



# **LORD LAWSON OF BEAMISH ACADEMY**

## **WHISTLEBLOWING AND ALLEGATIONS OF ABUSE PROCEDURE AND POLICY**

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## The Policy

### 1. Introduction

- A. The Department for Education places a statutory duty on Lord Lawson of Beamish Academy's Governing Body to ensure that all complaints and allegations of abuse against employees, where there is a child welfare concern, are dealt with appropriately.

### 2. Aim

- A. This policy aims to help the employee:
- feel confident about raising their concerns and questions, and acting upon illegal or dishonest practice;
  - by reassuring them that their concerns will be treated with sensitivity and in confidence;
  - by providing them with feedback on action taken; and
  - feel reassured that they will be protected from possible reprisals or victimisation.
- B. This policy sets out the basis on which the Governing Body will handle allegations of abuse against employees.
- C. The Governing Body of Lord Lawson of Beamish Academy recognises that it is essential that any allegation of abuse against employees is dealt with fairly, quickly, and consistently, in a way which provides effective protection for the child and at the same time supports the employee who is the subject of the allegation.

### 3. Scope

- A. This policy applies to all employees of the Academy and for the purposes of this policy, "employees" includes volunteers and supply staff on or off the Academy's premises or sites.
- B. Employees within the Academy have daily contact with children in a variety of situations, including the wider care role and are likely to be vulnerable to allegations of abuse being made against them. These allegations may be substantiated; however, they may also be false, malicious, unfounded, or unsubstantiated. The Academy is committed to investigating all allegations regardless of the motives.
- C. The Academy will:
- make it clear that all allegations will be reported immediately;
  - ensure there is an employee who is identified as the Designated Safeguarding Lead (DESIGNATED SAFEGUARDING LEAD) within the Academy;



- ensure that a member of the Governing Body is nominated to deal with matters relating to Safeguarding;
- ensure that procedures are in place for the reporting of allegations to the Local Authority Designated Officer (LADO);
- ensure that a child who reports any potential abuse will be listened to.

#### **4. Responsibilities**

##### **A. The Governing Body will:**

- promote high standards of educational progress within the Academy;
- ensure that rigorous recruitment and induction processes are in place to appoint suitable candidates;
- nominate a member of the governing body to deal with matters relating to Safeguarding;
- ensure the Academy has appropriate Child Protection policies and procedures;
- be responsible for the conduct of any investigations into allegations made against the Principal;
- ensure nominated Governors attend appropriate training;
- ensure confidentiality of information from all parties involved.

##### **B. The Principal will:**

- act as the Designated Safeguarding Lead or allocate the role to an appropriate employee;
- be familiar with all Child Protection legislation, guidance and procedures;
- ensure that all employees are aware of their right to report any allegations or concerns of a safeguarding nature;
- ensure the Designated Safeguarding Lead has access to appropriate training in the role.

##### **C. The Designated Safeguarding Lead will:**

- be the Principal or a member of the Senior Leadership Team;
- undertake any training relating to handling child protection issues;
- report all allegations to the LADO;
- carry out an initial investigation of the allegation and record appropriate details;
- be the Investigating Officer should there be a need for a formal investigation into the allegation;
- co-ordinate any activities regarding child protection issues within the Academy;
- liaise with all agencies over suspected child abuse;
- assist the Police with their investigations, if necessary.

##### **D. The Designated Safeguarding Lead will:**

- advise the Academy if any allegation meets the threshold for safeguarding procedures to commence;



- establish contact with all agencies i.e. Police, Social Services and other external agencies;
- be the Academy's Safeguarding Lead point of contact;
- obtain an initial view from the Police on whether a potential criminal act has occurred.

E. The Employee will:

- report all allegations of child abuse in line with their statutory responsibility;
- undertake training relating to handling child protection issues;
- fully engage in any and all meetings needed to complete investigations into an allegation.

## 5. Record Keeping

A. Information regarding an allegation will be confidential to the employee concerned, the Designated Safeguarding Lead, the Academy's HR Officer (the Business Manager), the Principal and the nominated Safeguarding link member of the Governing Body.

B. Records will be retained as follows:

- allegations that are found to have been false or malicious will be removed from personnel records and cannot be referred to in the employer's references;
- allegations that are not substantiated or are unfounded will be retained on the personnel record and a copy of the record provided to the employee concerned but will not be referred in the employer's references;
- allegations that are upheld will be retained on the personnel records, a copy provided to the employee concerned and will be referred to in the employer's references.

C. Any records retained will be held until the employee reaches normal retirement age or for a period of 10 years from the date of the allegation, whichever is the longer.

## 6. Review

A. This policy was agreed by the Governing Body of Lord Lawson of Beamish Academy. It will be reviewed where necessary to take account of changes to any relevant legislation and/or advice issued by the Local Authority.



## The Procedure

### 1. Introduction

What is “Whistleblowing”?

- A. The official name for whistleblowing is ‘making a disclosure in the public interest’; however, it is much more commonly called ‘blowing the whistle’ or ‘whistleblowing’. It means that if you believe there is wrongdoing in your workplace (e.g. your employer or work colleague may be committing a criminal offence) you can report this by following the correct procedures, and your employment rights are protected. Whistleblowing occurs when an employee informs the Academy of illegal, dishonest or inappropriate activity or practices that have come to their attention during the course of their work, or which they have reason to believe may occur. Some examples of whistleblowing matters include:

- criminal offences
- exposing fraud (please refer to Whistleblowing – Financial Irregularity Policy)
- any form of abuse to children or the elderly in care
- health and safety issues concerning the workplace that puts the safety of workers or visitors at risk
- health and safety issues concerning Academy transport that puts the safety of passengers at risk
- failure to investigate allegations of sexual assault by one employee against another
- failure to comply with legal obligations (e.g. the Data Protection Act)
- corruption (e.g. payments in exchange for awarding contracts – please refer to Whistleblowing – Financial Irregularity Policy)
- risk to the environment
- any other work-related criminal activity of fellow employees.

Employees are often the first to realise that there may be something seriously wrong within the Academy. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or the Academy. They may also fear harassment or victimisation. In these circumstances, employees may feel that it is easier to ignore the concern rather than report it.

- B. This procedure will be adopted in all circumstances when handling allegations of abuse against employees of the Academy.
- C. The timescales for investigating and resolving individual cases will depend on a variety of factors including the nature, seriousness and complexity of the allegations.



## 2. Reporting of Allegations

- A. Concerns about the behaviour of an employee towards a student or young person may be made in the form of a complaint or allegation. It is important to consider the details of the allegation. Any complaint with a safeguarding/child protection element should be responded to as a safeguarding allegation in the first instance.
- B. Concerns may be raised in a number of ways:
- direct disclosure by the student or young person;
  - indirect disclosure e.g. through written/art work or through friends;
  - a complaint from a parent/carer to the Academy, the Local Authority, Social Services and/or the Police;
  - reports by external agencies;
  - anonymously.
- C. The employee receiving the allegation must report the information to the Designated Safeguarding Lead immediately or if the subject of the allegation is the Principal or the Designated Safeguarding Lead to the nominated Governor.
- D. If an employee has concerns regarding a colleague as a first step they must report these to the Principal directly, or to the Designated Safeguarding Lead or, if the concerns are regarding the Principal, to the Chair of Governors. Concerns can be made either verbally or in writing. A report form is attached as Appendix 1 to record the employee's concern. The form requests that the background and history of the concern/s are detailed, giving names, dates and places where possible, and the reason why the employee is particularly concerned about the situation.

## 3. Initial Actions

### Referral to the LADO

- A. There must be an initial discussion between the Designated Safeguarding Lead and the LADO.
- B. The purpose of this discussion is to consider the nature, content and context of the allegation and to agree an initial course of action. The LADO will consider whether allegations meet the criteria to then consult with the Police and Social Services.
- C. At this stage the LADO may contact the Academy's Human Resources manager (Business Manager) to discuss in more detail the employment issues or may recommend that the Academy contacts Gateshead Council Human Resources for some initial advice in relation to the employee.



#### **4. Initial Assessment**

- A. The Designated Safeguarding Lead must carry out an initial investigation of the allegation and record appropriate details regarding the nature of the allegation, time and location, names of any potential witnesses, and brief details regarding the employee's role within the Academy. The child who made/was the subject of the allegation must not be approached for further information at this stage.
- B. The Academy must provide to the LADO any additional information which may be relevant such as previous history, whether the child or their family have made similar allegations and the employee's current contact with children outside of work (i.e. children of their own or members of organisations such as scouts or football clubs).

#### **5. Outcome of Initial Actions**

- A. This initial sharing of information and evaluation of information may lead to a decision that no further action is to be taken from a safeguarding perspective. However, there may still be a need for investigations to continue in relation to the employee's professional conduct, inappropriate behaviour or capability in line with the Academy's relevant policies and procedures. At this stage Gateshead Council Human Resources will be contacted.
- B. If it is clear to the LADO and the Designated Safeguarding Lead that the allegation is demonstrably false or malicious then no further action will be required other than the recording of the investigation and its outcome.
- C. If the decision is that the allegation regarding the employee has met the following criteria it will be dealt with as a safeguarding issue:
  - behaved in a way that has harmed a child;
  - committed a criminal offence against or related to a child;
  - or behaved towards a child or children in a way that indicates they would pose a risk of harm to children.
- D. When the allegation meets any of the above criteria and there is a threat of significant harm, the LADO will arrange a Strategy Meeting to consider all relevant information.
- E. Where a Strategy Meeting is required, the Designated Safeguarding Lead must not inform the employee(s) concerned until after the meeting has taken place. Those present at the meeting will agree what information can be disclosed to the employee(s) concerned.
- F. Where a Strategy Meeting is not required the Designated Safeguarding Lead must meet with the employee(s) to inform them that an allegation has been made, providing them with as much information as possible and that further investigations will take place.



- G. The employee(s) may bring a trade union representative or work colleague to attend these meetings.

## 6. Strategy Meetings

- A. Strategy Meetings are convened in accordance with the Working Together to Safeguard Children statutory guidance to ensure all relevant agencies can provide any information they have concerning the parties involved.
- B. The agencies invited to the meeting are Police, Social Services, Health, the Academy's DESIGNATED SAFEGUARDING LEAD, Gateshead Council Human Resources and Legal Services. If it is known that the employee has other connections with other organisations involved in working with children then a representative from that organisation may also be invited to attend.
- C. These meetings will consider whether or not the allegation should instigate:
- a police investigation of a possible criminal offence;
  - enquiries and assessment by Social Services about whether or not a child needs protection or support;
  - internal investigations to commence into any possible professional misconduct under the Academy's Disciplinary Policy and Procedure;
  - or no further action.
- D. If, at the initial Strategy Meeting, the allegation is demonstrably false or malicious then no further action will be required other than the recording of the investigation and its outcome. The Academy may wish to consider taking appropriate action against the complainant where the allegation is found to be malicious.
- E. If, at the initial Strategy Meeting, further investigation is necessary, by either the Police or the Academy, there will be a requirement to arrange further Strategy Meetings to discuss any new information and review the allegations in light of this.

## 7. Actions following Strategy Meeting(s)

The following actions may be necessary depending on the discussions held within any Strategy Meeting arranged and therefore may occur at different stages, subject to each individual case.

### Suspension from Work

- A. The Academy will need to decide whether or not the employee should be suspended from work. The decision to suspend will be taken by the Principal or the Chair of the Governing Body. The considerations for suspension are detailed in the Academy's Disciplinary Policy and Procedure; the Academy will



abide by these and will consult with Gateshead Council Human Resources prior to making any decision on suspension.

### **Police Investigation**

- B. A Police investigation will be deemed appropriate when an employee has potentially committed a criminal offence against or related to a child, this will be determined by the police. Any investigation by the Police will take priority and therefore the Academy's investigation will be suspended pending the outcome. The outcome of the Police investigations will be shared at a follow-up Strategy Meeting.
- C. Once the Police have completed their investigations and any subsequent prosecutions, the Academy will commence an investigation into the employee's professional conduct under the Academy's Disciplinary Policy and Procedure. This occurs in all circumstances whether Police investigations result in cautions, orders, convictions or no further action.

### **The Academy's Investigation**

- D. The Academy will conduct the investigation into the employee's professional conduct under the Academy's Disciplinary Policy and Procedure.
- E. In addition to the normal processes for investigation, the Academy may consider it necessary to request information from the Police in order to assist with these investigations. The Academy must obtain consent from any employee involved in the Police investigation to obtain information they supplied to the Police. The Academy will forward consent to the Police Disclosure Unit and request all information held.
- F. The investigation conducted by the Academy will be clearly separated from the child protection and criminal investigations. Whilst the Academy's investigation can be informed by the child protection and criminal investigations, all must remain separate due to the fact that child protection and criminal processes have different objectives and thresholds for further action.

### **Disciplinary Action**

- G. The Academy may determine that an employee's professional conduct has fallen below the expected standard required and therefore may take disciplinary action against the employee. In these circumstances, the Academy will abide by the levels of sanctions available to them under the Academy's Disciplinary Policy and Procedure.



## **8. Action Following Investigation or Disciplinary**

- A. On the conclusion of any investigation and/or any disciplinary proceedings, the child or children who made the allegations and their parents should be informed of the outcome. The Academy will only disclose such information as is necessary and that does not breach employee confidentiality.
- B. The Academy will ensure that the appropriate support and, where necessary, training is in place for any employee returning to work.
- C. The Academy will discuss with the DESIGNATED SAFEGUARDING LEAD, Gateshead Council Human Resources and the Board of Governors whether a referral to the National College for Teaching and Leadership (NCTL) and/or the Disclosure and Barring Service (DBS) is required.
- D. The Academy has a legal obligation to make a referral to the DBS where an employee has engaged in conduct (including sexual conduct) that harmed (or is likely to harm) a child or if the employee otherwise poses a risk of harm to a child.
- E. The Academy has a duty of care to refer even where an employee resigns pending an investigation or disciplinary.

## **9. Support for the Employee**

### **Harassment and Victimisation**

- A. The Academy 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 failure or malpractice. The Academy will not tolerate harassment or victimisation and will act to protect the employee when they raise a concern in good faith. If any employee raises a genuine concern under this policy, they will not suffer any detriment in connection with their employment. Provided that they are acting in good faith, an employee will not face retribution if their allegation proves to be unfounded.

### **Confidentiality**

- B. The Academy recognises an employee may want to raise a concern in confidence. If confidentiality is requested, all reasonable efforts will be made to avoid revealing the employee's identity. However, to carry out a proper investigation, it may not be possible to keep the employee's identity confidential and they may need to come forward as a witness at an appropriate time. If it becomes necessary to reveal the employee's identity the Academy will discuss this with the employee prior to any revelation. The employee will at this point have the option to continue or not.



### **Anonymous Allegations**

- C. This policy strongly encourages employees to put their name to the allegation. Concerns expressed anonymously are much less powerful and less likely to be effective, but they may be considered at the discretion of the Academy. In exercising this discretion, the factors to be considered would include:
- the seriousness of the issue raised;
  - the credibility of the concern; and
  - the likelihood of confirming the allegation from named sources.

### **Untrue or Malicious Allegations**

- D. If an employee makes malicious or vexatious allegations, disciplinary action including gross misconduct may be taken. Similarly, if an agency worker, external secondee or volunteer etc., makes malicious or vexatious allegations, the Academy will consider dispensing with their service.

### **Ongoing Support**

- E. A named representative from the Academy will be appointed to keep the employee who is the subject of the allegation informed of the progress of the investigation and consider what other support is appropriate. This support may be in the form of counselling services. Where employees are suspended from work, they should be contacted regularly to ensure they are kept informed of the investigation process and of any work-related issues.



**Appendix A**

**Confidential Reporting of Safeguarding Concerns  
("Whistleblowing") Report Form**

The Academy is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, the Academy expects employees and others that we deal with to have a pro-active approach in reporting any issues. It is recognised that most cases will have to proceed on a confidential basis. If you wish to make a report please use this form.

|  |  |
|--|--|
| <p><b>Your Name/Contact Telephone number</b></p> <p>You are encouraged to provide your name with this report.</p> <p>Concerns expressed anonymously are much less powerful but they will be considered so far as is possible.</p> <p>The recipient of the form will preserve confidentiality wherever practicable.</p> | <p><b>Name:</b> -----<br/>-----</p> <p><b>Address:</b> -----<br/>-----<br/>-----<br/>-----</p> <p><b>Contact Tel No:</b> -----</p> <p><b>Date:</b> -----</p> |
| <p><b>The names of those involved (if known)</b></p>   |  |



**Background details:**

Please provide full details of the background to the concern; names, dates and places and the reason why you are concerned - (continue on separate sheet if necessary)

Please state the reasons why you are particularly concerned about the situation.