

West  
London  
School of  
Dance

## **Whistleblowing and Low-level concern policy and procedures**

Revised date: September 2023  
Review Schedule: 1 year  
Next review date: September 2024

## **Purpose**

This policy is written for people working at the West London School of Dance and sets out how we respond to whistleblowing allegations and Low level concerns. These policies should be read in conjunction with the schools' policies on safeguarding, KCSIE 2023, GDPR, Managing Allegations against staff 2023.

## **Whistleblowing**

If an employee or agency member of staff has a serious concern about the school, we want to know and will take action.

Where a concern is in the public interest your rights are protected by law.

This policy sets out the steps you **must** follow to raise a concern about something that has happened, is happening now, or may happen in the future.

If you are a volunteer, which includes charity trustees, or a self-employed professional you are not covered by the Public Interest Disclosure Act, however the school encourages everyone to raise their concerns if they have them in order that they can be investigated to ensure that the school and its staff are acting appropriately.

## **What is covered**

You're protected by this policy and by law if you report any of the following:

- a criminal offence, e.g. fraud
- a breach of legal obligation, e.g. misuse of funds
- someone's health and safety is in danger
- risk or actual damage to the environment
- a miscarriage of justice
- you believe someone is covering up wrongdoing

Personal grievances (e.g. bullying, harassment, discrimination) are still

important, but do not come under whistleblowing legislation – these should be reported through the grievance procedure.

## **Children first**

Where there is reason to suspect a child may be at risk of significant harm everyone is under a duty to take action to keep the child safe. Your duties are set out in the safeguarding children policy. We will prioritise following the schools' safeguarding children policy and where appropriate contact the Local Authority Designated Officer.

## **Our principles**

We see it as your professional duty to raise concern if you strongly suspect wrongdoing.

Anyone considering making a whistleblowing disclosure may seek advice and support from their trade union. The safety of everyone here comes above our loyalty to the organisation.

Any concern raised will be taken seriously by the school and a proper response given. Concerns must be treated confidentially by both the person raising the concern and the school while they are being investigated. Everyone's right to privacy will be respected during and after the investigation.

There will be no repercussions for matters raised under the whistleblowing policy, whether upheld or not. Where necessary, other staff will be instructed not to treat whistleblowers differently – any differential treatment, victimisation or intimidation of a whistleblower may be considered gross misconduct.

The school will still consider concerns raised anonymously but will decide whether to investigate based on the seriousness of the allegation, the sufficiency of detail provided, the credibility of the concern and the likelihood of being able to gather sufficient

evidence to make a finding. We'd prefer you raise the concern with your name but ask this is treated confidentially.

### **What you must do**

Most issues should be resolved internally, and you should report any whistleblowing concern directly to the Directors, or in their absence one of the DSLs.

You may not take concerns to any person other than those set out above. In particular, any concern raised through social networking or approach to the media may be considered as gross misconduct and, in most cases, you will lose your whistleblowing law rights.

You do not need to prove that something has happened, although if you have any evidence of the wrongdoing you should provide this. Instead, we need you to explain clearly why you think there may be wrongdoing. We will then consider how to go forward.

It is helpful to put your concern in writing, being clear about what you are concerned about, together with any evidence you may have to support your view.

Concerns can be anonymous, but this inhibits investigation. Concerns are taken seriously, confidentially, without repercussions.

### **Steps for responding to a concern**

1. We will reassure any whistleblower that we have heard the concern, will investigate and that this will not affect their position at work (whether or not the concern later proves unjustified). We recognise that taking such action can be stressful, so will consider with the whistleblower the support they might need, including access to a counselling service.
2. The whistleblower will be provided with a copy of this policy and reminded of their right to contact their trade union or

professional association for advice or support if they so wish.

3. We will consider whether the information reaches the criteria for a referral to Children's Services or the Local Authority Safeguarding Officer under the safeguarding children policy and act accordingly.
4. If at this stage or any point during an investigation there are grounds to suspect a criminal offence has occurred, the police must be contacted, and no steps taken to investigate further until the police have advised this can occur.
5. A plan for investigating the concern will be set out. This should take into account the seriousness and urgency of the allegation. We will consider whether we believe this is a whistleblowing allegation (i.e. in the public interest) or a personal grievance. The plan will set out on how to gather evidence about the concern.
6. An investigating officer will be identified by the Directors. They will contact you within two working days to let you know what is happening. Usually, they will set up a meeting with you to better understand your concern. You are entitled to support from a trade union or professional association at this meeting. A copy of the minutes of this meeting will be provided and this will include a timescale for the investigation.
- 7.
8. The investigation can have four possible outcomes:

- a. Action required – wrongdoing has been established and the school will rectify this, potentially including application of disciplinary or capability procedures (see those policies);
  - b. Legitimate misunderstanding – work is required to ensure both parties understand why there has been a misperception;
  - c. Personal grievance – advice to be given to follow this procedure rather than whistleblowing; or
  - d. Potentially malicious disclosure – if there is evidence a whistleblowing allegation is malicious and false this may be considered a disciplinary matter.
9. When we have completed our enquiries, or if we require further time, we will tell you. We are limited in what we can share by our duty of confidence to other people, but we will aim to share sufficient information so that you are not worried anymore.
10. The outcome of any whistleblowing investigation, taking due account of individuals’ right of confidentiality, will be shared with the trustees.

### **What if I’m still concerned?**

Tell us. We will try to understand why you are worried and consider whether there is anything else we should do. We will listen carefully and where necessary trigger a further investigation.

### **Creating a safe culture**

- Every member of staff receives a copy of this policy at induction and when the policy is reviewed.
- Any student teacher, contractor or temporary member of staff also receives a

copy of this policy when they start work with us.

- We will agenda whistleblowing on team meeting agenda at least annually, talk through the importance of raising a concern at the earliest opportunity, the process to follow and where you can access this policy. Senior leaders will also refresh themselves on the process for investigating a whistleblowing concern set out above.
- We seek to create a learning culture where anyone can speak out about something we can improve. We will provide opportunities to talk about concerns or improvements in team meetings and supervision. We will also be open to individual conversations.
- While we will not always agree, we will work to ensure everyone feels listened to and action is always taken to correct wrongdoing.

### **Unfair treatment**

We will take all reasonable steps to ensure anyone raising a concern is treated fairly by the school and everyone working here. If you believe you have been untreated fairly because of whistleblowing you should seek advice from your trade union, [citizens’ advice](#), or the whistleblowing charity [public concern at work](#).

### **Who is responsible**

The DSL and Directors is responsible for responding to whistleblowing concerns. A senior manager who is independent of the concerns may be identified to coordinate and if necessary, investigate any whistleblowing concern.

Georgina McDermott, DSL, is the named SMT responsible for the whistleblowing policy. [georgina@westlondonschoolofdance.co.uk](mailto:georgina@westlondonschoolofdance.co.uk)

### **Low Level Concern policy and procedure**

This policy should be read in conjunction with the school's Whistleblowing policy and the school's safeguarding policies, which include but are not exhausted:

- Keeping Children Safe in Education 2023
- All of the school's safeguarding policies
- Safer recruiting policy
- Equality and Diversity
- GDPR policies
- First aid & Mental health policy
- Managing Allegations

Every student has the right to be safe and protected. At WLS Dance our staff are recruited after undergoing vigorous recruitment procedures and training. As such at WLS Dance we create a secure, nurturing place where students are safe to mature; this is underpinned by comprehensive policies and rigorous governance. We work in partnership with the student, their family and any agencies who need to be involved. We endeavour to achieve the best outcome for every student, knowing and understanding them and their needs. We are dedicated in supporting students' resilience in the demands of adult life and the careers that they may choose.

**This policy aims to:**

- Ensure that staff are clear about and confident to distinguish expected and appropriate behaviour from concerning, problematic or inappropriate behaviour, in themselves and others, and the delineation of professional boundaries and reporting lines
- Empower staff to share any low-level concerns with the Safeguarding Lead, and to help all staff to interpret the sharing of such concerns as a neutral act
- Address unprofessional behaviour and help the individual to correct such behaviour at an early stage
- 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 LADO

- Provide for responsive, sensitive, and proportionate handling of such concerns when they are raised; and
- Help identify any weaknesses in our safeguarding systems

**An Allegation**

The term allegation means that it is alleged that a person 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

Where the threshold of an allegation is met, there is specific guidance on how organisations should respond: Working Together to Safeguard Children (July 2018) states that "...Any allegation against people who work with children should be reported immediately to a senior manager within the organisation." The LADO should also be informed within one working day of all allegations. Keeping Children Safe in Education (September 2023) (KCSIE) states that "If staff have safeguarding concerns, or an allegation is made about another member of staff (including volunteers) posing a risk of harm to children, then:

- this should be referred to the DSL or Directors of the school;

**What is a Low- Level Concern?**

A low-level concern is any concern about an adult's behaviour towards a child that does not meet the allegation threshold or is not otherwise serious enough to consider a referral to the LADO. A low-Level concern is

any concern- no matter how small, and even if no more than a nagging doubt- that an adult may have acted in a manner which:

- Is not consistent with the School's Code of Professional conduct; and/or
  - Relates to their conduct outside of work which, even if not linked to a particular act or omission, has caused a sense of unease about that adult's suitability to work with children
- Staff do not need to be able to determine in each case whether their concern is a low level concern or if it is in fact serious enough to consider a referral to the LADO or meets the threshold of an allegation. Once staff share what they believe to be a low-level concern that determination will be made by the SMT or if a member of the SMT is involved by the trustee responsible for safeguarding.

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

Staff should share their concerns with the Directors of the school, or if they are involved then with the DSL. In the case that the concern involves all the SMT then the member of staff should contact Lindsay Gabrysch

### **Self-reporting by staff**

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 Code of Professional Conduct. Self-reporting in these circumstances can be positive for a number of reasons:

- It is self-protective, in that it enables a potentially difficult issue to be addressed at the earliest opportunity
- It demonstrates awareness of the expected behavioural standards and self-awareness as to the individual's own actions or how they could be perceived
- It is an important means of maintaining a culture where everyone aspires to the highest

standards of conduct and behaviour.

### **Sharing and Recording Concerns**

There are two ways that a low-level concern may be shared with the Director/s:

- 1) Speaking directly to the Director/s – Where the low-level concern is provided verbally, the Safeguarding Lead will make an appropriate record of the conversation, either contemporaneously or immediately following the discussion
- 2) Email the Director/s - the email should include appropriate details The Director/s must demonstrate sound professional judgement in determining what information is necessary to record for safeguarding purposes. The name of the individual sharing the low-level concern, and their role, should be stated, as should the name of the individual about whom the concern is being raised, and their role within the organisation at the time the concern is raised. If the latter individual has an opposing factual view of the incident, this should be fairly recorded alongside the concern. The record should include brief context in which the low-level concern arose, and concise details (which are chronological and as precise and accurate as possible) of any such concern and relevant incident(s)..

### **Response from the Director/s**

Once the Director/s has received the low-level concern and has shared this concern with the DSL where appropriate, they should either personally or by delegation through the DSL:

- 1) Speak to the person who raised the concern (unless it has been raised anonymously), regardless of whether a written summary has already been provided
- 2) Review the information and determine whether the behaviour:
  - a) Is entirely consistent with WLS Dance Code of Conduct and the law
  - b) Constitutes a low-level concern
  - c) Is serious enough to consider a referral to the LADO,
  - d) When considered with any other low-level

concerns that have previously been raised about the same individual, should be reclassified as an allegation, and referred to the LADO/other relevant external agencies

3) Where the Director/s is in any doubt whatsoever, they will seek advice from the LADO – on a no-names basis if necessary

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

5) Make appropriate records of:

a) All internal conversations – including with the person who initially shared the low-level concern (where this has been possible), the adult about whom the concern has been shared (subject to the above), and any relevant witnesses

b) All external conversations – for example, with the LADO/other external agencies

c) Their determination

d) The rationale for their decision

### **The Director's approach should also be informed by the following:**

If it is decided that the low-level concern in fact amounts to behaviour which is entirely consistent with LVBS's Code of Professional Conduct and the law:

1) It will still be important for the Director/s to inform the individual in question what was shared about their behaviour, and to give them an opportunity to respond

2) In addition, the DSL should speak to the person who shared the low-level concern – to provide them with feedback about how and why the behaviour is consistent with LVBS's Code of Professional Conduct and the law

3) Such a situation may indicate that:

a. The Code of Professional Conduct is not clear

b. The briefing and/or training has not been satisfactory

c. If the same or a similar low-level concern is subsequently shared by the same or different individual, and the behaviour in question is

also consistent with the Code of Professional Conduct, then an issue may need to be addressed about how the subject of the concern's behaviour is being perceived, if not about the behaviour itself.

If it is decided that the current concern is low-level:

1) it should also be responded to 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 should be done discreetly and, on a need,-to-know basis

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

3) In many cases, a low-level concern will simply require a conversation with the individual about whom the concern has been raised. Any such conversation should: a. Identify why their behaviour is concerning, problematic or inappropriate

b. Explain what change is required in their behaviour

c. Enquiring what, if any, support they might need in order to achieve and maintain that required alteration.

D. Describe the consequences if they fail to reach the required standard or repeat the behaviour in question

e. Consider whether ongoing and transparent monitoring of the individual's behaviour may be appropriate

f. An action plan or risk assessment which is agreed with the individual, and regularly reviewed with them, may also be appropriate.

4) Any such meeting will be followed up in writing to ensure that there is no misunderstanding

Some low-level concerns may also raise issues

of misconduct or poor performance. The Director/s should consider whether this is the case, considering any advice from the LADO. Any such referral should be made by the Director/sl having received the low-level concern and not by individual staff members. Equally, it is essential that there is close liaison and appropriate information sharing between the Director/s and where appropriate the DSL, so that an holistic view of the individual can be taken. Where a low-level concern does not raise misconduct or poor performance issues, it will not be a matter for Directors and if necessary, the board of trustees. Some concerns may trigger LVBS's disciplinary, complaints or whistleblowing procedures, which should be followed where appropriate. If there is any doubt regarding this we will seek advice from other external agencies including the LADO. When a report of a concern is considered with any other low-level concerns that have been shared about the same individual, the case may be reclassified as an allegation. The allegation will be dealt with in accordance with LVBS's Safeguarding Policy and separate, Managing Allegations Procedure, and Part 4 of KCSIE 2023.

### **Low-level Concerns' Records**

All low-level concerns will be recorded and kept on file, including those which are subsequently deemed by the DSL to relate to behaviour which is entirely consistent with the Code of Professional Conduct. This system allows for a chronology and for records to be to be kept confidential and held securely, with access afforded only to a very limited number of individuals. Some low-level concerns may also involve issues of misconduct or poor performance, or they may trigger the School's disciplinary, grievance or whistleblowing procedures. Where these issues would ordinarily require records to be made and retained on the staff member's personnel file, this will be done in the normal way, in addition to the records of the low-level concern(s) being retained in a central low-level concerns

file. If a low-level concern in and of itself is deemed to be serious enough to consider a referral to the LADO and, a referral is made to them, then records relating to the low-level concern should be placed and retained on the staff member's personnel file. If a low-level concern (or group of concerns) is reclassified as an allegation, all previous records of low-level concerns relating to the same individual will be moved from the central low-level concerns file to the staff member's personnel file, and retained in accordance with Part 4 of KCSIE. All low-level safeguarding concerns will be reviewed by the SMT half termly.