



LEADING THE WAY
FOR GENERATIONS

Whistleblowing
Policy

September

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Contents

1. Introduction
2. Aims
3. Scope of the code
4. Safeguards
5. Confidentiality
6. Anonymous allegations
7. Untrue allegation
8. How to raise a concern
9. How the Partnership will respond
10. How the matter can be taken further

1. Introduction

Stanley Learning Partnership (SLP) is committed to the highest possible standards of openness, honesty and accountability.

SLP expects all employees and anyone in contact with either the partnership directly, or any of its academies who have serious concerns about any aspect of the trust and/or its academies to be able to voice their concerns.

Wherever possible, staff are encouraged to use the appropriate procedures agreed within SLP to report issues in an open and transparent way, as this reflects our ethical way of working.

SLP does recognise however, that some cases may have to proceed on a confidential basis.

The purpose of this policy is to make clear that employees and others can report concerns without fear of victimisation, subsequent discrimination or disadvantage and to encourage and enable employees to raise serious concerns within the Academy and/or partnership rather than overlooking a problem or 'blowing the whistle' outside.

This policy applies to anyone involved within SLP and/or any of its academies including employees, Members, Trustees, Local Governors, agency staff, contractors and suppliers.

These procedures are in addition to the Complaints Policy set up within SLP and other statutory reporting procedures that apply to some services.

2. Aims

This code aims to:

- encourage confidence to enable serious concerns to be raised and to question and act upon concerns about practice;
- provide avenues for concerns to be raised and to enable feedback to be given on any action taken;
- ensure that a response is received to any concerns that are raised and confirmation of further actions that can be taken should the individual not be satisfied;
- provide reassurance that there will be protection from possible reprisals or victimisation following any disclosure made in the public interest.

3. Scope of the code

To make a disclosure under this code you must reasonably believe:

- that you are acting in the interests of the partnership, its academies or the public;
- that the disclosure tends to show past, present or likely future wrongdoing falling into one or more of the following categories:
 1. criminal offences;
 2. failure to comply with an obligation set out in law;

3. miscarriages of justice;
4. endangering of someone's health and safety;
5. damage to the environment;
6. covering up wrongdoing in the above categories;

Examples of the above could include:

- safeguarding concerns, including sexual or physical abuse of children/or vulnerable young people/adults including low level concerns which do not meet the harm threshold (see below);
- conduct which is an offence or a breach of law;
- health and safety risks, including risks to the public as well as other employees;
- the unauthorised use of public funds;
- negligence;
- unauthorised disclosure of confidential information;
- possible fraud and corruption;
- deliberate concealment of the above matters.

Safeguarding Concerns:

Allegations that May Meet the Harms Threshold refer to cases of allegations that might indicate a person (including supply teachers, volunteers and contractors) would pose a risk of harm if they continue to work in their present position, or in any capacity with children in school. Allegations which meet the harm threshold include those where the person 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 (including behaviour that may have happened outside of school).

Concerns that do not meet the harm threshold may arise from, for example, suspicion, complaints or disclosures made by children, parents or other adults. A low level concern is any concern, no matter how small, and even if no more than a sense of unease or a 'nagging doubt' that an adult working in or on behalf of school 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 allegations threshold or is otherwise not considered serious enough to consider referral to the LADO.

Examples of low level concerns include (but are not limited to):

- being over-friendly with children;
- having favourites;
- taking photographs of children on mobile phones;

- engaging with a child on a one to one basis in a secluded area or behind a closed door or
- using inappropriate sexualised, intimidating or offensive language.

It is crucial that any such concerns, including those which do not meet the harm threshold are shared responsibly and with the right person and recorded and dealt with appropriately.

The above lists are neither exclusive nor exhaustive.

Therefore, any serious concerns, which are in the public interest, about any aspects of the partnership's business or the conduct of employees, Members, Trustees, Local Governors or others acting on behalf of SLP and/or any of its academies can be reported under this Confidential Reporting Code.

4. Safeguards

SLP recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The partnership will not tolerate harassment or victimisation and will act to protect anyone who raises a concern in good faith. This does not mean that if you are already the subject of procedures such as disciplinary, capability, grievance or attendance management, that those procedures will be halted because of a disclosure covered by this code. Where feasible, you will be contacted when your concern has been investigated to ascertain whether you have suffered any detriment because of your whistleblowing. If at any time, either during or after the investigation, you feel that you have suffered any detriment because of your whistleblowing you should contact the CEO.

5. Confidentiality

All concerns will be treated in confidence and every effort will be made not to reveal the identity of the person raising the concern. Any breach of confidentiality will be regarded as a serious matter and will be dealt with accordingly. Whilst every effort will be made not to reveal your identity you may be called as a witness if the matter is progressed. All information will be handled sensitively and used only for its proper purpose.

6. Anonymous allegations

Allegations can be made anonymously. However, this code encourages individuals to put their name to the allegation, as concerns expressed anonymously are much more difficult to investigate. Anonymous allegations will be considered as far as is practicably possible by the partnership.

7. Untrue allegations

If an allegation is made in good faith, but it is not confirmed by the investigation, no action will be taken against the person who raised the concern. If, however, allegations are found to be malicious or vexatious, appropriate action may be taken against the individual.

8. How to raise a concern

As a first step, concerns should normally be raised with your Headteacher either verbally or in writing. This will depend on the seriousness and sensitivity of the issues involved and who is alleged to be involved in the malpractice.

Concerns regarding the Headteacher should be raised with the CEO.

Concerns regarding the CEO should be raised with the Chair of the Trust Board.

You may invite your trade union, professional association or a work colleague to be present during any meetings or interviews in connections with the concerns raised.

The NSPCC offer a free advice and support to professionals with concerns about child protection issues. This is a useful service to enable you to talk through your concerns.

9. How the Partnership will respond

The action taken by SLP will depend on the nature of the concern and the matters raised may:

- be investigated internally (this is the most likely)
- be referred to the police or other statutory agencies
- be referred to the Local Authority Designated Officer
- be referred to the external auditor

To protect individuals and the partnership, initial enquires will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations that fall within the scope of specific procedures e.g. child protection or discrimination issues, will normally be referred for consideration under those procedures.

Some concerns may be resolved by agreed action without the need for investigation. Within 10 working days of receiving the concern the Headteacher/CEO/Chair of the Trust Board will write to you:

- Acknowledging that the concern has been received
- Indicating how it is proposing to deal with the matter
- Confirming whether any initial enquiries have been made; and
- Informing whether further investigations will take place and, if not why not.

The amount of contact between the person raising the concern and the investigating officer will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information may be sought.

When any meeting is arranged, you have the right, if you wish, to be accompanied by a trade union or professional representative or work colleague who is not involved in the area of work to which the concern relates.

SLP will take steps to minimise any difficulties that may be experienced as a result of raising a concern.

For instance, if you are required to give evidence in criminal or disciplinary proceedings, the partnership will advise about the procedure. SLP acknowledges the need to provide assurance that the matter has been properly addressed. Thus, subject to legal constraints, you will receive appropriate information about the extent and outcomes of any investigations.

10. How the matter can be taken further

This policy is intended to provide a mechanism to raise concerns within SLP and that all concerns raised are resolved to your satisfaction. If you remain dissatisfied, and feel that it is right to take the matter beyond the partnership, you may wish to take advice from your Trade Union representative, your local citizens advice bureau or your legal advisor on the options available to you.

If you do take the matter beyond the partnership, you should ensure that you do not disclose information where you owe a duty of confidentiality to persons other than SLP (e.g. service users) or where you could commit an offence by making a disclosure.

If for any reason you do not wish to use the internal arrangements set out previously, or require additional support and advice, a list of external agencies is given below. This list is not exhaustive and a fuller list can be found in the Public Interest Disclosure (Prescribed Persons) (Amendment) Order 2003 at www.legislation.hmsso.gov.uk

Ofsted

0300 123 4666

www.gov.uk/government/organisations/ofsted

NSPCC

0800 028 0285

Email: help@nspcc.org.uk

Protect:

<https://protect-advice.org.uk/>

Department for Education

0370 000 2288





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