Ormiston Academies Trust

Whistleblowing policy

Policy version control

Policy type	OAT Mandatory The Trust will regularly monitor and review this policy to ensure that it is appropriate, effective, and compliant with both employment legislation and the Equality Act 2010
Author In consultation with	Carmel Brown ASCL, GMB, NAHT, NASUWT, NEU, Unison & Unite
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Description of changes	▪ The content has not changed significantly overall but some of the sections have been rearranged in order to help make more sense of the flow of the document. ▪ Minor changes to the headings in the document 1-10 ▪ In section 1 Introduction, the bullet points have been amended and reordered to give greater clarity ▪ Section 2 has been renamed Purpose ▪ A new section 6 has been added named Timing

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1. Introduction

1.1. Ormiston Academies Trust have overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. The principal has delegated day-to-day responsibility for operating this policy at academy level.

1.2. Ormiston Academies Trust is committed to achieving the highest possible standards of service and ethical standards and this policy will enable staff to raise concerns of serious wrongdoing without fear of reprisal.

1.3. This policy applies to all individuals working for Ormiston Academies Trust at all levels and grades, whether they are employees, contractors, and casual or agency staff.

1.4. Whistleblowing is distinct from the grievance procedure which should be used if staff have a complaint related to their personal circumstances in the workplace. Concerns about wrongdoing at OAT schools such as fraud, malpractice, mismanagement, breach of health and safety law or any other illegal or unethical act either on the part of management, the Governing Body or be fellow employees should be raised using this procedure.

1.5. This policy has been introduced in line with the Public Interest Disclosure Act 1998 to enable workers to raise issues of concern in an appropriate manner. It does not override workers' legal rights to make a protected disclosure to certain third parties under this Public Interest Disclosure Act 1998 (PIDA), as incorporated into the Employment Rights Act 1996.

2. Purpose

2.1. This policy aims to:

- Encourage staff to feel confident in raising concerns.
- Establish a fair and impartial investigative procedure.
- Provide avenues for staff to raise concerns and receive appropriate feedback.
- Ensure that staff receive a response to concerns and are aware of how to pursue then if they are not satisfied.
- Ensure that staff will be protected from any reprisals or victimization by the academy/OAT HO, provided that there is reasonable belief that the matter disclosed tends to show wrongdoing and that the disclosure has been made in an appropriate manner.

3. Scope

3.1. This policy may be used by all staff at an academy/OAT HO to raise concerns where the wellbeing of others or the academy itself is at risk.

3.2. The term staff broadly includes employees, contractors, agency workers, trainees and persons who is or was subject to a contract to undertake work or services for the academy/OAT HO.

3.3. The Whistleblowing policy is designed to sit alongside the OAT Grievance Policy and the OAT Complaints Policy. As a guideline, concerns, which should be raised through these routes are as follows:

- Employment related issues should be raised through the OAT Grievance Policy
- The OAT Complaints Policy can be used for parental/non parental complaints and for complaints about Ormiston Academies Trust.

4. Equal Opportunities

4.1. The whistleblowing procedure must always be fairly applied and in accordance with employment law and OAT's Equal Opportunities Policy

5. Responsibilities

5.1. Ormiston Academies Trust is responsible for maintaining fair, consistent and objective procedures for matters relating to whistleblowing across OAT.

5.2. The principal has overall responsibility for the internal organisation, control and management of each academy.

6. Timing

6.1. The whistleblowing procedure should normally be conducted within the timescales laid down in this document. However, if there is a valid reason to do so, timescales can be varied. If this is initiated by management, the employee should be given an explanation if this occurs and informed when a response or meeting can be expected. Delays should not normally exceed 10 working days.

7. What to raise concerns about

7.1. The Public Interest Disclosure Act lists matters about which concerns can be raised, provided they are in the public interest as follows.

a) that a crime has been committed, is being committed, or is likely to be committed

b) that a person has failed, is failing or is likely to fail to comply with any legal obligation that which they are subject.

c) that a miscarriage of justice has occurred, is occurring or is likely to occur.

d) that the health and safety of an individual has been, is being or is likely to be endangered.

e) that the environment has been, is being or is likely to be damaged.

f) that information tending to show any of a) to e) above has been concealed or is likely to be deliberately concealed.

7.2. Particular concerns that may fall within the terms of this policy include, for example, willful maladministration and corruption, misuse of funds, theft or fraud. We anticipate that disclosure will most likely relate to the actions of employees, contractors, casual or agency staff, but they may also relate to the actions of a third party.

8. How to raise a concern

8.1. As a first step, an employee should normally raise concerns with their immediate manager or their manager's superior. This depends, however, on the seriousness and sensitivity of the issues and who is involved. For example, if an employee believes that their immediate manager or their manager's superior is involved, s/he should approach the principal or the Regional/Primary Director/ Chair of Governors. An employee (including the Principal and members of the leadership team) can bypass the direct management line of the Regional Director or the Governing Body if s/he feels the overall Management and Governing Body of a school is engaged in an improper course of action then this may be referred to the Chief Executive of Ormiston Academies Trust (nick.hudson@ormistonacademies.co.uk). If the matter is regarding the Chief Executive, in this case please contact Paul Hann, who is the Chair of Trustees of Ormiston Academies Trust.

8.2. Concerns are better raised in writing. The employee should set out the background and history of the concerns, giving names, dates and places where possible, and the reasons why s/he is particularly concerned about the situation. If an employee does not feel able to put the concern in writing, s/he should telephone or meet the appropriate person. It is important that, however the concern is raised, the employee makes it clear that s/he is raising the issue via the whistleblowing procedure.

8.3. The earlier and the more detailed the concern, the easier it will be to take action.

8.4. At this stage, the employee is not expected to prove the allegation, but s/he will need to demonstrate to the person contacted that there are sufficient grounds for concern.

9. How Ormiston Academies Trust will respond to a concern

9.1. The action taken by OAT will depend on the nature of the concern. The matters raised may:

- be investigated by the Principal/CEO or an independent third party as appropriate, either in conjunction with other OAT employees or alone
- be investigated internally by an appropriately skilled and experienced individual, knowledgeable in the area concerned who has had no previous involvement with the case/issue
- be referred to an External Auditor or Ombudsman
- form the subject of an independent enquiry

9.2. In order to protect individuals, the Academy and OAT's initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations that fall within the scope of specific procedures (for example, child protection or discrimination) will normally be referred for consideration under those procedures.

9.3. Some concerns may be resolved by agreed action without the need for investigation.

9.4. Within ten working days of a concern being received (excluding anonymous concerns) the individual with whom the employee raised the matter will write to the employee:

- acknowledging the concern has been received
- indicating how it is proposed to deal with the matter
- giving an estimate of how long it will take to provide a final response
- telling the employee whether any initial enquiries have been made, and
- telling the employee whether further investigations will take place, and if not, the reason why.

9.5. The amount of contact between the individual(s) considering the issues and the employee who made the protected disclosure will depend on the nature of the matters raised, the potential difficulties involved, and the clarity of the information provided. If necessary, further information will be sought from the employee in a discreet manner.

9.6. When any meeting is arranged, the staff member has the right to be accompanied by a union or workplace representative. The meeting can be 'off site', if requested.

9.7. The academy/OAT will take steps to minimise any difficulties which the staff member may experience as a result of raising a concern and provide any appropriate support. For instance, if the employee is required to give evidence in disciplinary or criminal proceedings. OAT will advise the member of staff about the procedure.

9.8. The academy/OAT accepts that the employee needs to be assured that the matter has been properly addressed. Thus, subject to legal constraints, s/he will receive information about the outcomes of investigations. In addition, s/he will be informed as to what action has been taken to correct working practices where they have been found to be at fault by the investigation.

10. Ormiston Academies Trust assurances to staff

10.1. To ensure staff have the right to disclose a concern.

10.1.1. To ensure staff have the right to disclose a concern/issue if the academy/OAT HO does not deal with the matter. However, the duty of fidelity is implied by the law in every contract of employment and prohibits employees from disclosing employers' confidential information, unless it is in the public interest that information is disclosed or unless the Academy/OAT HO fails to properly consider or deal with the issue.

10.2. To protect staff.

10.2.1. If a member of staff makes a disclosure on one or more matters listed above and they have a reasonable belief that the concern is real, the works will not suffer any detriment, even if after investigation it transpires that the concern in unfounded. Ormiston Academies Trust will not tolerate the harassment or victimisation of any worker raising a genuine concern, this may include disciplinary action.

10.2.2. If a member of staff request that their identity is protected, the academy/OAT HO will not disclose it unless required to do so by law. If the situation arises where the academy/OAT HO is unable to resolve the concern without revealing the member of staff's identity (for instance because the workers evidence is needed in court), the academy/OAT HO will discuss with the worker how the matter should proceed. However, it must also be stated that if a member of staff chooses not to disclose their identity it will be much more difficult for Ormiston Academies Trust to look into the matter or to protect the employees' position or to give feedback to the employee. Accordingly, while we will consider anonymous reports, it will not be possible to apply all aspects of their policy for concerns raised anonymously.

11. How the matter can be taken further

11.1. This policy is intended to provide staff with an avenue to raise concerns within the individual academy or Ormiston Academies Trust. We hope anyone invoking this procedure will be satisfied with the response given. We encourage direct communication of any serious issue with the Chief Executive via the Head office in Birmingham prior to disclosure to any external bodies. Where possible, whistle blowing to an external body without first going through OAT internal procedure without compelling reasons is not encouraged. If the staff member feels it is right to take the matter outside the organisation, the following are possible contact points:

- The staff members Trade Union
- The DfE
- Member of Parliament
- National Audit Office
- Health and Safety Executive
- The relevant ombudsman
- The employee's solicitor
- The Charities Commission
- The police
- Protect (formerly Public Concern at Work). They are an independent authority on public interest whistleblowing. They focus on the responsibility of workers to raise concerns about malpractice and on the accountability of those in charge to investigate and remedy such issues. It offers free advice to people concerned about danger or malpractice in the workplace but who are unsure whether or how to raise the matter). Protect's helpline number is 0203 117 2520

12. Monitoring / Review

12.1. This policy will be monitored to ensure consistency of application and adherence to the equalities legislation, to ensure that the policy operates in accordance with the duty to promote equality, to eliminate discrimination and to promote good relations between staff with protected characteristics under the Equalities Act 2010.

12.2. This policy will be monitored and reviewed by the relevant body in conjunction with the recognised Trade Unions at an agreed date/timescale (see front sheet of this policy document).

12.3. The trust must keep a record of Public Interest Disclosures, including those made anonymously.