



LIONHEART

EDUCATIONAL

TRUST

WHISTLEBLOWING POLICY

This policy applies to all academies within
Lionheart Educational Trust

August 2022-24

Version	Document History	Reviewer
2014	Original, based on LA template	COO
22.3.17	Updated for Lionheart Academies Trust	COO
Mar 2020	Updated and approved by the Board of Lionheart Academies Trust	CFO
Aug 2020	Child Protection & contact detail info. Updated & agreed by Board	CFO

SCHOOL CONTACTS

Chair of Governors – contact via details on the school website, Governance page

Headteacher – contact via the school website Contact Us page

LIONHEART EDUCATIONALTRUST CONTACTS

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Introduction

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’

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.

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

Aims and Scope of Policy

The Board of Lionheart Educational Trust (‘the board’) is committed to high standards in all aspects of the college and will treat whistleblowing as a serious matter. In line with the board’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, corrupt, improper, unsafe or unethical or which amounts to malpractice or is inconsistent with LAT 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.

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 college 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.

The following are examples of issues which would warrant whistleblowing (this is not an exhaustive list):

- Any unlawful act, whether criminal or a breach of civil law
- Maladministration, as defined by the Local Government Ombudsman
- Breach of any statutory Code of Practice
- Breach of, or failure to implement or comply with, Financial Regulations or Standing Orders
- Any failure to comply with appropriate professional standards (see Appendix B for summary of Teacher and Headteacher Professional Standards)
- Fraud, corruption or dishonesty
- Actions which are likely to cause physical danger to any person, or to give rise to a risk of significant damage to property
- Loss of income to the school
- Abuse of power, or the use of the school's powers and authority for any ¹¹_{SEP} unauthorised or ulterior purpose
- Discrimination in employment or the provision of education
- Any other matter that staff consider they cannot raise by any other procedure

The PIDA sets out the full statutory rights and obligations of members of staff wishing to whistleblow. Where members of staff are unclear about any of the PIDA requirements they should seek further advice. Public Concern at Work is an independent charity that provides free advice for persons who wish to express concerns about fraud or other serious malpractice (telephone 0207 404 6609 or www.pcaw.co.uk or whistle@pcaw.org.uk). Members of staff could also approach their trade union for further advice.

Safeguard Against Reprisal, Harassment and Victimisation

The board 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 board's staff disciplinary procedures.

The PIDA provides protection to employees in circumstances where their disclosure can be classed as a protected disclosure. Under the PIDA it would be automatically unfair to dismiss or make any employee/member

of staff redundant because they had made a protected disclosure; and that it would be unlawful to subject them to any other detriment, such as demotion or a fine. In the event of such action an Employment Tribunal has the power to order re-instatement, re-engagement or order the award of compensation to successful claimants.

Confidentiality

The board 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 whistleblower is likely to be called in to give evidence in court.

The board will not place members of staff under pressure to give their name and will give due consideration to proceeding with investigating the concern on the basis of an anonymous allegation.

Anonymous Allegations

Staff should put their name to allegations whenever possible - anonymous concerns are much less powerful. Nonetheless anonymous allegations will 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 board 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.

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

Allegations Concerning Child Protection Issues

Concern may be raised in relation to any member of staff (including supply staff). It may involve a direct allegation, or there may be a concern where children were not present but which may indicate that there is a transferable risk.

Any concerns relating to child protection issues should be reported immediately to the Principal or in their absence, the Vice Principal, who should urgently consult the LA officer designated to lead on child protection so that threshold can be discussed and if the process for allegations can be initiated.

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, CEO, chair of governors or chair of the board fails to do so after raising their concern and the member of staff remains concerned about the situation.

Procedure for Making a Whistleblowing Allegation

You should raise your concern with your Principal or, if absent, the Vice Principal. If the concern relates to the Principal, this should be reported to the Chair of Governors (contact details at the beginning of this policy).

If you feel that you would prefer to express your concerns to the trust leadership, contact the CEO or Chair of the Board (details at the beginning of this policy).

If you feel you cannot express your concerns within the school or the trust, it is open to you to raise your concern with someone outside the college setting from the list of organisations in the section of this policy 'Taking the Matter Further', with key organisations to contact suggested as the LA, Public Concern at Work and the trade unions. However, where the concern relates to a child protection matter, if you do not want to raise this through the school, you must consult the LA officer designated to lead on child protection 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.

If possible put your concern 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.

Response to Whistleblowing

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 LA who deals with complaints about financial management or financial propriety in colleges
- need to be referred to the LA 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.

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

Timescale for Response

The person appointed by the board to look into whistleblowing allegations will normally provide a written response to you **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.

The Inquiry Process

The appointed person 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 appointed person dealing with complaints about financial management of colleges.
- 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.

If the person appointed by the board 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. This meeting can be arranged away from the school to maintain confidentiality where necessary.

The target is to complete the inquiry **within 10-15 working days** from the date of the initial written response. If the enquiry extends beyond the timescales outlined for specific reasons all individuals concerned will be notified of this in writing with an indication when the inquiry will be completed.

The Inquiry Report

Following completion of the inquiry process the person appointed will make a written report and submit to the chair of the governing body or chair of the board normally **within 5 working days**. **The report will not contain the whistleblower's name unless you have expressly stated that you wish to be named.**

Following receipt of the inquiry report, the chair of governors or chair of the board will convene a committee with at least one board member and an independent person from outside the governing body/board, e.g. the LA or a governor of another college to consider the inquiry report and decide on the action to be taken. This should normally take place **within 5 - 10 working days** following receipt of the inquiry report.

Following notification of the committee's decision, the chair of governors or chair of the board will notify you of the outcome normally **within 5 working days** (except in relation to anonymous allegations), setting out the action to be taken or that no further action is to be taken and the reasons why.

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 Lionheart Academy Trust's complaints procedure or raise your concerns with other organisations such as those listed below:

- the Education and Skills Funding Agency (ESFA)
- a solicitor
- the Police - for concerns of criminal behaviour
- a trade union or professional association
- Public Concern at Work (an independent charity that provides free advice for persons who wish to express concern about fraud and other serious malpractice. Telephone 0207 404 6609 or www.pcaw.co.uk or whistle@pcaw.org.uk).

Appendix A to Whistleblowing Policy

Guidance Note for Members of Staff

This guidance should be followed if you suspect any conduct or practice in any area of the school's activities which is potentially illegal, corrupt, improper, unsafe or unethical or which amounts to malpractice.

DO

- Make an immediate note of your concerns.
- Note all relevant details such as what was said in telephone or other conversations, the date, time and the names of any parties involved; or any action observed.
- Deal with the matter promptly.
- Keep a copy of all notes/details etc.
- Ask for a copy of your school's whistleblowing policy if this has not routinely been made available to all college staff.
- Report any safeguarding concerns about a member of staff (including supply staff) to the Principal or Vice Principal (in their absence). If it about the Principal, this will need to be reported to the Chair of Governors.

DO NOT

- Do nothing.
- Be afraid of raising your concerns. You must not suffer any recrimination as a result of voicing a reasonably held suspicion. The headteacher, CEO, chair of governors or chair of the board will treat any matter you raise sensitively and confidentially wherever possible (if you feel that the matter raised is not being treated sensitively and seriously then seek professional or alternative advice).
- Approach or accuse any individuals directly.
- Try to investigate the matter yourself. There are rules surrounding the gathering of evidence for use in criminal cases and in relation to child protection cases. Any attempt to gather evidence by people who are unfamiliar with these rules may destroy the case.
- Convey your suspicions to anyone other than those with the proper authority although other organisations such as a trade union or professional association may help you raise your concerns.
- If you wish to remain anonymous, do not include your name / position or any other information which could lead to your identity being disclosed.

Remember the Public Interest Disclosure Act 1998 protects you from victimisation by dismissal, redundancy or any other detrimental action provided you:

- Have disclosed the information in good faith.
- Believe it to be substantially true.
- Have not acted maliciously or made a false allegation.
- Are not seeking any personal gain.
- It was reasonable for the disclosure to have been made.

Appendix B: Teacher and Headteacher Standards

Teachers' Standards Preamble

Teachers make the education of their pupils their first concern, and are accountable for achieving the highest possible standards in work and conduct. Teachers act with honesty and integrity; have strong subject knowledge, keep their knowledge and skills as teachers up-to-date and are self-critical; forge positive professional relationships; and work with parents in the best interests of their pupils.

Part One: Teaching A teacher must:

1. Set high expectations which inspire, motivate and challenge pupils
 - establish a safe and stimulating environment for pupils, rooted in mutual respect
 - set goals that stretch and challenge pupils of all backgrounds, abilities and dispositions
 - demonstrate consistently the positive attitudes, values and behaviour which are expected of pupils.
2. Promote good progress and outcomes by pupils
 - be accountable for pupils' attainment, progress and outcomes
 - be aware of pupils' capabilities and their prior knowledge, and plan teaching to build on these
 - guide pupils to reflect on the progress they have made and their emerging needs
 - demonstrate knowledge and understanding of how pupils learn and how this impacts on teaching
 - encourage pupils to take a responsible and conscientious attitude to their own work and study.
3. Demonstrate good subject and curriculum knowledge
 - have a secure knowledge of the relevant subject(s) and curriculum areas, foster and maintain pupils' interest in the subject, and address misunderstandings
 - demonstrate a critical understanding of developments in the subject and curriculum areas, and promote the value of scholarship
 - demonstrate an understanding of and take responsibility for promoting high standards of literacy, articulacy and the correct use of standard English, whatever the teacher's specialist subject
 - if teaching early reading, demonstrate a clear understanding of systematic synthetic phonics
 - if teaching early mathematics, demonstrate a clear understanding of appropriate teaching strategies.
4. Plan and teach well structured lessons
 - impart knowledge and develop understanding through effective use of lesson time
 - promote a love of learning and children's intellectual curiosity
 - set homework and plan other out-of-class activities to consolidate and extend the knowledge and understanding pupils have acquired
 - reflect systematically on the effectiveness of lessons and approaches to teaching
 - contribute to the design and provision of an engaging curriculum within the relevant subject area(s).
5. Adapt teaching to respond to the strengths and needs of all pupils
 - know when and how to differentiate appropriately, using approaches which enable pupils to be taught effectively

- have a secure understanding of how a range of factors can inhibit pupils' ability to learn, and how best to overcome these
- demonstrate an awareness of the physical, social and intellectual development of children, and know how to adapt teaching to support pupils' education at different stages of development
- have a clear understanding of the needs of all pupils, including those with special educational needs; those of high ability; those with English as an additional language; those with disabilities; and be able to use and evaluate distinctive teaching approaches to engage and support them.

6. Make accurate and productive use of assessment

- know and understand how to assess the relevant subject and curriculum areas, including statutory assessment requirements
- make use of formative and summative assessment to secure pupils' progress
- use relevant data to monitor progress, set targets, and plan subsequent lessons
- give pupils regular feedback, both orally and through accurate marking, and encourage pupils to respond to the feedback.

7. Manage behaviour effectively to ensure a good and safe learning environment

- have clear rules and routines for behaviour in classrooms, and take responsibility for promoting good and courteous behaviour both in classrooms and around the school, in accordance with the school's behaviour policy
- have high expectations of behaviour, and establish a framework for discipline with a range of strategies, using praise, sanctions and rewards consistently and fairly
- manage classes effectively, using approaches which are appropriate to pupils' needs in order to involve and motivate them
- maintain good relationships with pupils, exercise appropriate authority, and act decisively when necessary.

8. Fulfil wider professional responsibilities

- make a positive contribution to the wider life and ethos of the school
- develop effective professional relationships with colleagues, knowing how and when to draw on advice and specialist support
- deploy support staff effectively
- take responsibility for improving teaching through appropriate professional development, responding to advice and feedback from colleagues
- communicate effectively with parents with regard to pupils' achievements and well-being.

Part Two: Personal and professional conduct

A teacher is expected to demonstrate consistently high standards of personal and professional conduct. The following statements define the behaviour and attitudes which set the required standard for conduct throughout a teacher's career.

Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by:

- treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
- having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions

- showing tolerance of and respect for the rights of others
- not undermining fundamental British values, including democracy, the rule of law, individual liberty and mutual respect, and tolerance of those with different faiths and beliefs
- ensuring that personal beliefs are not expressed in ways which exploit pupils' vulnerability or might lead them to break the law.
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

Headteacher standards

Summary based on National Headteacher Standards 2004

Shaping the future	Leading Teaching & Learning	Developing self and working with others
<ul style="list-style-type: none"> • Informed: national, local, global trends • Vision: articulated, shared, understood, acted on, translated into school improvement objectives, demonstrated in everyday work & practice • Ambitious targets: highest standard for every pupil • Motivating: creating a positive working environment; empower, inspire, challenge • Innovating: creative • Equality: strategic direction takes account of diversity & values of school & community 	<ul style="list-style-type: none"> • Focus: consistently on pupils' achievement, effectively using data & benchmarks to monitor • Learning: central to all strategic management & resource planning; personalised; learning & researching community • Targets: challenging, with high expectations • Behaviour & attendance: ensures high standards • Curriculum: diverse, flexible, using new technologies where appropriate • Assessment: effective • Underperformance: challenged, action taken • Inclusion & access: ensured • Self evaluating school 	<ul style="list-style-type: none"> • People treated with: fairness, equity, dignity, respect • Collaborative learning culture in school and with other schools; shared leadership • Effective staff induction, professional development, performance management • Effective delegation with clear responsibilities • Celebrating achievement of teams and individuals • Reviews own practice, takes responsibility for own development, sets own targets • Manages own and staff workload to allow work/life balance • Accepts support from others – colleagues, LA, governors
Managing the organisation	Securing accountability	Strengthening Community
<ul style="list-style-type: none"> • Organisational structure: reflects school's values; ensure appropriate structures & systems • School meets legal & statutory obligations including health & safety, equality • Policies & practices take account of local circumstances, policies, initiatives • Financial & human resources managed effectively in line with school priorities • Staff recruited, retained & employed effectively • Successful performance management throughout school • Work with other schools to strengthen school's capacity and support capacity in other schools • Thinking creatively to anticipate & solve problems 	<ul style="list-style-type: none"> • School ethos: collaborative, everyone sharing successes, accepting responsibility for outcomes, taking part in self-evaluation • Individual staff accountabilities clearly defined, understood, agreed, rigorously reviewed • Providing effective information, advice & support to Governing Body to ensure it can meet its responsibilities • Presenting coherent, clear, accurate account of school performance to parents, governors, carers; engages effectively with stakeholders • Reflecting on own contribution to outcomes; takes account of feedback • Positive academic, social, emotional, cultural, emotional development for all pupils 	<ul style="list-style-type: none"> • School culture & curriculum value diversity • Positive & effective strategies for dealing with racial & other prejudices • Pupils' learning linked into wider community • Collaborating with other agencies to ensure best outcomes, including safeguarding • Effective partnership with parents & carers to ensure best academic & personal development for pupils • Enhancing school by inviting in community leaders, parents, carers, businesses etc. to enrich the school • Working in partnership with other schools to support the greater good • Engaging in dialogue to build partnership & community consensus, based on shared values, principles & responsibilities