



## Whistleblowing Policy

Document control table	
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Updates/revisions August 2023 included:	Section 15 updated as ESFA has been replaced with DfE
This is an OA central template and applicable to all within the trust.	

### 1. Introduction

The Public Interest Disclosure Act 1998 was enacted to:

- ensure a climate of greater frankness between employers and workers so that irregularities can be identified and addressed quickly; and
- to strengthen employment rights by protecting responsible workers who blow the whistle about wrongdoing or failures in the workplace.

This policy complies with Olive Academies Multi-Academy Trust (Olive Academies Trust) funding agreement and articles of association and requirements set out in the [Academy Trust Handbook](#) as well as [government guidance on whistle-blowing](#).

This policy does not form part of any employee contract of employment and may be amended at any time. The policy applies to all employees or other workers and volunteers who provide services to the

trust in any capacity including self-employed consultants or contractors who provide services on a personal basis and agency workers.

This policy does not apply to individuals engaged to provide services through a third-party organisation or members of the public (including the parents of pupils attending and Olive Academy). Such individuals must use the Olive Academies Trust complaints procedure to raise any concerns that they may have.

## **2. What is whistleblowing?**

Whistleblowing encourages and enables employees to raise serious concerns within Olive Academies Trust rather than overlooking a problem or 'blowing the whistle' outside.

Employees are often the first to realise that something seriously wrong may be happening within an organisation. However, they may not express their concerns either because they feel that speaking up would be disloyal to their colleagues or the Trust, or because they fear harassment and victimisation. In these circumstances, it may be easier to ignore a concern than to report what may just be a suspicion of malpractice.

This policy applies to all employees, (including those designated as casual hours, temporary, fixed term, agency, authorised volunteers or work experience).

OA is committed to the highest possible standards of openness, probity, and accountability. In line with that commitment the policy encourages employees and others with serious concerns about any aspect of the Trust's work to come forward and voice those concerns. It recognises that certain cases will have to proceed on a confidential basis. This policy makes it clear that staff can do so without fear of reprisals and is intended to encourage and enable staff to raise serious concerns within OA; rather than overlooking a problem or publicly disclosing the matter.

## **3. Aims and scope of this policy**

This policy aims to:

- provide avenues for you to raise concerns and receive feedback on any action taken;
- allow you to take the matter further if you are dissatisfied with the academy's response; and
- reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made a disclosure in good faith.

This policy covers concerns that fall outside the scope of other policies and procedures. It is not intended as recourse against financial or business decisions made by OA. It is not an alternative to the well-established complaints, disciplinary or grievance procedures. It may, however, overlap with other Olive Academies Trust policies for dealing with complaints, with board or management Codes of Conduct and with protocols for good working relationships within OA.

## **4. Types of concern**

This policy is based on legislation set out in the Public Interest Disclosure Act 1998. Concerns raised under this whistleblowing policy are governed by that legislation and so before making a whistleblowing statement you should be clear that your concern falls within one of the following categories i.e. that it is, or may be:

- unlawful or a criminal offence;
- a breach of a legal obligation;
- a miscarriage of justice;

- mistreatment or abuse of a service user or a member of the public for whom Olive Academies Trust has a responsibility;
- in disregard of legislation governing health and safety at work;
- seeking undue favour over a contractual matter or a job application;
- against Olive Academies Trust's Financial Regulations;
- fraud and corruption;
- amounts to improper conduct or unauthorised use of public funds;
- has led to or could lead to damage to the environment;
- a deliberate cover up of information tending to show any of the above;
- other unethical conduct.

The employee/worker raising the concern must reasonably believe they are doing so in the public interest. In the interests of clarity, this means that personal grievances and complaints are not usually covered by this policy and should be dealt with under the grievance policy and procedures.

## **5. Safeguards**

### **Harassment or victimisation**

Olive Academies 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. If what you are saying is true, you should have nothing to fear because you will be doing your duty to your employer and those for whom you provide a service.

Olive Academies Trust will take action to protect you when you raise a concern in good faith. It will not tolerate any resulting harassment or victimisation (including informal or indirect pressures) and will treat this as a serious disciplinary offence which will be dealt with under the proper procedures.

Any investigation into an allegation of malpractice will not influence or be influenced by any disciplinary or redundancy procedures which already affect you.

## **6. Confidentiality**

All concerns will be treated in confidence and the Trust will do its best to protect your identity if you do not want your name to be disclosed. If investigation of a concern discloses a situation which is sufficiently serious to warrant disciplinary action or police involvement, then your evidence may be important. Your name will not be released as a possible witness until the reasons for its disclosure at this stage have been fully discussed with you. However, this policy encourages you to put your name to your concern wherever possible.

Please note that staff must:

- disclose in good faith;
- believe it to be substantially true;
- not act maliciously or make a false allegation; and
- not seek personal gain.

## **7. Anonymous allegations**

This policy encourages you to put your name to your allegation. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the Trust against the following criteria:

- the seriousness of the issues raised;
- the likelihood of confirming the allegation from attributable sources;
- the Trust's best interests; and
- the protection of Trust assets.

You should also bear in mind that if you do choose to raise a concern anonymously it will be more difficult for the matter to be investigated and for you to be provided with feedback. For this reason, where you wish to raise your concern anonymously, this may best be done through your Trade Union.

## 8. Untrue allegations

If you make an allegation in good faith but it is not or cannot be confirmed by the investigation, no action will be taken against you. However, if a subsequent investigation uncovers evidence that suggests you made a malicious or vexatious allegation disciplinary action may be taken against you.

## 9. Good practice principles

The academy will implement the core whistleblowing principles, as outlined in the '[Freedom to speak up report](#)', to ensure that whistleblowing procedures are fair, clear and consistent.

The academy will implement a **culture of change** by ensuring the following principles are reflected in our ethos and values – there will be a culture:

- Of safety in the academy.
- Where people feel confident with raising concerns.
- Free from bullying.
- Of visible leadership.
- Of valuing staff.
- Of reflective practice.

By providing a clear procedure for mediating and resolving cases, as outlined in the How to raise a concern section of this policy, the academy will ensure that all cases are efficiently handled. This procedure includes:

- How to raise and report concerns.
- How investigations will be conducted.
- How the academy will mediate and resolve disputes.

The academy will implement **measures to support good practice** by ensuring adherence to the following principles:

- Offering relevant training to staff
- Providing the necessary support to staff
- Providing support to staff who are seeking alternative employment
- Being transparent
- Being accountable
- Conducting an external review of any concerns raised, where necessary
- Undertaking regulatory action as required
- Informing staff what protection is available to them if they report someone
- Ensuring that alternative whistleblowing channels are in place for members of staff who feel unable to raise an issue with their employer

The academy will ensure there are **support measures in place for vulnerable groups** by adhering to the following principles:

- Ensuring non-permanent staff are taught, and receive training on, the same principles as permanent staff
- Ensuring trainees are subject to all the safeguarding and whistleblowing principles
- Ensuring staff from ethnic minorities are supported, as they may feel particularly vulnerable when raising concerns
- Ensuring staff are empowered and protected, enabling them to raise concerns freely

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

Should a member of staff have a concern, they can in the first instance raise a concern with their line manager. However, if for whatever reason this first step is deemed inappropriate then the concern should be raised with either the OA Director of Resources or the Vice-chair of the Board of Trustees.

They can be emailed as follows:

Director of Resources: [Jo.gillman@oliveacademies.org.uk](mailto:Jo.gillman@oliveacademies.org.uk)

Vice chair of trustees: [Rosemary.leeke@oliveacademies.org.uk](mailto:Rosemary.leeke@oliveacademies.org.uk)

Concerns can be raised orally but it is good practice for the concern to be recorded in writing at an early stage to ensure that all the details are correctly understood. A written allegation should set out the background and history of the concern (giving names, dates and places where possible) and the reason why you are particularly concerned about the situation.

It is preferable for you to record this in writing yourself. However, where the person to whom you voice your concerns writes these down a copy will be sent to your home address or via your representative to give you an opportunity to agree this as a true record of the conversation.

The earlier you express the concern, the easier it is to act.

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 your concern to be investigated.

Individuals who would like to seek professional and confidential advice should contact Protect, a registered charity that advises on whistleblowing queries. The Protect website can be accessed [here](http://www.protect-advice.org.uk) ([www.protect-advice.org.uk](http://www.protect-advice.org.uk)), or they can be contacted on 020 31172520.

In certain instances, it may be appropriate for the individual to raise the concern with an outside agency, e.g. the police, depending on the severity of the concern. Equally, it may be appropriate for the individual to request that their trade union raises the matter.

If a member of staff feels they should report a concern to the ESFA, they should use the [online contact form](#).

## **11. How OA will respond**

The action taken by OA will depend on the nature of the concern. After initial enquiries to assess the seriousness of the matter it may be investigated internally. Specific procedures where these are applicable should always be referred to, e.g. in child protection or discrimination issues when referral to another agency might be the most appropriate course of action.

If urgent action is required in response to a concern this may well be taken before a full investigation is conducted.

Some concerns may be resolved by action agreed with you without the need for investigation or it may be that an investigation can be completed without the person or persons under investigation being aware of the process.

In any event within ten working days of a concern being received, the Trust will write to you at your home address:

- acknowledging that the concern has been received;
- indicating how it proposes to deal with the matter;
- giving an estimate of how long it will take to provide a final response;
- telling you whether any initial enquiries have been made;
- telling you whether further investigations will take place, and if not, why not; and
- naming an independent person to support you during any investigation, e.g. a member of staff from another academy.

This named person will contact you immediately, explain their role, deal with all confidentiality issues, agree frequency of contact and keep you informed about the progress of the investigation and the investigating officer(s) informed of any further issues you think are necessary. You should raise with this support officer any concerns you have about the conduct of the investigation.

This officer will take appropriate steps to support you in the workplace and at any criminal or disciplinary proceedings which may eventually result from your concern and at which you are asked to give evidence.

If you wish to retain your anonymity you will need to nominate a representative to whom correspondence may be directed to keep you informed.

The amount of contact between investigating officers and you 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 you.

When any meeting is arranged, you have the right, if you so wish, to be accompanied by a Union or professional association representative or a friend (who need not be associated with the Trust).

The Olive Academies Trust accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will receive information about the outcome of any investigations and/or proceedings.

## **12. Safeguarding**

Appropriate whistleblowing procedures will be put in place for concerns about poor or unsafe practice and potential failures in the academy or Trust's safeguarding system to be raised with the Designated Safeguarding Lead.

If a member of staff feels like they are unable to raise a safeguarding-related concern with the academy or Trust or feels that their genuine concerns are not being addressed, they are able to contact the NSPCC Whistleblowing Helpline on 0800 028 0285 or the LADO.

The academy or Trust, or the appropriate external agency, will acknowledge receipt of a disclosure but, unless additional information is required, will not contact or engage in dialogue with the whistleblower, as this may undermine the legitimacy of the investigation outcome.

### **13. What if an employee receives a complaint about themselves?**

If the complaint or allegation is at all significant or made in a formal way, particularly by a member of the public or external users, then employees should inform their line manager or the CEO in the case of head of academy, even if they believe or know the complaint to be groundless or unjustified.

Where a complaint or 'grumble' clearly does not justify taking up time in this way, making a brief note on a file, diary or similar is advisable.

### **14. Malicious allegations**

If, following an appropriate investigation, it is considered that an employee has made a malicious allegation without real substance and/or which could not be reasonably considered to be in the public interest, this will be taken as a most serious matter and may potentially lead to disciplinary action in line with the Olive Academies Trust disciplinary policy and procedures.

Where other individuals engaged by the Trust make a malicious allegation through the complaint procedure, Olive Academies Trust will investigate the allegation thoroughly and take appropriate action, which may include terminating the contract/arrangements with the individual.

### **15. Detriment**

OA is committed to ensuring that an employee who makes an allegation in good faith suffers no detriment from doing so.

### **16. How the matter can be taken further**

The trust encourages staff to raise their concerns internally but recognises that staff may feel it is right to take the matter outside the Trust and, if so, you should take advice from an appropriate person with specialist knowledge of these types of policies.

A list of prescribed bodies to whom staff can raise concerns with is included [here](#).

A free and confidential [advice line](#) can also help staff when deciding whether to raise the concern to an external party.

The Trust hopes you will be satisfied by its response. If you are not, you may wish to raise the matter with your trade union official, who in return will liaise with the Trust on your behalf.

### **17. The Board of Trustees**

The Board of Trustees has overall responsibility for this policy, and is responsible for:

- Establishing and agreeing the whistleblowing procedure.
- Ensuring the agreed whistleblowing procedure is published on the Trust's website.
- Monitoring the effectiveness of this policy and undertaking any necessary reviews, e.g. in relation to good practice recommendations or changes in legislation.
- Ensuring all members of the academy community have access to this policy.
- Investigating, in liaison with the headteacher, any concerns that are raised.

- Ensuring this policy provides an open and transparent framework where employees of the academy can raise their concerns.
- Taking the necessary action against members of staff following an investigation into any alleged malpractice.
- Ensuring that the minutes of the trust board include a record of the academy's whistleblowing arrangements and who, both internally and externally, staff members should report concerns to.
- Appointing one governor and one member of staff to act as points of contact for staff members when reporting concerns.
- Ensuring that all concerns raised by whistleblowers are responded to properly and fairly.
- Ensuring that whistleblowing forms part of the staff behaviour policy as part of a wider approach to having in place appropriate safeguarding policies and procedures.

Lead contacts within the trust for whistleblowing allegations are:

- Jo Gillman, Director of Resources
- Rosemary Leeke, Vice chair of trustees

Heads of Academies have day-to-day operational responsibility for this policy within their academy and must ensure staff are aware of its existence.

All staff are responsible for the success of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing.

## **16. Links to other policies**

This policy links with our policies on:

- Staff grievance
- Complaints
- Safeguarding and Child protection