



Empowering our unique schools to excel.

	ODBST	
<b>Policy Level:</b>	2	<b>ODBST Statutory and Mandatory Policy</b> All schools must adopt these policies with local amendment strongly discouraged. These policies are centrally amended and binding on LGBs from the date of Board approval. They must be displayed on the School's website. Approval for all proposed local amendments must be sought from the ODBST Governance Lead prior to Local Governing Body resolution.
<b>Other related ODBST policies and procedures:</b>		
<b>Committee responsible:</b>	FRAPP	
<b>Approved by:</b>	FRAPP	
<b>Date Approved:</b>	Sept 2021	
<b>Date for Next Review:</b>	Sept 2025	

## ODBST Whistleblowing Policy

In reviewing this policy the Trust Board has had regards to the Equality act 2010 and carried out an equality impact assement. It is satisfied that no group with a protected charecteristic will be unfairly disadvantaged

## Index

<b>Content</b>	<b>Page</b>
Introduction	3
What is Whistleblowing?	3
Who does it apply to?	3
Our Commitment	3
What types of concern are covered?	4
Protection for Whistle-blowers	4
Confidentiality	4
Support for Whistle-blowers	5
Trade Unions	5
Human Resources (HR) Adviser	5
Anonymous Allegations	5
Untrue Allegations	5
How to Raise a Concern	6
How the School will Respond	6
Acknowledgement	6
Action under the Whistleblowing Policy	6
Contact	7
Attending Meetings	7
Outcome	7
How the Matter can be Taken Further	8-9

## Introduction

This policy has been designed to apply to staff employed in academies within the Oxford Diocesan Bucks Schools Trust (ODBST) and much of the text relates to the relationship between the employee and the academy in which they work.

However, staff employed in ODBST academies are employees of ODBST, so there are also references to the relationship between the employee and ODBST where this is appropriate to the operation of this policy.

Overall responsibility for the operation and application of this policy rests with the local governing body of the academy. Depending on the nature of the complaint, however, it may be felt necessary for you to raise your concerns with the ODBST Board of Trustees and not a member of the academy leadership or local governing body.

This policy is in addition to any other complaints procedures operated by the academy or the trust and other statutory reporting procedures that may apply to some sections.

## What is Whistleblowing?

Whistleblowing encourages and enables you to raise serious concerns within the academy rather than overlooking a problem or blowing the whistle outside.

As someone who works in the academy, you may be the first to realise that there may be something seriously wrong. However, you may not express your concerns because you feel that speaking up would be disloyal to your colleagues or to the academy.

This policy makes it clear that **you can raise a matter of concern without fear of victimisation, subsequent discrimination or disadvantage.**

It is in the interest of all concerned that disclosure of wrongdoing or irregularity is dealt with properly, quickly and discreetly. This includes the interests of ODBST, the academy, their employees, any persons who are the subject of any disclosure, as well as the person making the disclosure.

## Who does it apply to?

- ALL employees of the Oxford Diocesan Bucks Schools Trust.
- Contractors working for ODBST or the academy on academy premises, for example, agency staff, builders or drivers.
- Any suppliers and those providing services under a contract with either ODBST or the academy, in their own premises.
- Self-employed workers.

## Our Commitment

The Oxford Diocesan Bucks Schools Trust is committed to the highest possible standards of openness, honesty and accountability. In line with that commitment, you are encouraged, if you have serious concerns about any aspect of ODBST's or academy's work, to come forward and voice those concerns. It is recognised that certain cases will have to proceed on a confidential basis.

The policy has the support of the main recognised trade unions.

## What types of concern are covered?

Types of concern may be about, for example:

- Conduct which is a criminal offence or a breach of law.
- Suspected fraud or corruption (please also note that the Audit Commission has produced leaflets for employees and managers about suspected fraud or corruption, copies of which are available from Reading Borough Council)
- Disclosures related to miscarriages of justice.
- Dangerous procedures or activities risking Health and Safety, including risks to the public as well as other employees.
- Discrimination or abuse on grounds of race, gender or disability.
- Damage to the environment.
- Breaches of established standards of good practice or agreed procedures.
- The inappropriate use or breaches of the academy's regulated procedures.
- Action which is contrary to the Code of Conduct for employees or function or conduct of the local governing body.
- Suspected sexual or physical or other abuse of pupils or other staff.
- Other unethical conduct, or
- Safeguarding failures.

## Protection for whistleblowers

ODBST 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 you believe what you are saying to be true, you should have nothing to fear because in reporting your concern you will be doing your duty to your employer and those for whom you are providing a service.

Whistleblowers are protected by law from being treated unfairly or losing their jobs because they 'blow the whistle'.

Neither ODBST nor the local governing body will tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith. If appropriate, the academy's 'harassment' procedure will apply to those who carry out this unacceptable behaviour.

The Trust will provide all reasonable protection for those who raise concerns made in the public interest. The Trust will be responsible for ensuring that appropriate personal support is offered both to a worker raising a concern and to any worker against whom allegations have been made under this procedure. Although an employee has certain legal obligations of confidentiality to the school, in a limited set of circumstances, whistleblowing may override these obligations. This guidance sets out the circumstances under which these disclosures may lawfully be made.

If an employee raises a concern in good faith but it is not subsequently confirmed by investigation, no action will be taken against them. If however, an employee raises a concern frivolously, maliciously or for personal gain, disciplinary action may be taken against them.

Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary, grievance, capability or other procedures that already affect you.

## **Confidentiality**

ODBST will do its best to protect your identity when you raise a concern and do not want your name to be disclosed, but it must be appreciated that the investigation process may reveal the source of the information and a statement by you may be required as part of the evidence. You will be given prior notice of this and a chance to discuss the consequences if these circumstances arise.

The confidentiality of service users will not be compromised as employees have a duty in law and within their professional codes of conduct to maintain this.

## **Support for Whistleblowers**

### **Trade Unions**

A trade union representative may accompany or represent you at any meetings in connection with this policy.

### **Human Resources**

ODBST has its own HR Manager with whom you can discuss how to make a disclosure and lodge a matter of concern (see below). Staff and non-employees will often discuss the issues that worry them with the HR team in the first instance. Such discussions will be in confidence if that is what you prefer, but there may be some disclosures (for instance criminal acts) that cannot remain confidential. However, you will be given time and space to explore your options to take matters forward.

## **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 academy's local governing body).

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 or factual records.

## **Untrue Allegations**

If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, it is established that you have made malicious or frivolous allegations, or allegations for personal gain, disciplinary action may be taken against you. In such cases, the academy's disciplinary procedure will apply.

## How to raise a concern

The earlier you express concern, the easier it is for someone to take action.

Concerns may be raised verbally or in writing. You should be prepared to 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.

### **If you are an employee –**

As a first step, you should normally raise concerns with your immediate manager or the Headteacher. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. For example, if you believe that management is involved, or if you feel that you have not received a satisfactory response to your concern, you should approach the chair of the local governing body or the chair of ODBST trustees if your concern is about the chair of the LGB.

### **If you are not an employee (e.g. agency staff, contractors, etc.) -**

You can discuss your concerns with a relevant colleague or manager within the academy that you are working in – in most cases this would be the Headteacher. You can also seek advice from your own employer. Even though you may not be an employee, you are entitled to raise your concerns with the chair of the local governing body or the chair of ODBST trustees if your concern is about the chair of the LGB. The same safeguards and regards for your protection will apply under this policy.

Because of the difficulty of raising a concern, you may ask your trade union or other representative to accompany you to meet with your manager or other officer. You may also wish to consider speaking to a colleague who may have experienced the same concern.

## How the academy will respond

### **Step 1: Acknowledgement**

Receipt of your concern will be acknowledged immediately and, within five working days of the concern being received, the academy will write to you:

- indicating how the matter will be dealt with;
- giving an estimate of how long it will take to provide a final response;
- telling you whether any initial enquiries have been made;
- supplying you with information on sources of support; and
- telling you whether further investigations will take place, and if not, why not.

### **Step 2: Action under the Whistleblowing Policy**

The action taken by the academy will depend on the nature of the concern. The matters raised may be followed up in one of the following ways:

- be investigated internally by the academy leadership (it must be emphasised that no-one who is the subject of a complaint or concern will be involved in the handling of it), or through the academy's disciplinary procedures;
- be referred to the Police;
- be referred to an external auditor;
- be the subject of an independent enquiry.

In order to protect individuals and the academy, initial enquiries will be made to decide 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 discrimination issues) will normally be referred for consideration under the relevant procedures.

Some concerns may be resolved by agreed action between the manager, individual and those whose actions had caused concern. If urgent action is required, this will be taken before any investigation is conducted.

### **Step 3: Contact**

The amount of contact between the people considering the issues 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 as part of the investigation process.

### **Attending Meetings**

When any meeting is arranged, you have the right, if you so wish, to be accompanied and represented by a trade union representative or a person of your choice who is not involved in the area of work to which the concern relates.

The academy will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, the Council will advise you about the procedure.

### **Step 4: Outcome**

ODBST accepts that you need to be assured that the matter has been properly addressed. Subject to legal constraints, you will receive information about the outcomes of any investigations, and the action that is to be taken. Also, if appropriate, what changes are to be made to monitor procedures to ensure that a similar concern is not raised in the future.

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

ODBST hopes you will be satisfied that any matter you raise has been considered properly. If you are not satisfied, and if you feel it is right to take the matter outside ODBST, the following are possible contact points:

- the Local Government Ombudsman;
- ODBST's external auditors;
- relevant professional bodies or regulatory organisations (Government guidance, *Blowing the Whistle to a prescribed person: list of prescribed people and bodies*, is available on the GOV.UK website); your trade union, the Citizens Advice Bureau, Equality and Human Rights Commission;
- the police

If you do take the matter outside of ODBST, you need to ensure that you do not disclose prohibited confidential information.

This does not prevent you from seeking independent advice at any stage or from discussing the issue with the charity Public Concern at Work on 020 7404 6609 and [www.pcaw.co.uk](http://www.pcaw.co.uk) in accordance with the provisions of the Public Interest Disclosure Act 1998.

Annex 1 - Contact list for ODBST

Chief Executive, Sulina Piesse	Email: <a href="mailto:CEO.ODBST@oxford.anglican.org">CEO.ODBST@oxford.anglican.org</a>
Chair of Trustees, Malcolm Peckham	Email: <a href="mailto:admin.ODBST@oxford.anglican.org">admin.ODBST@oxford.anglican.org</a>

If you wish to report the matter to someone outside of the school, please see below:

Annex 2 - External bodies and organisations

You can blow the whistle to an external organisation rather than your employer. There is a list of prescribed people or bodies that you can go to. Choose the correct one for your issue. A full list can be found online at [gov.uk](http://gov.uk):

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/431221/bis-15-289-blowing-the-whistle-to-a-prescribed-person-list-of-prescribed-persons-and-bodies-2.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/431221/bis-15-289-blowing-the-whistle-to-a-prescribed-person-list-of-prescribed-persons-and-bodies-2.pdf)

Ofsted	Piccadilly Gate, Store Street, Manchester, M1 2WD Tel: 0300 123 3155 Email: <a href="mailto:whistleblowing@ofsted.gov.uk">whistleblowing@ofsted.gov.uk</a>
National Society for the Prevention of Cruelty to Children (NSPCC)	The NSPCC Whistleblowing Advice Line is for anyone with child protection concerns in the workplace. The helpline provides support and advice to those who feel unable to get a child protection issue addressed by their employer.  It can be contacted anonymously on 0800 028 0285.
Health and Safety Executive	Tel: 0300 003 1647 Online form: <a href="http://www.hse.gov.uk/contact/raising-your-concern">www.hse.gov.uk/contact/raising-your-concern</a> <a href="http://www.hse.gov.uk">www.hse.gov.uk</a>