



The right support, at the right time

Whistleblowing Policy

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This policy sets out the procedures and responsibilities for Whistleblowing at the Leading Futures Alternative Provision.

These procedures should be read in conjunction with the Leading Futures Child Protection & Safeguarding Policy which is available on the website. Safeguarding concerns, or allegations against staff (including supply staff and volunteers) will be dealt with in accordance with Keeping Children Safe in Education 2024.

Summary and Aims

This policy outlines the procedure at Leading Futures for protecting staff members who report concerns about colleagues or Directors they believe are engaging in wrongdoing, illegal activities, or neglecting their duties. This procedure is vital for safeguarding children.

As stated in the *Working Together to Safeguard Children 2018*, organisations must establish arrangements that emphasize the importance of safeguarding and promoting children's welfare, including clear whistleblowing procedures. These should align with the principles set out in Sir Robert Francis' *Freedom to Speak Up Review* and be properly reflected in staff training and codes of conduct. Additionally, fostering a culture that encourages addressing safeguarding and welfare concerns is essential.

Employees are often the first to notice issues within an educational environment, so it is crucial that they feel safe and supported when raising concerns, without fear of harassment or retaliation. Otherwise, they may choose to overlook issues rather than report them.

The Public Interest Disclosure Act 1998 acknowledges this challenge and provides protection for employees who make disclosures in the public interest, shielding them from detrimental actions or dismissal. This policy builds on these protections, ensuring staff are supported when raising concerns.

Principles of Whistleblowing (with reference to Sir Robert Francis' *Freedom to Speak Up Review* Report)

At Leading Futures, we foster a culture of safety and openness, aiming to continuously improve through reflection and learning. We encourage all concerns, including whistleblowing, to be raised in accordance with our policies and procedures, with the goal of maintaining a workplace free from bullying or intimidation among adults.

Our senior leadership team within the alternative provision will be easily accessible and visible to all staff, volunteers, and visitors. This visibility ensures that anyone wishing to raise a concern can do so without barriers. Directors will be known to all staff and volunteers, and visitors will be informed of the Director's name and contact details as part of our visitor procedures.

We highly value those who raise concerns, as they contribute to our ongoing commitment to reflective practice. Senior leaders and Directors will regularly use leadership meetings to review and reflect on practices, ensuring continuous improvement.

Concerns can be raised informally or formally, following the steps outlined in this policy. We are committed to addressing concerns swiftly and thoroughly, with our nominated persons leading the process. Investigations will be carried out in a fair and proportionate manner, focusing on resolution rather than assigning blame. Where appropriate, mediation or dispute resolution may be used.

At Leading Futures, we recognise the importance of supporting those who raise concerns. We will ensure that individuals receive the necessary assistance, including support from a senior leader or Director, and/or access to our employee well-being service.

All staff, including supply staff and volunteers, will receive training on how to raise concerns and how these concerns will be handled as part of their induction. Those responsible for managing concerns will be equipped with the appropriate knowledge and skills to do so effectively.

We aim to handle concerns through a transparent and accountable process. If needed, the Director may seek an external review of the concern or report it to an appropriate authority. Leading Futures supports best practices in managing whistleblowing within educational environments.

Recognising the need for specific measures to support vulnerable groups, we ensure that supply staff and volunteers have access to the same support and procedures as permanent staff. We are particularly mindful of providing additional support and protection for staff from Black and minority ethnic backgrounds, as well as trainees. Our primary concern is to create an environment where all staff feel empowered to raise concerns freely and are supported in doing so.

To further support this commitment, Leading Futures has appointed a *Freedom to Speak Up* Guardian—our Director of SEND. This role ensures that all staff members have a trusted person to turn to, without fear of negative consequences.

What is a Whistleblower?

A whistleblower is a worker who reports certain types of wrongdoing they have witnessed, typically at work, though it doesn't always have to be.

The wrongdoing you report must be in the public interest, meaning it should affect others, such as learners at the provision.

As a whistleblower, you are protected by law, which means you should not face unfair treatment or lose your job for raising a concern.

You have the right to raise concerns about past incidents, things happening currently, or situations you believe may occur in the future.

Who is Protected by Law?

If you are a worker, you are protected, which includes the following roles:

- Employee (e.g., teacher, lunchtime supervisor)
- Trainee (e.g., trainee teacher)
- Agency worker (e.g., supply teacher)
- Volunteer

If you're unsure whether you are protected, you can seek independent advice from organisations like Citizens Advice or your trade union.

Please note, any confidentiality or 'gagging' clauses in settlement agreements are not valid if you are a whistleblower.

Complaints that Count as Whistleblowing

Whistleblowing involves disclosing information related to suspected wrongdoing or dangers in the workplace. This can include:

- A criminal offence, such as fraud
- A situation where someone's health and safety is at risk
- Potential or actual harm to the environment
- A miscarriage of justice
- The company breaking the law (e.g., not having the right insurance)
- A belief that someone is concealing wrongdoing

If you report any of these concerns, you are protected by law.

In educational settings, whistleblowing may relate to the treatment of children and young people. Examples include:

- Deliberately ignoring the best interests of a child or young person
- Teasing, harassing, or inappropriately touching a child or young person
- Threatening or distressing a child, young person, or parent
- Neglecting a child by not providing necessary support, medical attention, or care
- Hitting or restraining a child inappropriately
- Misusing a child or young person's money or possessions

Complaints That Do Not Count as Whistleblowing

Personal grievances, such as bullying, harassment, or discrimination, are not considered whistleblowing unless the issue is in the public interest. These should be addressed using the Leading Futures Grievance Policy.

Who to Tell and What to Expect

Before starting the whistleblowing process, employees should consider the following:

- All employees have a responsibility to raise concerns about unacceptable practices or behaviour
- Employees should use line managers, team meetings, or other opportunities to raise day-to-day concerns and seek clarification
- While it can be challenging to raise concerns about a colleague's behaviour, employees must act to prevent issues from escalating and avoid potential involvement in wrongdoing

This policy should not be used for complaints about personal circumstances, such as how an employee has been treated at work. These types of concerns should be addressed through the Leading Futures Grievance Procedure.

If staff have a concern, they should aim to report it internally before contacting an external 'prescribed person or body.' An external report should only be made if the employee believes the provision will cover it up, treat them unfairly, or if the concern has already been raised internally without resolution.

In some cases, it may be appropriate for a trade union to raise a concern on an employee's behalf.

Concerns should ideally be raised in writing. The employee should include background information, names, dates, and locations where possible, and explain why they are particularly concerned about the situation. If an employee cannot submit a written report, they should arrange a call or meeting with the appropriate person. Regardless of how the concern is raised, the employee should clearly state they are using the whistleblowing procedure.

The sooner a concern is raised, the easier it is to address. While employees are not expected to prove the truth of their allegations, they must show there are sufficient grounds for concern.

Process for Reporting Concerns

Step1:

Report your concern to a senior member of staff, unless you believe they may cover it up, treat you unfairly, or if the matter has already been raised but not addressed.

Step2:

If you feel the senior member of staff is not addressing the concern, you should report it to the Director of Service, unless you believe they will cover it up, treat you unfairly, or if the matter has already been raised without resolution.

Step3:

You can escalate your concern directly to the relevant professional body. Alternatively, you can report it to the *Freedom to Speak Up* Guardian, the Director of SEND, also contactable via their email. This step is appropriate unless you believe any of these individuals will cover it up, treat you unfairly, or if the matter has not been adequately addressed after being raised previously.

Step4:

If your concern is still unresolved, you may report it to an external prescribed person or body. These include, but are not limited to:

- **Ofsted**
 - Whistleblowing hotline: 0300 123 3155
 - Email: whistleblowing@ofsted.gov.uk
 - Address: WBHL, Ofsted, Piccadilly Gate, Store Street, Manchester, M1 2WD

- **NSPCC**

- Helpline: 0800 028 0285
- Email: help@nspcc.org.uk

- **Children's Commissioner for England**

- Phone: 020 7783 8330
- Email: info.request@childrenscommissioner.gov.uk
- Address: The Office of the Children's Commissioner, Sanctuary Buildings, 20 Great Smith Street, London, SW1P 3BT

- **Secretary of State for Education**

- Phone: 0370 000 2288
- Electronic contact: www.gov.uk/contact-dfe
- Address: Ministerial and Public Communications Division, Department for Education, Piccadilly Gate, Store Street, Manchester, M1 2WD

- **ESFA (Education and Skills Funding Agency)**

- For financial allegations related to academy trusts, use the ESFA online enquiry form.
- Address: Counter Fraud and Investigation Team, Education and Skills Funding Agency, Bishopsgate House, Feethams, Darlington, DL1 5QE

- **Whistleblowing Charity**

- *Public Concern at Work*: www.pcaw.org.uk

Step5:

If you prefer not to report your concern to your employer or a prescribed body, you may seek legal advice or contact your MP for further guidance.

Making Your Claim Anonymously or Confidentially

You can report your concern anonymously, but please note that it may be difficult for the identified person or body to take further action if all necessary information is not provided.

You can also report your concern while requesting confidentiality. The person or body receiving the concern will make every effort to protect your identity.

If you report your concern to the media, you may lose the protections afforded to you under whistleblowing law.

What Happens After You Report Your Concern

The person or body you report your concern will listen to your issue and decide whether further action is needed. You may be asked for additional information.

If you wish to remain anonymous, you must make that clear from the start. You will not have control over how your concern is handled. However, the organisation will keep you informed of the actions taken, though they may be limited in what they can share due to confidentiality requirements regarding others involved.

A prescribed person or body cannot assist with any personal issues you may have with your employer.

If you're dissatisfied with how your concern was handled by Leading Futures, you can escalate it to another prescribed person or body, or contact organisations such as the Advisory, Conciliation and Arbitration Service (Acas), the whistleblowing charity *Protect*, or your trade union for further support.

The Role of the Directors

The Directors may be informed by an employee of their concerns, with the understanding that the matter is being raised as a whistleblowing issue. This can be done in person, in writing, or over the phone.

If the concern is reported directly to the Guardian, they should then escalate it to the Directors of Leading Futures.

The Director of Service should act promptly, arranging a meeting with the employee to discuss the concern as soon as possible.

At any meeting held under this policy, the employee may bring a colleague or trade union representative for support. The companion must respect the confidentiality of the disclosure and any subsequent investigation.

Stage One:

At the initial meeting, the Director of Service should establish the following:

- There is a genuine cause for concern, and the issue raised has sufficient grounds.
- The concern has been properly raised under the Whistleblowing Policy.

If the employee has not already put their concern in writing, the Director of Service should request that they do so. If the employee is unable to write it down, the Director of Service should take a written summary of the employee's concern and provide them with a copy after the meeting. Notes of the discussion should be made, clearly indicating that the employee is raising the issue through the Whistleblowing procedure, and should include:

- The background and history of the concern.
- Names, dates, and locations (where possible).
- The reasons for the employee's specific concern.

The employee should be asked to sign and date their written statement or the notes of any discussions. The Director of Service should encourage this step, as anonymous concerns are less effective and more difficult to address, especially if the information becomes evidence in other proceedings, such as internal disciplinary hearings.

The Director of Service should then explain the following to the employee:

- Who they will need to speak to determine the next steps.
- The actions they plan to take to address the concern.
- How the employee will be updated during and after the process. However, confidentiality may limit the details of the investigation or any resulting disciplinary action.
- That the employee will receive a written response within ten working days.
- That their identity will be protected as far as possible, but if the investigation requires their name to be disclosed, the employee will be informed before this happens.
- That the Directors will take all reasonable measures to protect the employee from discrimination or victimisation.
- That the concern will be taken seriously and investigated immediately.
- That no punitive action will be taken against the employee if their concern is raised in good faith but is not confirmed by the investigation.
- That if evidence is found that the concern was raised maliciously or with vexatious intent, disciplinary action may be considered.
- That if the investigation concludes that the concern is unfounded, the matter will be considered resolved, unless new evidence arises.

Stage Two:

Following the initial meeting, the Director of Service should consult with the Director of SEND to determine whether an investigation is necessary, and if so, what form it should take. A record of decisions and actions should be made.

For anonymous allegations, it may be necessary to assess whether further action is possible. When making this decision, the following factors should be considered:

- The seriousness of the issue raised.

- The credibility of the concern.
- The likelihood of confirming the allegation through verifiable sources.

In some cases, the concern may be resolved simply through agreed actions or explanations without further investigation. However, depending on the nature of the concern, it may require:

- An internal investigation.
- Investigation by an external body.
- Referral to the police.
- Referral to an external auditor.
- An independent inquiry.

The Director of Service should be familiar with Leading Futures policies and procedures (e.g., grievance, disciplinary, harassment, child protection) to ensure the concern is handled appropriately.

Stage Three:

Within ten working days of receiving the concern, the Director handling the issue must write to the employee to:

- Acknowledge receipt of the concern.
- Indicate how the matter will be addressed.
- Provide an estimate of how long it will take to reach a final response.
- Inform the employee of any initial inquiries made.
- Let the employee know whether further investigations will take place, and if not, explain why.
- Provide an update on when the employee can expect further details if the issue has not yet been resolved.

Untrue Allegations

If an employee raises a concern with genuine belief, but the investigation does not confirm the allegation, no action will be taken against that employee. However, if it is determined that the allegation was made maliciously, vexatiously, or with personal gain in mind, disciplinary action may be pursued.

Unfounded Allegations

If, after investigation, the allegations are found to be unfounded, the employee who raised the concern will be notified. The employee will be informed that the Directors consider the matter closed and that it should not be raised again unless new evidence comes to light.

If You Feel You've Been Treated Unfairly After Whistleblowing

If you believe you've been treated unfairly because you raised a whistleblowing concern, you have the right to take your case to an employment tribunal.

You can seek further advice from the Advisory, Conciliation and Arbitration Service (ACAS), Citizens' Advice, the whistleblowing charity Protect, or your trade union.

If you raised your concern anonymously, it may be more difficult to prove that any unfair treatment you experienced was due to your whistleblowing.

Any claim of unfair dismissal must be made within three months of your employment ending. You must notify Acas if you plan to take your case to an employment tribunal.