



# WHISTLEBLOWING (SAFEGUARDING) POLICY Statutory

This Policy applies to all schools and employees within the Lighthouse Trust Partnership.

## Policy Approved by the Trust Board

Signed:

A handwritten signature in black ink that reads "Adele Haysom".

Name: Adele Haysom

Date 27<sup>th</sup> August 2021

## Board of Trustees

### Authorised for Issue

Signed:

A handwritten signature in blue ink that reads "Gary Lewis".

Name: Gary Lewis

Date 27<sup>th</sup> August 2021

Chief Executive Officer (CEO)

## Document History

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2.0	Gary Lewis	16.07.19	Changes to reflect that the Trust operates across two LA areas and update external advice contact details.
2.1	Gary Lewis	16.08.21	Changes to align with KCSIE 2021 and updated LSP Model Safeguarding and Child Protection Policy

# WHISTLEBLOWING (SAFEGUARDING) POLICY Statutory

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## 1. Preamble

*The Second Report of the Committee on Standards in Public Life: Local Public Spending Bodies* published by The Nolan Committee used the term “whistleblowing” to mean the confidential raising of problems or concerns within an organisation by a member of staff. This refers to matters of impropriety e.g. a breach of law, school procedures or ethics. Whistleblowing does not relate to the raising of a grievance within the School or Trust, these matters should be dealt with through the staff grievance procedures. The scope of this policy is to address the raising of concerns of a safeguarding nature. The Trust’s Business Ethics Policy contains provisions for whistleblowing on matters of financial impropriety or fraud.

Statutory protection for employees who whistle-blow 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.

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

## 2. Introduction

The Trustees, Governors and staff of the Lighthouse Schools Partnership seek to deliver all aspects of our activities with full regard for high standards of conduct and integrity. In line with the Trust’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.

This policy aims to:

- give confidence to members of staff about raising concerns about conduct or practice which is potentially illegal, improper, unsafe, unethical or which amounts to a failure of safeguarding duties so that they are 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.

## 3. When might this Whistleblowing (Safeguarding) Policy apply?

Individuals are encouraged to come forward in good faith with genuine concerns knowing they will be taken seriously. A whistleblower should ask a few questions before taking action:

- Is it, or do you believe it to be, illegal?
- Is it, or do you believe it to be, against codes of practice issued by the Trust, the North Somerset or Bath & North East Somerset Local Authorities, North Somerset or Bath & North East Somerset Child Safeguarding Boards, the Department for Education or a professional body?
- Does it contradict what the employee has been taught, or should have been taught?
- Is it about an individual’s behaviour or is it about general working practices?
- Has the whistleblower witnessed the incident?

This policy covers whistleblowing relating to alleged:

- unlawful conduct;

- failure to comply with a statutory or legal obligation;
- abuse of authority;
- sexual, physical or emotional abuse of pupils or vulnerable adults;
- unfair discrimination or favouritism;
- racist incidents or acts, or racial harassment; and
- any attempt to prevent disclosure of any of the issues listed.

Where the alleged activity or behaviour cannot be dealt with under the scope of other procedures then consideration should be given to using this whistleblowing policy or the Business Ethics Policy, e.g.

- any criminal activity;
- dangerous practices;
- abuse of position;
- sexual or physical abuse of pupils or others;
- other unethical conduct.

#### 4. Untrue and Malicious/Vexatious Allegations

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 Trust will consider taking disciplinary action against the member of staff.

All allegations should be capable of being dealt with through the disciplinary procedure and will be considered appropriately.

#### 5. Anonymous allegations

Anonymous allegations will only be considered if the issues raised are:

- Very serious;
- The credibility of the allegation is considered to be high;
- The likelihood of confirming the allegation is high.

#### 6. Safeguard Against Reprisal, Harassment and victimisation

The Trust 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 Trust disciplinary procedures.

The PIDA sets out the full statutory rights and obligations of members of staff wishing to whistle-blow.

#### 7. Confidentiality

The Trust 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.

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.

## 8. Allegations Concerning Child Protection Issues

If a member of staff raises a concern about an employee or governor within the Trust related to a child protection issue, the Headteacher or Chief Executive (if the concern is about the Headteacher) should urgently consult the Local Authority Designated Officer (LADO) and follow the advice received.

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 Trust or where the Trust fails to do so after receiving the concern and the member of staff remains concerned about the situation.

The process for managing allegations is fully set out in the LSP Safeguarding and Child protection Model policy and in each schools Safeguarding and Child Protection Policy.

## 9. Procedure

The Lighthouse Schools Partnership Model Safeguarding and Child Protection Policy and our School Safeguarding and Child Protection Policies encourage the whistleblower to raise the matter in the first instance with the Headteacher or Chief Executive.

The above policies set out their approach to managing allegations in section 7.7 and in Appendix 3.

If you feel you cannot express your concerns within the school and/or with the Chief Executive Officer, 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 Trust Chief Executive Officer or Chair of Board of Trustees would be the people to whom you express your concerns outside of the school.

Named persons for whistleblowing disclosures:

- The Chief Executive Officer can be contacted via [gLewis@lsp.org.uk](mailto:gLewis@lsp.org.uk)
- The Chair of the Board of Trustees and be contacted on [chairoftrustees@lsp.org.uk](mailto:chairoftrustees@lsp.org.uk)

Ideally your concern should be in writing. 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.

You are welcome to bring a colleague from or or a trade union or professional association representative to support you in a meeting.

Written, dated and signed supporting evidence and statements should always be taken to any meetings if possible.

Alternatively if the whistleblower considers the matter too serious or sensitive to raise within the internal environment of the Trust, the matter should be directed in the first instance to the North Somerset Local Authority Designated Officer (LADO), on 01275 888808, or the Bath & North East Somerset Local Authority Designated Officer (LADO), on 01225 396810 who will decide whether they wish to investigate the issue, refer to the police or raise that matter at the appropriate level with the school or Trust.

If the whistleblower is dissatisfied with the conduct of the investigation or resolution of the matter or has genuine concerns that the matter has not been handled appropriately, the concerns may be raised with the Chair of the Board of Trustees via email [chairoftrustees@lsp.org.uk](mailto:chairoftrustees@lsp.org.uk).

If an employee or other potential whistleblower is concerned about malpractice, wrongdoing or a possible safeguarding risk and is unsure whether to raise this with the school or Trust, he or she may find it helpful to contact the independent whistleblowing charity Protect (formerly known as Public Concern at Work) for advice. Protect can advise how best to raise a concern, while minimising any risk to the whistleblower. They can be contacted on tel. 0207 404 6609, email [whistle@protect-advice.org.uk](mailto:whistle@protect-advice.org.uk) , website <https://protect-advice.org.uk/> .

## 10. Taking the matter further

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 Trust complaints procedure or raise your concerns with other organisations as listed below:

- the Trust Chief Executive Officer;
- the Education & Skills Funding Agency;
- The Office of the Regional Schools Commissioner;
- a relevant professional body or regulatory organisation;
- the Children’s Commissioner for England;
- the Public Services Ombudsman for England;
- OfSTED;
- a solicitor;
- the Police - for concerns of criminal behaviour;
- a trade union or professional association;
- Protect (an independent charity that provides free advice for persons who wish to express concern about fraud and other serious malpractice. Protect - Speak up stop harm ([protect-advice.org.uk](https://protect-advice.org.uk))).

## 11. Conclusion

Existing good practice within the Lighthouse Schools Partnership in terms of its systems of safeguarding procedures and the external regulatory environment in which the Trust operates, ensure that cases of suspected impropriety rarely occur. This whistleblowing policy is provided as a reference document to establish a framework within which issues can be raised confidentially internally and if necessary outside the management structure of Trust. The policy gives a commitment that concerns are taken seriously and will be actioned. Any actions arising from allegations/investigation must be in accord with the Trust’s disciplinary procedure, which should cover all of the potential areas of concern.