protection issue, the Headteacher, Safeguarding governor or Chair of Governors (if the concern is about the Headteacher) should urgently consult the LA officer designated to lead on child protection (Local Authority Child Protection Officer: **LADO 02476 833443**)

6.2 However, in relation to child protection issues, it is open to the member of staff to make a direct referral to the social services designated manager either before raising their concern with the governing body or where the headteacher or chair of governors fails to do so after raising their concern and the member of staff remains concerned about the situation.

*It is essential that staff know what to do if they feel that safeguarding practice isn't good enough.*



6.3 Lote Tree operates a culture of safeguarding across the whole school community, and all staff should report any concerns about poor or unsafe practice, to the Headteacher, Deputy Headteacher or a member of SLT. Concerns should be expressed in writing. All concerns will be taken seriously.

6.4 In the event that a member of staff is unable to raise an issue with senior leadership in school, they should refer to **Part 1 of Keeping Children Safe in Education** for additional guidance on whistleblowing procedures. The LEA Local Authority Designated Officer for Child Protection (LADO) must be contacted as a matter of urgency:

**LADO 02476833443**

## **7. Procedure for Making a Whistleblowing Allegation**

7.1 Concerns should be expressed in writing to the Headteacher. If the concern involves the Headteacher then the Chair of Governors should be the first point of contact. It is expected that the person receiving the allegation will become the investigating officer. However, it is at the discretion of this person to delegate the investigation to another person if they feel this is appropriate.

7.2 If you feel you cannot express your concerns within the school, it is open to you to raise your concern with someone outside the school setting from the list of organisations in the section of this policy 'Taking the Matter Further'. However it would usually be expected that the Chair of Governors would be the person to whom you express your concerns.

7.3 Where the concern relates to a child protection matter, if you do not want to raise this through the school, you must consult the LEA officer designated to lead on child protection, LADO, or if that person is not available, the local authority's designated social services manager for child protection. If the concern needs to have Police or other statutory authority involvement, the whistleblowing process will be halted until the statutory authorities have completed their investigations and confirmed that it is appropriate to continue with the whistleblowing process.

7.4 Your concern should be in writing for the avoidance of doubt. You should set out the background and history of the concern; giving names, dates and places where possible, and explaining the reason for your concerns. If you feel unable to put the matter in writing you can still raise your concern verbally and should telephone or arrange to meet the appropriate person. You can also ask your trade union or professional association to raise the matter on your behalf or to support you in raising the concern.

## **8. Investigating a disclosure**

8.1 Once an employee/worker has raised a concern, the Headteacher (or Chair of Governors) will carry out, within 10 working days, an initial assessment to determine the scope of any investigation. The employee/worker will be informed of the outcome of this assessment. The employee/worker raising the concern may be required to attend additional meetings in order to provide further information.

8.2 The Headteacher (or Chair of Governors) may consider it appropriate to refer the concern to an external agency for consideration in advance of any internal investigation. This may be appropriate where concerns about child safeguarding, potential criminal activity or unsafe working practices are raised. Where this is deemed appropriate, no further internal investigation should be undertaken until clearance is given.

8.3 Where necessary, the school may appoint an investigator or team of investigators, including those with relevant experience of investigations or specialist knowledge of the subject matter. The investigator(s) may



make recommendations for change to enable the school to minimise the risk of future wrongdoing.

8.4 The Headteacher (or Chair of Governors) will aim to keep the employee/worker informed of the progress of the investigation and likely timescale. Sometimes the need for confidentiality may mean that the employee/worker cannot be given specific details of the investigation or any disciplinary action taken as a result. The employee/worker is required to treat any information about the investigation as strictly confidential.

8.5 If it is concluded that an employee/worker has made false allegations maliciously, in bad faith or with a view to personal gain, they will be subject to disciplinary action under the school's disciplinary policy and procedure.

8.6 Whilst it cannot always be guaranteed that the outcome will be in line with the employee's/worker's expectation, concerns will be dealt with fairly and in an appropriate way.

8.7 There is no right of appeal against any decisions taken under this policy and procedure.

## **9 Response to Whistleblowing**

9.1 The matter raised may:

- need inquiry internally in the school
- need to be passed to the Police if it relates to alleged criminal activity
- need to be passed to the person in the LEA who deals with complaints about financial management or financial propriety in schools.
- need to be referred to the LEA officer designated to lead on child protection if there is a concern relating
- to child protection, or if that person is not available the local authority's designated social services manager
- for child protection.

9.2 At this stage concerns/allegations are neither accepted nor rejected.

## **10. Timescale for Response**

10.1 You will normally receive a written response within 5 working days (except in the case of anonymous allegations):

- Acknowledging that the concern has been received
- Indicating how it is proposed to deal with the matter
- Giving an estimate of how long it will take to provide a final response
- Advising whether any enquiries have been made
- Advising whether further enquiries will take place
- Informing you of support available whilst matters are looked into, and
- Maintaining confidentiality wherever possible, but also explaining that it may not be possible that you can remain anonymous.

## **11. The Inquiry Process**

11.1 The investigation officer will:

- Look into the allegation - seeking evidence and interviewing witnesses as necessary.
- Maintain confidentiality wherever possible but will be mindful that there is no guarantee that the whistleblower



- can remain anonymous.
- If appropriate, bring the matter to the attention of the LA person dealing with complaints about financial management of schools.
- If appropriate, for concerns of criminal behaviour refer the matter to the Police.
- If appropriate, for concerns of child protection, refer the matter to the LA officer designated to lead on child protection/local authority social services designated manager for child protection. The whistleblowing process will be halted until the statutory authorities have completed their investigations and confirmed that it is appropriate to continue with the whistleblowing process.

11.2 If the investigating officer needs to talk to you, you are permitted to be accompanied by a trade union or professional association representative or a fellow member of staff not involved in the area of work to which the concern relates.

11.3 The target is to complete the inquiry within 15 working days from the date of the initial written response, although the enquiry may extend beyond this timescale.

## 12. The Inquiry Report

12.1 Following completion of the inquiry process the investigating officer will make a written report and if necessary, action will be taken. This may result in a trigger for the grievance and/or disciplinary procedure to be implemented against the person reported. The whistle blower will also be notified of the outcome. The report will not contain the whistle blower's name unless you have expressly stated that you wish to be named.

12.2 If the investigation was carried out by a person other than the Head teacher or Chair of Governors the written report must be submitted to the Head teacher and Chair of Governors to determine what further action (if any) is required. When considering further actions, the Head teacher and Chair of Governors **must** act on any recommendations made in the report. If the Head teacher and Chair of Governors cannot agree on further actions, a panel of three governors (excluding the Head teacher, Chair of Governors and any governors employed at the school) will be convened to consider the report and agreed further actions.

12.3 Following completion of the investigation, and any actions arising from the investigation, a copy of the report (anonymised) will be made available to all governors.

## 13. TAKING THE MATTER FURTHER

13.1 If no action is to be taken and/or you are not satisfied with the way the matter has been dealt with, you can make a complaint under the governing body's complaints procedure or raise your concerns with other organisations as listed below:

- the local authority
- Prescribed Person or Body (eg. Ofsted, Education Funding Agency, Children Commissioner or NSPCC - <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-peopleand-bodies>)

## 14. Confidentiality

14.1 The Governing Body view confidentiality as a two-way process and will endeavour to maintain this approach,





though they recognise this cannot always be guaranteed. In return we would expect concerns the employee/worker has raised through this policy will remain equally confidential until there has been an opportunity for their assessment.

14.2 All concerns will be treated in confidence and every effort will be made not to reveal the identity of the employee/worker raising the concern if that is their wish. If the school are not able to resolve the employee's/worker's concern without revealing their identity, it will be discussed with them beforehand.

14.3 The Governing Body also wishes to state that although a concern may also be raised anonymously, it may impede the designated managers ability to undertake a thorough assessment if the employee/worker chooses to do so. The Governing Body would hope that the protection provided by this policy would negate the need for such actions. Concerns expressed anonymously are much less powerful but may be considered by the school taking into account:

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

The Headteacher or Chair of Governors will decide in each case whether a complaint made anonymously should be investigated

## **15. Support and Advice**

15.1 If the employee/worker is unsure and wishes to seek support they may wish to speak to their trade union if they are associated with one.

15.2 If the employee/worker wishes to access advice then they may wish to speak to the Public Concern at Work charity via e-mail [whistle@pcaw.org.uk](mailto:whistle@pcaw.org.uk) or telephone (020 7404 6609).

## **12. Report to Governing Body**

12.1 The Headteacher will report to governors the outcome of whistle blowing investigations, anonymising the detail but confirming the outcome and any school actions arising from the investigation





