



WHISTLE BLOWING POLICY

2025 - 2028

Author:	Luton Borough Council
Review Date:	May 2025
Reviewer:	Business Manager
Version:	1.0
SLT Review Date:	23 rd June 2025
Approval Level:	Management Committee
Approval Date:	17 th July 2025
Review Cycle:	Annually
Next Review Date:	July 2026

1. INTRODUCTION

- 1.1 Avenue Centre for Education is committed to the highest possible standards of openness, probity and accountability. This policy provides a means for anyone associated with the pupil referral unit who has serious concerns about any aspects of practice to come forward and voice those concerns, irrespective of seniority or status without fear of reprisal. Furthermore, to enable those who wish to raise serious concerns to be able to do so in a way that will not be seen as being disloyal to their colleagues or to the pupil referral unit.
- 1.2 This policy makes it clear that 'whistleblowers' can raise concerns in the public interest without fear of victimisation, or subsequent discrimination or disadvantage. The aim is to encourage and enable employees to raise serious concerns within the pupil referral unit rather than overlooking the problem or reporting the matter externally. This policy ensures that the pupil referral unit complies with its duty under the Public Interest Disclosure Act 1998.
- 1.3 At the Avenue Centre for Education, the Management Committee has overall responsibility for ensuring that appropriate whistleblowing procedures are in place and are operating effectively. The Management Committee must ensure that all staff, members (also known as governors) and other stakeholders are aware of their right to raise concerns and how to do so in confidence. It is responsible for ensuring that any concerns raised under this policy are properly investigated and addressed in line with statutory obligations and best practice. Where serious allegations are made, or where the concern involves the headteacher, chair of Management Committee, or relates to systemic issues, the Management Committee must ensure that the local authority is informed. The local authority also has a statutory role in supporting and advising schools on whistleblowing matters and may intervene where safeguarding, financial misconduct, or other significant breaches are alleged.

2. AIMS AND SCOPE OF THIS POLICY

- 2.1 The Whistleblowing Policy should be used to raise serious concerns that fall outside the scope of other procedures, or where employees may lack the confidence or be too fearful to use these procedures.
- 2.2 This policy should not be used for conduct which can be dealt with through the pupil referral unit's normal procedures, for example employee grievances or complaints. Wherever possible issues such as these should be resolved through the usual management channels by discussion and open dialogue.
- 2.3 This policy is in addition to the pupil referral unit's complaints procedures and other specifically laid down statutory reporting procedures such as Safeguarding procedures and Teachers Standards Regulations.

For the purpose of this policy, the term 'employee' encompasses all individuals engaged with the pupil referral unit, including permanent and temporary staff, agency or supply workers, and contractors, members of the Management Committee (also known as governors) and volunteers who are present on the premises.

2.4 This Policy aims to:

- Encourage employees to feel confident in coming forward with serious allegations;
- provide a means for employees to make serious allegations and receive feedback on any action taken;
- ensure confidentiality if required;
- reassure employees that they will be protected from possible reprisals or victimisation;
- reassure employees that they will suffer no detriment or disadvantage from making allegations as long as they do so in public interest, genuinely believing their allegations to be valid.

2.5 Examples of serious concerns that may be reported under the Whistleblowing policy may include:

- Fraudulent or improper use of the Pupil referral unit's money or assets
- Breach of Health and Safety Policy or practice including dangerous practices at work
- Breach of Child Protection Policy/legislation
- Criminal Activity
- Alleged miscarriage of justice
- Unethical Conduct
- Abuse of Authority
- Failure to comply with legal obligations
- Maladministration, misconduct or malpractice
- Damage to the environment
- Concealment of any of the above

These are examples; the list is not exhaustive

2.6 Should an employee be unsure whether the conduct they are concerned about constitutes illegal or improper conduct, or is unsure how to proceed, advice can be sought from their Trade Union Representative or their immediate line manager. If they expect their immediate line manager may be involved, then they should approach the Headteacher or Chair of Management Committee.

2.7 Should employees wish to seek other independent advice in relation to whistleblowing, the whistleblowing charity **Protect (formerly Public Concern at Work)** provides further advice and information.

3. SAFEGUARDS

3.1 The pupil referral unit recognises that the decision to raise a serious concern can be a difficult one to make. However, employees who raise serious concerns that are in the public interest will have nothing to fear because they are doing their duty to the employer and those for whom you are providing a service.

3.2 The pupil referral unit will not tolerate any harassment or victimisation (including informal pressure) and will take appropriate action to protect an employee who raises a concern in good faith.

3.3 Any investigation into allegations of potential malpractice will not influence or be influenced by any employment procedures (e.g. disciplinary) that may already affect the employee, if they are an employee.

4. CONFIDENTIALITY

- 4.1 All concerns will be treated in confidence and every effort will be made not to reveal an employee's identity if they so wish. However, if the matter is subsequently dealt with through the pupil referral unit procedures, e.g. the Disciplinary Procedure, the employee may need to come forward as a witness if the matter is to be dealt with effectively.

5. ANONYMOUS ALLEGATIONS

- 5.1 This procedure encourages people to put their name to an allegation whenever possible.
- 5.2 Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Headteacher.
- 5.3 In exercising this discretion the factors to be taken into account would include the:
- Seriousness of the issues raised;
 - Credibility of the allegation;
 - Likelihood of confirming the allegation from attributable sources and information

6. HOW TO RAISE A CONCERN

- 6.1 As a first step, an employee should raise a serious concern with:

- Their line manager;
- Headteacher (jeremy.dodd@avenuecentre.co.uk)
- Chair of Management Committee (chair@avenuecentre.co.uk)

However, this may depend on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if the employee believes that management is involved it would be inappropriate to raise the matter directly with the Headteacher. For these reasons a range of alternative reporting methods have been put in place to enable the employee to raise the matter through the source that they feel most comfortable with.

- 6.2 The range of alternative contacts include:

- Trades Union or Professional Association representative;
- Chair of Management Committee (chair@avenuecentre.co.uk)
- Direct to the Council's Monitoring Officer (Tel. No. 01582-546291), e-mail whistle@luton.gov.uk.

- 6.3 Serious allegations may be raised orally or in writing. Whether a written or oral report is made it is important that relevant information is provided. This includes:

- The name of the employee making the allegation and a contact point. As referred to above it will be more difficult for the pupil referral unit or Council to pursue issues if concerns have been expressed anonymously;
- The background and history of the allegation (giving relevant dates and names and positions of those who may be in a position to have contributed to the allegation);
- The particular reason for the allegation and concern.

7. HOW THE PUPIL REFERRAL UNIT OR COUNCIL MONITORING OFFICER WILL RESPOND

- 7.1 The pupil referral unit or Council will respond in every case to an allegation made under this procedure.
- 7.2 Where a concern is raised with the pupil referral unit, the employee with whom the concern is first raised (e.g. line manager, Headteacher, Chair of Management Committee) is the 'receiving officer'. The receiving officer will discuss the concern with the complainant (employee raising the concern). If, following discussion, the complainant wants to proceed with the allegation, the receiving officer will take the following steps:
- 7.3 The receiving officer will notify the Monitoring Officer by telephone or e-mail that the allegation has been made, and give details to the Monitoring Officer. This is so that the allegation can be registered in the Register of Whistleblowing Complaints. The Register is confidential.
- 7.4 The Monitoring officer will discuss with the receiving officer the best way of investigating the allegation. If the allegation relates to fraud, or potential fraud or other financial irregularity, the Monitoring Officer will also discuss this with the **Business Manager**.
- 7.5 The Monitoring Officer and the receiving officer will agree on the method of investigation. If the Monitoring Officer and the receiving officer cannot agree on the method of investigation, the Monitoring Officer's decision will prevail. In the case of fraud, potential fraud or financial irregularity, the method of investigation will be determined by the **Business Manager** after discussions with the receiving officer and the Monitoring Officer.
- 7.6 Where the complaint is made direct to the Monitoring Officer, then the Monitoring Officer, after liaison with any other appropriate officer(s) ¹ will decide if, and how, the matter should be investigated and will follow the steps below.
- 7.7 If the allegation discloses evidence of a criminal offence, the Monitoring Officer or the Business Manager may decide to inform the police.
- 7.8 Some of the allegations may be resolved by internal action, without the need for investigation.
- 7.9 Within 10 working days of an allegation being made, the Monitoring Officer will write to the employee who raised the concern (unless they have requested not to be contacted or to be contacted in a different way, other than by letter):
- Acknowledging the allegation has been received;
 - Indicating how the School proposes to deal with the matter;
 - Giving an estimate of how long it will take to provide a final response;
 - Indicating whether any initial enquiries have been made;
 - Supplying information or employee support mechanisms; and
 - Indicating whether further investigations will take place and, if not, why not.
- 7.10 Where an investigation proceeds, every effort will be made to complete it within **30 working days**, depending on the complexity and nature of the concerns raised. Throughout the process, the whistleblower will be kept informed, where possible, and a final response outlining the outcome of the investigation and any actions taken will

typically be provided within **five working days** of the investigation concluding. These timeframes are indicative and may vary depending on the circumstances, but all efforts will be made to resolve concerns promptly and effectively.

- 7.11 Where the allegation has been made internally and anonymously, the pupil referral unit /Council will be unable to communicate what action has been taken.
- 7.12 If subsequently any disciplinary action is required, the employee who conducted the investigation will seek support from the Traded Services HR Team who will support with the instigation of any disciplinary process.
- 7.13 The amount of contact necessary between the employee investigating the allegation and the employee raising the concern will depend upon the nature of the matters raised, the potential difficulties involved and the clarity of the information provided.
- 7.14 Where any meetings are arranged with the employee, the employee has the right to be accompanied by a trade union representative or work colleague.
- 7.15 The aim of the policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases, it should not be necessary to alert anyone externally. The law recognises that in some circumstances it may be appropriate to report concerns to an external body such as a regulator.
- 7.16 The pupil referral unit will take steps to minimise any difficulties which the employee may experience as a result of raising a concern, for example if the employee is required to provide evidence in a criminal or disciplinary proceeding, the pupil referral unit will arrange for support to be given about such proceedings.
- 7.17 The pupil referral unit /Council accepts that employees need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, those making allegations will be informed of the outcome of any investigation.
- 7.18 Should an employee not be satisfied with any action taken as a result of raising a concern, they may wish to seek other independent advice in relation to whistleblowing, this can be sought from:
 - The whistleblowing charity 'Protect' (formerly Public Concern at Work): Website: www.protect-advice.org.uk Helpline: 020 3117 2520 Email: whistle@protect-advice.org.uk
 - The pupil referral unit's Employee Assistance Provider, Health Assured on 0800 030 5182, who provide confidential advice and support on a wide range of employment and employee related matters.

8. REGISTER OF ALLEGATIONS

- 8.1 The Council's Monitoring Officer has overall responsibility for the maintenance and operation of the procedure. The Monitoring Officer will maintain a Register of Allegations made under this procedure, and the outcomes, and will report as necessary to the Council's Standards Committee. The recording and reporting procedure will be in a form which ensures confidentiality.

¹ An officer may be another employee of the pupil referral unit, in an appropriate position to investigate the matter and take action.

9. APPEALS

9.1 The pupil referral unit is committed to ensuring that all whistleblowing concerns are handled fairly, consistently, and thoroughly. If an individual who has raised a concern is not satisfied with the outcome of the investigation or the action taken, they have the right to request a review of the decision.

9.2 To initiate an appeal, the individual should submit a written request within **10 working days** of receiving the outcome notification. The request should clearly state the grounds for the appeal, which may include (but are not limited to):

- A perceived failure to follow proper procedure;
- New evidence not previously considered;
- Concerns that the investigation was incomplete or biased.

9.3 Appeals should be submitted to:

- An appropriate **designated senior officer** not previously involved in the case, to ensure impartiality such as Deputy Headteacher, Assistant Headteacher, Designated Safeguarding Lead. This ensures that the review is conducted independently of the original investigation.
- The **Chair of the Management Committee**, if the original concern was investigated by the Headteacher or school leadership team;
- The **Local Authority's Monitoring Officer**, if the concern involved the Management Committee or Chair of the Management Committee.

9.4 To maintain impartiality, any individual assigned to review an appeal will have had no prior involvement in the original investigation, decision-making process, or related discussions. They will approach the matter afresh, review all relevant documentation, and assess whether due process was followed and whether the outcome was fair and proportionate.

9.5 Upon receipt of the appeal, an independent review will be undertaken within **15 working days**, and a final written response will be provided within **5 working days** of the conclusion of the review.

9.6 This appeals process does not affect an individual's statutory right to raise concerns with a prescribed external body under the Public Interest Disclosure Act 1998 (PIDA), should they remain dissatisfied with the internal process.

10. PRESCRIBED EXTERNAL BODIES

10.1 While the pupil referral unit encourages concerns to be raised internally in the first instance, it is recognised that there may be circumstances where individuals feel it is more appropriate to contact an external body. Under the **Public Interest Disclosure Act 1998 (PIDA)**, a whistleblower may make a protected disclosure to a prescribed person or body, provided the disclosure is made in the public interest and meets the legal requirements.

Prescribed bodies are organisations identified by the government to which whistleblowers can report certain types of concerns, particularly where internal reporting has failed or is not considered appropriate. Examples of prescribed bodies relevant to schools and education settings include:

- **The Local Authority (Luton Borough Council Monitoring Officer)** – for concerns involving governance, standards, or unlawful conduct within a maintained school. (Tel. No. 01582-546291), e-mail whistle@luton.gov.uk.
- **Ofsted** – for concerns about safeguarding, pupil welfare, or general standards in education Website: www.gov.uk/government/organisations/ofsted
- **Health and Safety Executive (HSE)** – for concerns about health and safety risks Website: www.hse.gov.uk

Before making an external disclosure, employees are encouraged to seek confidential advice from the whistleblowing charity **Protect** (formerly Public Concern at Work):
 Website: www.protect-advice.org.uk
 Helpline: 020 3117 2520
 Email: whistle@protect-advice.org.uk

Disclosures to external bodies should only be made in accordance with the conditions set out in PIDA. It is important that disclosures are made in good faith, with a reasonable belief that the information is substantially true, and that the concern falls within the remit of the prescribed body.

11. UNTRUE AND VEXATIOUS ALLEGATIONS

- 11.1 If an employee makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against them. If, however, an employee makes an allegation maliciously, frivolously or for personal gain, disciplinary action may be taken.

12. ACCESSIBILITY STATEMENT

- 12.1 This policy is available in alternative formats upon request, including large print, audio, and translated versions. If you require this document in a different format to support your understanding, please contact the school office at office@avenuecentre.co.uk

13. POLICY REVIEW STATEMENT

- 13.1 This policy will be reviewed annually by the Management Committee, or earlier if there are significant changes in legislation, statutory guidance, or operational practice. The review will ensure the policy remains compliant with current legal requirements and continues to reflect best practice. The next scheduled review date is **July 2026**.

Appendix A: Whistleblowing Concern Reporting Form

Name of Individual Raising the Concern (Optional):

Role (e.g. staff, parent, governor, volunteer):

Date Concern Raised:

Details of the Concern (including dates, names, and any relevant context):

Has this concern been raised with anyone previously? If so, who and when:

Preferred Method of Contact (if any):

Would you like your identity to remain confidential? (Yes/No):

Signature (if submitting in writing):

Date Submitted:

Appendix B: Whistleblowing Investigation Log

Investigation Reference Number:

Date Concern Received:

Name/Role of Investigating Officer:

Summary of Allegation:

Initial Review Date and Outcome:

Investigation Start Date:

Investigation End Date:

Actions Taken (include interviews, evidence gathered, etc.):

Findings and Conclusions:

Recommendations and Next Steps:

Date Outcome Communicated to Whistleblower:

Investigation Closure Date:

Appendix C: Whistleblowing Procedure Flowchart

