



# Orchard Learning Trust

## Whistleblowing Policy

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# Whistleblowing Policy

## 1. Introduction

Orchard Learning Trust (“the Trust”) is committed to the highest possible standard of operation, probity and accountability. In line with that commitment, employees, officers, consultants, contractors, volunteers, casual workers and agency workers with serious concerns are encouraged to come forward and voice those concerns.

As employees are often the first to realise that there may be something wrong within the school, it is important that they feel able to express their concerns without fear of harassment or victimisation. The Public Interest Disclosure Act 1998 recognises this fact and is designed to protect employees, who make certain disclosures of information in ‘the public interest’, from detriment and/or dismissal. This policy aims to:

- provide avenues for employees to raise concerns internally as a matter of course, and receive feedback on any action taken;
- provide for matters to be dealt with quickly and appropriately; and ensure that concerns are taken seriously and treated consistently and fairly;
- reassure employees that they will be protected from reprisals or victimisation for whistleblowing where they have a genuine concern; and
- allow employees to take the matter further if they are dissatisfied with the Trust’s response.

This policy does not form part of any employee’s contract of employment and it may be amended at any time.

## 2. What is whistleblowing?

Whistleblowing is when the employee knows, or suspects, that there is some wrongdoing occurring within the organisation for which they work, and alerts the employer or the relevant authority accordingly. Concerns which could come under whistleblowing may include the following:

- criminal activity;
- miscarriages of justice;
- danger to health and safety;
- damage to the environment;
- failure to comply with any legal or professional obligation or regulatory requirements;
- bribery;
- financial fraud or mismanagement;
- negligence;
- breach of our internal policies and procedures
- conduct likely to damage our reputation;
- unauthorised disclosure of confidential information;
- public examination fraud;
- the deliberate concealment of any of the above matters.

## 3. Protection for whistleblowers

### 3.1. Protection against detriment

Any employee who takes action under the Public Disclosure Act 1998 will be protected from any detriment in relation to any allegations that are made.

If you do not follow the procedure set out below, which encompasses the requirements of the Public Disclosure Act 1998, the protection against detriment will not apply. Disclosing information in an inappropriate way (e.g. contacting the media) could result in disciplinary action being taken against you, which could include dismissal.

### 3.2. Protection from harassment or victimisation

The Trust recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The Trust will not tolerate harassment or victimisation and will take action to protect you if you raise a genuine concern.

### 3.3. Preserving confidentiality and data protection

We hope that staff will feel able to voice whistleblowing concerns openly under this policy. The Trust will make every effort to protect your identity if confidentiality is requested, but should the investigation into the concern require you to be named as the source of the information, this will be discussed with you before your name is disclosed.

The Trust processes any personal data collected as part of operation of this procedure in accordance with its data protection policy. Any data collected is held securely and accessed by, and disclosed to, individuals only for the purposes of completing the tasks necessary under this procedure.

Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with our data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under our disciplinary procedure.

## 4. The whistleblowing procedure

### 4.1. Before initiating this procedure

Before initiating the Trust's whistleblowing procedure you should consider the following:

- the responsibility for expressing concerns about unacceptable practice or behaviour rests with all employees;
- you should use line manager or team meetings and other opportunities to raise questions and seek clarification on issues which are of day-to-day concern;
- whilst it can be difficult to raise concerns about the practice or behaviour of a colleague, you must act to prevent an escalation of the problem and to prevent yourself being potentially implicated.

This policy should not be used for complaints about your personal circumstances, such as the way you have been treated at work. In these cases you should use the normal line

management process, the Trust's grievance procedure or other procedure relevant to your concern as appropriate.

#### **4.2. Anonymous Allegations**

You are encouraged to put your name to an allegation. Proper investigation may be more difficult or impossible if we cannot obtain further information and it is also more difficult to establish whether allegations are credible. Anonymous allegations will be considered at the discretion of the Trust. In exercising the discretion, the factors to be taken into account would include:

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

#### **4.3. Untrue or unfounded allegations**

If you make an allegation where you have a genuine concern, but it is not confirmed by the investigation, no action will be taken against you. You will be informed that the Trust deems the matter to be concluded and that it should not be raised again unless new evidence becomes available.

If, however, we conclude that you have made malicious or vexatious allegations, or with a view to personal gain, disciplinary action may be taken against you.

#### **4.4. Support to employees**

It is recognised that raising concerns can be difficult and stressful. Advice and support will be made available to you, as appropriate, if you are either raising a concern or are subject to investigation.

#### **4.5. Who to approach with your concern**

As a first step, you should normally raise concerns with your immediate manager. This depends, however, on the seriousness and sensitivity of the issues and who is involved. For example, if you believe that your immediate manager is involved, you should approach the Head of School.

When raising a concern, you can by-pass the direct management line if you feel any managers in that line are engaged in an improper course of action. If you do not feel able to approach any employees of the Trust, you may approach a Director.

#### **4.6. How to raise a concern**

Concerns are better raised in writing. You should set out the background and history of the concerns, giving names, dates and places where possible, and the reasons why you are particularly concerned about the situation. It is important that, however the concern is raised, you make it clear that you are raising the issue via the whistleblowing procedure.

Although you are not expected to prove the truth of an allegation, you will need to demonstrate to the person contacted that there are sufficient grounds for the concern.

In some instances it may be appropriate for you to ask your trade union to raise a matter on your behalf.

#### **4.7. Meeting to discuss**

Once you have raised a concern under this procedure, a meeting will be arranged in order

for your concerns to be discussed. This meeting would normally be with the Head of School or Executive Headteacher/ Chief Executive Officer however this will depend on the nature of concerns being raised.

At each meeting under this policy you may bring a colleague or trade union representative with you. Your companion must respect the confidentiality of the disclosure and any subsequent investigation.

At the initial meeting the manager should establish that there is genuine cause and sufficient grounds for the concern; and that the concern has been appropriately raised via this policy. You will be asked to give as much detail about your concerns as possible, and notes will be made of the discussion.

#### **4.8. Investigation**

Following the initial meeting the manager should consult with the relevant people (which may include Head of School, Executive Headteacher/ Chief Executive Officer and/or Directors) to determine whether an investigation is appropriate and, if so, what form it should take. A record should be made of the decisions and/or agreed actions.

In some cases, it may be possible to resolve the concern(s) simply, by agreed action or an explanation regarding the concern(s), without the need for further investigation. However, depending on the nature of the concern(s) it may be necessary for the concern(s) to be investigated internally, referred to an external body or to form the subject of an independent inquiry.

#### **4.9. Response**

Within ten working days of a concern being received, the manager receiving the concern will write to you as follows:

- acknowledging that the concern has been received;
- indicating how they propose to deal with the matter;
- giving an estimate of how long it will take to provide a final response; and/or
- telling you whether any initial enquiries have been made; and
- telling you whether further investigations will take place, and if not why not; and/or
- letting you know when you will receive further details if the situation is not yet resolved.

### **5. Alerting outside bodies to a potential wrongdoing**

The aim of this policy is to provide an internal mechanism for reporting, investigation and remedying any wrongdoing in the workplace. In most cases you should not find it necessary to alert anyone externally, however if you are not satisfied with the response, you are entitled to contact a relevant external body to express the concerns. In doing this you should:

- have a reasonable belief that the allegation is based on correct facts
- not be making any personal gain from the revelations
- make the disclosure to a relevant body.

A “relevant body” is likely to be a regulatory body (e.g. Ofsted, the Health and Safety Executive, or the Financial Services Authority).

## **6. Monitoring and Review**

The Executive Headteacher/ Chief Executive Officer/ Chief Executive Officer will be responsible for monitoring the implementation and effectiveness of this policy/procedure. The policy/procedure will be reviewed by the People and Policies Committee as necessary.