



## **Whistleblowing Policy**

This document applies to all parts of The Pilgrims' School, including parents and pupils in the Early Years Foundation Stage.

Responsibility of: Designated Safeguarding Lead  
Reviewed: September 2024  
Next Review Date: September 2026  
Approved by Governors: TBC

## Whistle Blowing Policy

### 1. Policy Statement

- 1.1 The Pilgrims' School ("the school") understands the importance of a positive culture where concerns can be identified and spoken about openly and acknowledges that this is a key element of a strong safeguarding system. This Low-Level Concerns Policy seeks to ensure that all staff who work with children behave appropriately and to enable the early identification and prompt and appropriate management of concerns.
- 1.2 As part of its whole school approach to safeguarding, the school will ensure that it promotes an open and transparent culture in which all concerns about all adults working in or on behalf of the School (including supply teachers, volunteers and contractors) are dealt with promptly and appropriately.
- 1.3 Creating a culture in which **all** concerns about adults (including allegations that do not meet the harm threshold) are shared responsibly and with the right person, recorded and dealt with appropriately, is critical. If implemented correctly, this should encourage an open and transparent culture; enable the school to identify concerning, problematic or inappropriate behaviour early; minimise the risk of abuse; and ensure that adults working in or on behalf of the School are clear about professional boundaries and act within these boundaries, and in accordance with the ethos and values of the School.
- 1.4 This Low-Level Concerns Policy operates in conjunction (as appropriate) with the following<sup>1</sup>:
  - 1.4.1 Staff Code of Conduct Policy
  - 1.4.2 Safeguarding Policy
  - 1.4.3 KCSIE 2023
  - 1.4.4 Disciplinary Procedure
  - 1.4.5 Capability Procedure

### 2. Introduction to the concept and importance of sharing low-level concerns.

- 2.1 Behaviour which is not consistent with the standards and values of an organisation, and which does not meet the organisational expectations encapsulated in the School's Staff Code of Conduct, needs to be addressed. Such behaviour can exist on a wide spectrum – from the inadvertent or thoughtless, through to that which is ultimately intended to enable abuse.
- 2.2 All staff need to be informed about and be able to identify concerning, problematic or inappropriate behaviour and understand the importance of sharing concerns when they observe behaviour which violates the School's Staff Code of Conduct.

### 3. What is the Whistle Blowing Policy?

- 3.1 The Whistle Blowing Policy enables all staff to share any concerns – **no matter how small** – about their own or another member of staff's behaviour with the Headmaster or in the Headmaster's absence the DSL<sup>2</sup>. Safeguarding and promoting the welfare of children is everyone's responsibility.

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<sup>1</sup> KCSIE 2022 states that, as good practice, governors and proprietors should set out their Whistle Blowing Policy in conjunction with their staff code of conduct and safeguarding policies.

<sup>3</sup> KCSIE 2022 now requires low-level concerns to be shared with the Headmasterteacher – unless they relate to the Headmasterteacher.

#### 4. What is the purpose of the Whistle Blowing Policy?

- 4.1 The purpose of the Low-Level Concerns Policy is to create and embed a culture of openness, trust and transparency in which the clear values and expected behaviour which are set out in the School's Staff Code of Conduct are constantly lived, monitored and reinforced by all staff.

#### 5. What are the aims of the Whistle Blowing Policy?

- 5.1 The aims of the Whistle Blowing Policy are to:
- 5.1.1 ensure that staff are clear about what appropriate behaviour is and are confident in distinguishing expected and appropriate behaviour from concerning, problematic or inappropriate behaviour – in themselves and others, and the delineation of professional boundaries and reporting lines.
  - 5.1.2 empower staff to share any concerns (including low level concerns) with the [Headmaster or with the DSL], and to help all staff to interpret the sharing of such concerns as a neutral act.
  - 5.1.3 address unprofessional behaviour and support the individual to correct it at an early stage.
  - 5.1.4 identify concerning, problematic or inappropriate behaviour – including any patterns – that may need to be consulted upon with (on a no-names basis if appropriate), or referred to, the Local Authority Designated Officer (“LADO”).
  - 5.1.5 provide for responsive, sensitive, and proportionate handling of such concerns when they are raised; and
  - 5.1.6 help identify any weaknesses in the school's safeguarding system.

#### 6. Definitions

- 6.1 Who does the policy apply to?
- 6.1.1 The policy applies to all **staff** whether working in or on behalf of the school, engaged as a paid employee (including supply teacher), worker or contractor, or unpaid member of staff or volunteer. It also includes anyone who is part of the Governance Body.
  - 6.1.2 **Designated Safeguarding Lead (DSL)** means the DSL at the School.
  - 6.1.3 **Governance Body** means those individuals who are responsible for the school's governance - i.e. Governors.
  - 6.1.4 **Headmaster** means the Headmaster of the School.
- 6.2 **Allegation that may meet the harm threshold.** The term ‘allegation’ means it is alleged that an adult who works with children has:
- 6.2.1 behaved in a way that has harmed a child, or may have harmed a child; and/or
  - 6.2.2 possibly committed a criminal offence against or related to a child; and/or

- 6.2.3 behaved towards a child or children in a way that indicates they may pose a risk of harm to children; and/or
- 6.2.4 behaved or may have behaved in a way that indicates they may not be suitable to work with children.

In terms of managing cases of allegations that may meet the harm threshold, these might indicate a person would pose a risk of harm if they continue to work in their present position, or in any capacity with children in a school.

6.3 **Concern (including an allegation) that does not meet the harm threshold – i.e. a low-level concern.** The term ‘low-level concern’ does not mean that it is insignificant, it means that an adult’s behaviour towards a child does not meet the harm threshold set out above (at paragraph 6.2). A low-level concern is any concern – no matter how small, and even if no more than causing a sense of unease or a ‘nagging doubt’ – that an adult may have acted in a way that:

- 6.3.1 is inconsistent with the School’s Staff Code of Conduct, including inappropriate conduct outside of work; and
- 6.3.2 does not meet the allegation threshold or is otherwise not serious enough to consider a referral to the LADO – but may merit consulting with and seeking advice from the LADO, and on a no-names basis if necessary.

## 7. School Culture

- 7.1 The School promotes an open and transparent culture in which all concerns about all adults working in or on behalf of the School are dealt with promptly and appropriately.

## 8. Data Protection and Confidentiality / Respecting the rights of all

- 8.1 The School will always respect the personal data of staff (and others, where they may be identifiable) in implementing the Whistle Blowing Policy and in keeping records of low-level concerns secure.
- 8.2 The Data Protection Act 2018 includes a specific provision which permits organisations to process even the most sensitive personal data where necessary for the purposes of protecting children from harm. Although sharing of low-level concerns will not always involve legally sensitive categories of data, the safeguarding purpose is the same as that under the School’s Safeguarding Policy
- 8.3 A proportionate approach must be taken by all to considering what personal data is in fact necessary to share and record by way of low-level concern(s) in each case to support the safeguarding purpose and to ensure the information is accurate, fair and as far as possible recorded in neutral terms.
- 8.4 If a member of staff who raises a low-level concern does not wish to be named, then the school will respect their wishes as far as possible. However, staff should be aware that in certain circumstances this anonymity may need to be waived (as explained further in paragraph [10])
- 8.5 All staff are entitled, under data protection law, to ask to see the content of any low-level concern(s) retained by the School under the Whistle Blowing Policy as it relates to them personally and to make any reasonable objection as to the fairness or accuracy of that content. The school will process such requests within the period prescribed by law, subject always to any necessary protection of the rights of third parties and unless any other relevant exemptions apply (including if complying with the request would be likely to prejudice the safeguarding purpose of Whistle Blowing Policy). If the content of a low-level

concern is disputed, it may not be appropriate for the school to delete or alter the original record, but a note may be recorded alongside reflecting the staff member's alternative account or objection(s).

- 8.6 All personal data processed in connection with the Low-Level Concerns Policy will be processed in accordance with the School's Data Protection Policy.

## **9. Who should staff share low-level concerns with?**

- 9.1 It is important that low-level concerns are shared with the Headmaster as soon as reasonably possible and, in any event, within 24 hours of becoming aware of it (where the concern relates to a particular incident) – although it is never too late to share a low-level concern.
- 9.2 If the Headmaster is absent for any reason, low-level concerns should be shared with the Deputy Headmaster/DSL, who will ensure they inform the Headmaster immediately on their return.
- 9.3 If any low-level concern relates to the behaviour of the Headmaster, it should be referred to the Chair of Governors.
- 9.4 If there is a conflict of interest in sharing a low-level concern with the Headmaster, the low-level concern should be shared with the Chair of Governors, unless there is conflict of interest in doing so, in which case it should be reported directly to the LADO<sup>3</sup>.

## **10. Should staff who share low-level concerns be able to remain anonymous?**

- 10.1 Staff are encouraged to consent to be named when sharing any concern/s, as this will help to create a culture of openness and transparency. If the staff member who raises a concern does not wish to be named, the school will respect that person's wishes as far as possible. However, there may be circumstances where the staff member will need to be named (for example, where disclosure is required by a court or local authority, or under a fair disciplinary process) and, for this reason, the school will not promise anonymity to members of staff who share low-level concerns.

## **11. Should staff share concerns about themselves (i.e. self-report)?**

- 11.1 Occasionally a member of staff may find themselves in a situation which could be misinterpreted or might appear compromising to others. Equally, a member of staff may, for whatever reason, have behaved in a manner which, on reflection, they consider falls below the standard set out in the School's Staff Code of Conduct. Self-reporting in these circumstances can be positive for several reasons, and staff are encouraged to self-report on the basis that:
- 11.1.1 it is self-protective, in that it enables a potentially difficult issue to be addressed at the earliest opportunity.
- 11.1.2 it demonstrates awareness of the expected behavioural standards and self-awareness as to the member of staff's own actions or how they could be perceived; and
- 11.1.3 crucially, it is an important means of maintaining a culture where everyone aspires to the highest standards of conduct and behaviour.
- 11.2 The school's aim is to create an environment where staff are encouraged and feel confident to self-refer.

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<sup>3</sup> The text at paragraphs 9.4 reflects Farrer & Co's interpretation of paragraph 74 in KCSIE 2021 and is slightly different to provide greater clarity.

## **12. How should low-level concerns be shared and recorded?**

- 12.1 The concern can be shared verbally with the Headmaster, or a written summary of it can be provided to them.
- 12.2 Where the low-level concern is provided verbally, the Headmaster will make an appropriate record of the conversation, either contemporaneously or immediately following the discussion and will exercise sound professional judgment in determining what information is necessary to record for safeguarding purposes. Where information is saved electronically, that will be done on Staffsafe.
- 12.3 Where a low-level concern relates to a person employed by a supply agency or a contractor, the school will notify that person's employer so that any potential patterns of inappropriate behaviour can be identified.

## **13. How should a low-level concern be responded to?**

- 13.1 Once the Headmaster has received the low-level concern, they will – not necessarily in the below order but in an appropriate sequence according to the nature and detail of the particular concern shared with them:
  - 13.1.1 Speak to the relevant member of the school's SLT, most likely the Deputy Headmaster/DSL.
  - 13.1.2 Speak to the person who raised the concern (unless it has been raised anonymously).
  - 13.1.3 Speak to any potential witnesses (unless advised not to do so by the LADO/other relevant external agencies, where they have been contacted).
  - 13.1.4 Speak to the individual about whom the low-level concern has been raised (unless advised not to do so by the LADO/other relevant external agencies, where they have been contacted).
  - 13.1.5 If they are in any doubt, seek advice from the LADO – on a no-names basis if necessary.
  - 13.1.6 Review the information and determine whether the behaviour in question:
    - (a) is entirely consistent with the School's Staff Code of Conduct and the law;
    - (b) constitutes a low-level concern;
    - (c) is not serious enough to consider a referral to the LADO but may merit consulting with and seeking advice from the LADO, and on a no-names basis if necessary;
    - (d) when considered with any other low-level concerns previously raised about the same person, could now meet the threshold of an allegation, and should be referred to the LADO/other relevant external agencies, in accordance with the School's Safeguarding Policy;
    - (e) in and of itself meets the threshold of an allegation and should be referred to the LADO/other relevant external agencies, and in accordance with the School's Safeguarding Policy.
  - 13.1.7 Ensure that appropriate and detailed records are kept of all internal and external conversations regarding the concern, their determination, the rationale for their decision and any actions taken, and retain records in accordance with the Low-Level Concerns Policy.

- 13.1.8 Consider whether the concern also potentially raises misconduct or capability issues – taking advice from Director of Finance & Resources on a named or no-names basis where necessary – and, if so, refer the matter to the Director of Finance & Resources.

**14. What action will be taken if it is determined that the behaviour is entirely consistent with the School’s Staff Code of Conduct and the law?**

- 14.1 The Headmaster will update the individual in question and inform them of any action taken (as above).
- 14.2 The Headmaster will speak to the person who shared the low-level concern – to provide them with feedback about how and why the behaviour is consistent with the School’s Staff Code of Conduct and the law.

**15. What action will be taken if it is determined that the behaviour constitutes a low-level concern?**

- 15.1 The Headmaster will respond in a sensitive and proportionate way – on the one hand maintaining confidence that such concerns when raised will be handled promptly and effectively, whilst on the other hand protecting staff from any potential false allegations or misunderstandings. Any investigation of low-level concerns will be done discreetly and, on a need-to-know basis.
- 15.2 Most low-level concerns by their very nature are likely to be **minor**. Some will not give rise to any ongoing concern and, accordingly, will not require any further action. Others may be most appropriately dealt with by means of management guidance and/or training. In many cases, a low-level concern will simply require a conversation with the individual about whom the concern has been raised.
- 15.3 Any such conversation with individuals in these circumstances will include being clear with them as to why their behaviour is concerning, problematic or inappropriate, what change is required in their behaviour, enquiring what, if any, support they might need in order to achieve and maintain that and being clear about the consequences if they fail to reach the required standard or repeat the behaviour in question. Ongoing and transparent monitoring of the individual’s behaviour may be appropriate. An action plan or risk assessment which is agreed with the individual, and regularly reviewed with them, may also be appropriate.
- 15.4 Some low-level concerns may also raise issues of misconduct or poor performance. The Headmaster will also consider whether this is the case – by referring to the school’s disciplinary and/or capability procedure and taking advice from the Director of Finance & Resources and/or taking specialist advice as necessary on a named or no-names basis where necessary.
- 15.5 If the Headmaster considers that the school’s disciplinary or capability procedure may be triggered, they will refer the matter to the Director of Finance & Resources. If the Director of Finance & Resources advise that the school’s disciplinary or capability procedure is triggered, the individual will have a full opportunity to respond to any factual allegations which form the basis of capability concerns or a disciplinary case against them.
- 15.6 Staff should be aware that when they share what they believe to be a low-level concern, the Headmaster will speak to the adult who is the subject of that concern (unless advised not to do so by the LADO/other relevant external agencies, where they have been contacted) – no matter how ‘low’ level the concern may be perceived to be, to gain the subject’s account – and to make appropriate records (as above), which may be referenced in any subsequent disciplinary proceedings.

- 15.7 How the School responds to a low-level concern may be different depending on the employment status of the individual who is the subject of the concern - i.e. whether they are an employee or worker to whom the school's disciplinary and/or capability procedure would apply; or a [contractor, Governor, Trustee, Director or volunteer]. The school's response will be tailored accordingly.
- 16. What action will be taken if it is determined that the behaviour:**
- 16.1 **Whilst not sufficiently serious to consider a referral to the LADO nonetheless merits consulting with and seeking advice from the LADO, and on a no-names basis if necessary?** Then action (if/as necessary) will be taken in accordance with the LADO's advice; or
- 16.2 **When considered with any other low-level concerns that have previously been shared about the same individual, could now meet the threshold of an allegation, or in and of itself meets the threshold of an allegation?** Then it will be referred to the LADO/other relevant external agencies, and in accordance with the School's Safeguarding Policy, Part 4 of KCSIE 2023 and the relevant procedures and practice guidance stipulated by the School's Local Safeguarding Partnership.
- 17. How should low-level concerns be held?**
- 17.1 The school will retain all records of low-level concerns (including those which are subsequently deemed by the Headmaster to relate to behaviour which is entirely consistent with the School's Staff Code of Conduct) in a central low-level concerns file.
- 17.2 Where multiple low-level concerns have been shared regarding the same individual these will be kept in chronological order as a running record, and with a timeline alongside. These records will be kept confidential and held securely with access afforded only to a limited number of individuals such as the Headmaster, DSL and Chair of Governors.
- 18. How often should the central low-level concerns file be reviewed?**
- 18.1 The Headmaster will review the central low-level concerns file periodically to ensure that all such concerns are being dealt with promptly and appropriately, and that any potential patterns of concerning, problematic or inappropriate behaviour are identified. A record of these reviews will be made.
- 18.2 Where a pattern of behaviour is identified in respect of a specific individual, the Headmaster will also consider whether any wider cultural issues are at play that may have enabled the behaviour and/or whether the school should arrange for additional training or a review of any of its policies to reduce the risk of it happening again.
- 19. How long should records of a low-level concern be kept?**
- 19.1 Low-level concerns will be retained securely by the school for as long as deemed relevant and necessary for a safeguarding purpose unless the school is required to disclose by law (for example, where the threshold of an allegation is met in respect of the individual in question). In most cases, once a staff member leaves the school, any low-level concerns which are held relating to them:
- 19.1.1 will be retained at least until the individual leaves the school / for the same duration as that individual's personnel file and
- 19.1.2 will not be included in any onward reference, except as set out at paragraph 20.
- 19.2 Low-level concerns will be retained on the School's central low-level concerns file (securely and applying appropriate access restrictions) unless and until further guidance provides otherwise.

## **20. References**

- 20.1 Where a low-level concern (or group of concerns) has met the threshold for referral to the LADO and is found to be substantiated, it will be referred to in a reference.
- 20.2 Low-level concerns (or a group of concerns) which have not met the threshold for referral to the LADO which relate only to safeguarding will not be included in references unless they relate to issues which would normally be included in a reference, for example, misconduct or poor performance.

## **21. What is the role of the Governing Body?**

- 21.1 The Headmaster will regularly inform the Governing Body about the implementation of the Low-Level Concerns Policy and any evidence of its effectiveness, e.g. by including reference to it in any safeguarding reports and providing any relevant data.
- 21.2 The Governing Body will also review an anonymised sample of low-level concerns at regular intervals, to ensure that these concerns have been responded to promptly and appropriately.

## **22. Monitoring and Review**

- 22.1 The Low-Level Concerns Policy will be monitored to ensure that it is being effectively implemented in practice and will be reviewed annually by the Headmaster and in response to any relevant legislative, statutory or regulatory changes and/or changes in relevant guidance and/or safeguarding best practice. The next scheduled review for the Whistle Blowing Policy is September 2023

### **Allegation**

Behaviour which indicates that an adult who works with children 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 they 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.

### **Low-Level Concern**

Does not mean that it is insignificant, it means that the adult's behaviour towards a child does not meet the threshold set out above. A low-level concern is any concern – no matter how small, and even if no more than causing a sense of unease or a 'nagging doubt' – that an adult may have acted in a way that:

- is inconsistent with the School's Staff Code of Conduct, including inappropriate conduct outside of work; and
- does not meet the allegation threshold or is otherwise not serious enough to consider a referral to the LADO – but may merit consulting with and seeking advice from the LADO, and on a no-names basis if necessary.

### **Appropriate Conduct**

Behaviour which is entirely consistent with the School's Staff Code of Conduct, and the law.

**ACTION REQUIRED**

Share with Headmastermaster (or in their absence with deputy) as soon as reasonably practicable and within 24 hours

Where LLC is initially shared with deputy – they must immediately pass on to Headmastermaster

Headmasterteacher should – not necessarily in the below order but in an appropriate sequence according to the nature of detail of the particular LLC shared with them:

Speak to the person who raised LLC (unless raised anonymously)

Speak to any potential witnesses (unless advised not to do so by LADO/other relevant external agencies, where contacted)

Speak to the individual about whom the LLC has been raised (unless advised not to do so by LADO/other relevant external agencies, where contacted)

Where they are in any doubt, seek advice from the LADO – on a no-names basis if necessary

Review information and determine whether behaviour:

- a) is entirely consistent with the School's Staff Code of Conduct and the law
- b) constitutes a LLC
- c) is not serious enough to consider a referral to the LADO – but may merit consulting with and seeking advice from the LADO, and on a no-names basis if necessary
- d) when considered with any other LLCs that have previously been raised about the same individual, could now meet the threshold of an allegation, and should be referred to the LADO/other relevant external agencies, or
- e) in and of itself meets the threshold of an allegation and should be referred to the LADO/other relevant external agencies

Headmasterteacher to make appropriate records of all internal and external conversations, their determination, the rationale for their decision, and details of any action taken, and to retain records in accordance with LLCs policy

Headmasterteacher to consider whether concern also potentially raises misconduct or capability issues – taking advice from [HR/the Bursar/In-house legal] on a named or no-names basis where necessary – and, if so, to refer matter to [HR/the Bursar/In-House legal]