



# OWLS Academy Trust

## Whistle Blowing Policy

Version: 2.0

Adopted by The OWLS Academy Trust on	
Date of Last Review	May 2023
Next Review Due	May 2024

### Version Control:

- Minor adjustments should be indicated by changing the number after the full-stop and will not change the adoption date. Such changes will be noted, and approved by Trustees using the Review History
- More significant adjustments should be indicated by changing to the next whole number (i.e. version 1.12 would move to version 2.0 after a significant change) and would then need to be formally adopted.

Policy developed by



### HR Services

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## Review History

Date	By	Changes Made	Approved by Trustees
May 2022	HCS	No change	
May 2023	Kirsten McLaren	Version control: V2.0 Update to reflect revised policy published by HR, which introduces more details into various sections of the policy.	

This policy applies to all employees, including Head Teachers/Principals, Teachers and all Support Staff regardless of whether they are permanent, fixed term, casual, agency or volunteers, this includes Governors/Trustees, consultants and contractors.

This policy will be implemented in accordance with the Trust's Scheme of Delegation and Articles of Association. The constitution of formal panels will be determined by the Trust's Scheme of Delegation.

This policy does not form part of employees' terms and conditions of employment and therefore may be subject to change at the discretion of the Trust.

For the purposes of this policy

- The Head Teacher/Principal will be referred to as 'Head Teacher';
- Unless indicated otherwise all references to 'Head Teacher' shall include the CEO; and
- 'School' shall mean the individual school / academy or the Trust, as appropriate.



## Purpose

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- 1.1. This policy encourages and enables employees to raise promptly ("disclose") any serious concerns they may have about the activities of employees, Governors/Trustees, or external organisations in relation to their dealings with the School, without worrying about doing so.

This policy:

- Outlines how individuals can raise any concerns in respect of any wrongdoings at work;
  - Outlines who an individual can escalate their concerns to if, following the completion of any internal processes, their concerns remain;
  - Outlines the protection from reprisals or victimisation afforded to individuals who blow the whistle where the matter raised is in the public interest.
- 1.2. This policy is for disclosing matters other than a breach of an employee's own contract of employment. If an employee is concerned that their own contract has been, or is likely to be, broken, they should use the Grievance procedure.
  - 1.3. Concerns relating to a worker's own contract of employment or concerns in relation to an allegation of bullying or harassment should be raised using the school's grievance procedure in the first instance.



## What is Whistleblowing?

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- 2.1. Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. Such disclosures are referred to as "Protected Disclosures".
- 2.2. To qualify as a Protected Disclosure, an individual raising the concern must reasonably believe that one of the following specific categories is either already happening, has happened, or is likely to happen in the future **and** that the disclosure being made is in the public interest:
  - A criminal offence (for example, fraud);
  - An act creating a risk to health and safety of others;
  - An act causing damage (or risk of damage) to the environment;
  - A miscarriage of justice;

- Is potentially unlawful or a breach of, or failure to comply with any other legal obligation; or
- Is a deliberate attempt by an individual or group of people to conceal any of the above.

A full list of disclosures qualifying for protection can be found in the Public Interest Disclosure Act 1998.

- 2.3. An individual who raises a whistleblowing concern has the right not to be subjected to any detrimental treatment (including being unfairly penalised, disciplined or dismissed) as a result of raising the concern.
- 2.4. Where an individual believes they have been subjected to detrimental treatment as a result of raising a whistleblowing concern, they should report the matter to the Head Teacher (or where the individual is the Head Teacher or believes the detrimental treatment is being applied by the Head Teacher, to the Chair of Governors). Any such behaviour will not be tolerated and may be treated as a disciplinary offence.
- 2.5. Where an individual has knowingly raised false concerns under this policy, this may also be treated as a disciplinary offence and will be considered under the school's disciplinary procedure.



## Confidentiality

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- 3.1. The identity of employees who raise concerns will be protected as far as practicable. However, the investigation may, out of necessity, reveal the source of the information, and statements made by those who raised the issue may be used part of any formal process, for example if a formal process/hearing is required, thus revealing the cause of the concern.
- 3.2. Employees are encouraged to put their name to any allegations made. Concerns expressed anonymously will be considered at the discretion of the Academy Trust, taking into account:
  - The seriousness of the issues raised;
  - The credibility of the concern;
  - The likelihood of the allegation being substantiated; and
  - Whether it is considered that the allegations are untrue/false.
- 3.3. Employees who make a protected disclosure 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 School does not tolerate any form of harassment or victimization against an individual raising a concern.



## Raising a Concern

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### 4.1. Who can raise a concern?

Any individual who currently works for or who has previously worked for the School and who has a genuine concern relating to any wrongdoing (where it is considered to be in the public interest) may raise a complaint. In addition, a concern may also be raised under the policy by an individual who works for an organisation that provides a service to the School such as agency workers, volunteers and Governors/Trustees.

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

Concerns can be raised verbally or in writing. It is important that the employee provide as much detail as possible, including:

- Details of the suspected wrongdoing, including times, dates, places, etc;
- The specific names of individuals involved;
- What actions the individual is seeking by raising the concern.

#### 4.3. **Who to raise your complaint with**

Employees should normally raise their concerns with their Line Manager in the first instance. However, this may not always be appropriate depending on the nature of the concern, the seriousness and sensitivity of the issue, and who is allegedly involved. Alternatively, individuals may instead contact:

- The Head Teacher if the concern is regarding their line manager, or where the individual feels unable to approach their immediate line manager;
- A member of the Governing Body/Board of Trustees where the concerns being raised relate to the Head Teacher or a member of the Senior Leadership Team; or
- Their Grade Union representative for advice and support on raising an issue.

Where an employee is concerned that the Governing Body is acting or proposing to act unreasonably or has failed to discharge its duties, they may in the first instance raise this with the school directly. Employees who do not wish to raise their whistleblowing concern with the school directly can contact the Director of Children and Family Services at Leicestershire County Council or the Secretary of State for Education via the DfE and/or Ofsted (Tel: 0300 123 3155 or via email: [whistleblowing@ofsted.gov.uk](mailto:whistleblowing@ofsted.gov.uk)).

Where concerns are of a serious nature and criminal activity is suspected, individuals have the right to raise issues directly with the Police or other relevant agency as they see fit.

#### 4.4. **Support**

It is acknowledged that raising a concern can be difficult therefore where a worker raises a concern, consideration should be given on how best to support them. Advice on how to support individuals can be sought from the schools HR Adviser



### **Action Following Receipt of a Whistleblowing Concern**

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5.1. Within 10 working days, the person with whom the concern is raised will write to the individual who submitted the complaint to:

- Acknowledge that the concern has been raised;
- Indicate how it is proposed to deal with the matter;
- Advise whether further investigations will take place and, if not, why not; and
- Confirm, where possible, an estimate of how long it will take to provide a final response.

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

- Be investigated internally;
- Be investigated by a third party (such as HR);
- Be referred to the School external auditor;
- Be referred to the Police; or

- Form the subject of an independent inquiry.
- 5.3. To protect individuals and the School, initial enquiries will be made to determine whether an investigation is appropriate and what form it should take. Allegations which fall within the scope of specific procedures (e.g. child protection or unlawful discrimination issues) will normally be dealt with under relevant policies where appropriate.
  - 5.4. The purpose of the investigation is to establish the facts and collate appropriate and relevant information in relation to the concern(s) being raised. Further enquiries may also be necessary in order to gather evidence relevant to the situation and to ensure the matter has been thoroughly considered. This may include the collation of documentary evidence and/or witness.
  - 5.5. Some concerns may be resolved by agreed action without the need for investigation.
  - 5.6. The employee will have the right to be accompanied at any meetings, by a Trade Union representative or work colleague.



## **Outcome of Investigation**

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- 6.1. If an investigation is warranted, the employee will be informed about the outcome in writing and any next steps or action that will be taken. However, the individual will not be informed of the detail of the investigation or any action taken against another employee (e.g. disciplinary action) or where there are sensitive issues that need to remain confidential.
- 6.2. The individual who raised the concern has no right of appeal against the outcome of the investigation, however, if the individual is not satisfied with the outcome of the investigation and wishes to take the matter outside the School, they may contact:
  - For safeguarding issues only, Leicestershire County Council's Allegations Manager (LADO) (tel: 0116 305 4141)
  - Their local Councillor (for employees who live in the area of the School);
  - Relevant professional bodies or regulatory organisations (DfE, ESFA, Ofsted, HMRC, etc);
  - The police;
  - The whistleblowing charity, Protect (tel: 0203 117 2520)
  - The National Audit Office (tel: 0207 798 7999)
- 6.3. When taking the matter outside of the School, the individual must ensure that they do not disclose confidential information about the school or its employees and pupils which is not relevant to the issue.



## **Responsible Officer**

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- 7.1. The Chair of Governors/Trustees has overall responsibility for the maintenance and operation of this policy. The Chair of Governors/Trustees must maintain a record of concerns raised and their outcomes and will report, as necessary, to the Governing Body/Trustees.