



# OAK MULTI ACADEMY TRUST

## WHISTLEBLOWING POLICY

Version	1.0
Approved By	Trust Board
Issue Date	19-09-19
Review Date	September 2020

**REVIEW HISTORY**

VERSION NO.	DATE OF CHANGE	CHANGE SUMMARY	PAGE NO.

## **1. INTRODUCTION**

- 1.1 This policy applies to all Oak Multi Academy Trust (the trust) employees regardless of whether they are permanent, fixed term, casual, agency or volunteers.
- 1.2 The Trust are committed to the highest standards of openness, honesty and accountability. It is very important that all employees feel they are able to talk about any concerns they may have and where they have reasonable cause to believe there has been a detrimental effect on education provided to pupils and the working environment for staff.
- 1.3 Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. This policy encourages and enables employees to raise promptly any serious concerns they may have about the activities of employees, Trustees, Governors, or external organisations in relation to their dealings with the Trust. This policy:
  - 1.3.1 Enables employees to raise any concerns they may have and to receive feedback about the outcome of any resulting investigation. It is important to note that the employee will not receive information regarding the detail of the investigation nor any actions taken.
  - 1.3.2 Allows employees to understand how and where to escalate their concerns, if following the completion of any internal processes, their concerns remain.
  - 1.3.3 Protects employees from reprisals or victimisation for 'whistleblowing' made in good faith.

## **2. PURPOSE**

- 2.1 Where an employee has a concern it may be about something that is either already happening, has taken place, or is likely to happen in the future. This may include:
  - 2.1.1 A criminal offence or is potentially unlawful.
  - 2.1.2 A miscarriage of justice.
  - 2.1.3 Regarding the application of the trust's policies or operating procedures.
  - 2.1.4 An act of fraud or corruption.
  - 2.1.5 Seems likely to cause damage or harm to a member of the public, the Trust, employees or the pupils.
  - 2.1.6 An act creating a risk to health and safety.
  - 2.1.7 An act causing damage to the environment.
  - 2.1.8 Is a breach of any other legal obligation.
  - 2.1.9 Is a deliberate attempt by an individual or group of people to conceal any of the above.
- 2.2 A whistleblower is a person who raises a genuine concern relating to any of the above. Any genuine concern related to suspected wrongdoing or danger affecting any of the Trust's activities (a whistleblowing concern) should be reported under this policy.
- 2.3 This policy should not be used for complaints relating to an employee's personal circumstances, such as the way they have been treated at work. In those cases, employees should use the Grievance Procedure.
- 2.4 Employees should seek advice from a member of the Academy or Trust's leadership team if uncertain whether something is within the scope of this policy.

- 2.5 If an employee's concern is in relation to safeguarding and the welfare of pupils at an academy, they should consider whether the matter is better raised under the child protection policy and in accordance with the arrangements for reporting such concerns, i.e. via the designated safeguarding lead, although the principles set out in the policy may still apply.

### **3. CONFIDENTIALITY**

- 3.1 The identity of employees who raise concerns will be protected as far as practicable. However, the investigation may, out of necessity in some instances, reveal the source of the information and statements made by the employee(s) who raised the issue may comprise part of the formal process, for example if a formal process/hearing is required.
- 3.2 Employees are encouraged to put their name to any allegations made. Concerns expressed anonymously will be considered at the discretion of the Trust taking into account:
- 3.2.1 The seriousness of the issues raised.
  - 3.2.2 The credibility of the concern.
  - 3.2.3 The likelihood of the allegation being substantiated and
  - 3.2.4 whether it is considered that the allegations are untrue/false.
- 3.3 Employees who raise an issue in good faith under this policy are protected by the Public Interest Disclosure Act 1998 from any repercussions on their present position or future career. The Act does not protect anyone who is acting maliciously, making false allegations or who is seeking personal gain. The Trust does not tolerate any form of harassment or victimisation against an individual raising a concern.
- 3.4 If an allegation is made in good faith, but is not upheld by the investigation, no action will be taken against the employee who raised the concern. However, employees who make malicious or vexatious allegations may be subject to disciplinary action.
- 3.5 The Academy will keep a record of disclosures made under the Whistleblowing policy.
- 3.6 The Academy will comply with data protection requirements in terms of any records made and kept.

### **4. RAISING A CONCERN**

#### **Who can raise a concern?**

- 4.1 Any individual who currently works for or who has previously worked for the Trust may raise a concern under this policy. In addition, a complaint may also be raised by an individual who works for an organisation that provides a service to the Trust such as agency workers, volunteers, trustees and governors.

#### **How to raise a concern?**

- 4.2 Employees should normally raise concerns with their line manager in the first instance. The line manager may be able to agree a way of resolving the concern quickly and effectively.
- 4.3 This will depend on the nature of the concern, the seriousness and sensitivity of the issue and who is allegedly involved.

4.4 Where the concern is more serious or where employees feel unable to approach their line manager, they may raise their concern with:

- The Headteacher
- The Chair of Governors
- Or if the concern is in relation to either of these then the Chief Executive or Chair of Trustees

4.5 Concerns can be raised orally or in writing. It is important that the employee provides as much detail as possible (including specific names, dates and places where known).

4.6 Alternatively, where concerns are of a serious nature and criminal activity is suspected, employees have the right to raise issues directly with the police or other relevant agencies as they see fit. However, the aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases employees should not find it necessary to alert anyone externally.

## 5. RESPONSE

5.1 The action taken will depend on the nature of the concern. For example, the matter may:

- 5.1.1 be investigated internally
- 5.1.2 be investigated by a third party (such as HR)
- 5.1.3 be referred to the school external auditor
- 5.1.4 be referred to the police, or
- 5.1.5 form the subject of an independent inquiry.

5.2 In order to protect individuals and the Trust, initial enquiries will be made to determine whether an investigation is appropriate and if so, what form it should take. Concerns or allegations which fall within the scope of specific procedures (for example, child protection or unlawful discrimination issues) will normally be referred for consideration under those procedures.

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

5.4 Within two weeks of a concern being received, the person with whom the issue was raised will write to the employee:

- 5.4.1 Acknowledging that the concern has been raised;
- 5.4.2 Indicating how it is proposed to deal with the matter;
- 5.4.3 Advising whether further investigations will take place and, if not, why not; and
- 5.4.4 Confirm, where possible, an estimate of how long it will take to provide a final response.

5.5 If necessary, further information will be sought from the employee regarding the concern. The employee will have the right to be accompanied at any meetings by a Trade Union representative or work colleague.

## **6. OUTCOME OF THE INVESTIGATION**

6.1 If an investigation is warranted, the employee will be informed about the outcome of any investigation but not the detail of the investigation or any action taken against another employee (e.g. disciplinary action).

6.2 The employee who raised the concern has no right of appeal against the outcome of the investigation, however, if the employee is not satisfied with the outcome of the academy investigation, they may raise their concern with the Trust:

- Chief Executive Officer
- Chair of Trustees

6.3 Should they choose to take the matter outside the Trust, they may contact:

6.3.1 For safeguarding issues only, Leicestershire County Council's Allegations Manager (LADO)

6.3.2 Their local Councillor (for employees who live in the area of the Trust)

6.3.3 Relevant professional bodies or regulatory organisations (Department for Education, ESFA, Ofsted, HM Revenue and Customs)

6.3.4 the Police

6.3.5 the whistleblowing charity Public Concern at Work

6.3.6 the Audit Commission

When taking the matter outside of the Trust, the employee must ensure that they do not disclose confidential information about the Trust or its employees and pupils which is not relevant to the issue.

## **7. RESPONSIBLE OFFICER**

The Chair of Trustees has overall responsibility for the maintenance and operation of this policy and delegates the responsibility for this to the Chair of Governors within each academy. The Chair of Governors must maintain a record of concerns raised and their outcomes and will report, as necessary, to the governing body and board of trustees.