WHISTLEBLOWING POLICY

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Whistleblowing Policy

INTRODUCTION

Orchard Hill College (the **College**) and Orchard Hill College Academy Trust (the **Trust**), jointly known as OHC&AT, is committed to providing outstanding educational opportunities for all our pupils and students.

OHC&AT recognises that the people that work for us are sometimes the first to become aware that a problem exists and that they should be able to raise concerns without fear of adverse repercussions. The law protects staff who raise such concerns internally or externally and this policy sets out how OHC&AT will ensure we meet our obligations to staff who make a 'protected disclosure' under this policy.

AIMS

This policy aims to:

- Encourage individuals to report suspected wrongdoing as soon as possible in the knowledge that their concerns will be taken seriously and investigated and that their confidentiality will be respected.
- Inform so that all workers know how to raise concerns about suspected wrongdoing in or by OHC&AT.
- Set out clear procedures for how OHC&AT will respond to such concerns.
- Give staff confidence in the protection available to them if they make a protected disclosure.
- Assure staff that they will not be victimised for raising a legitimate concern through the steps set out in the policy even if they turn out to be mistaken.

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

The policy applies to all employees or other workers who provide services to OHC&AT in any capacity including self-employed consultants or contractors who provide services on a personal basis, agency workers, volunteers, Trustees, Members and Local Governors of OHC&AT, for the purpose of this policy hereon in all referred to as "staff".

The Public Interest Disclosure Act 1998 (PIDA) and the Employment Rights Act 1996 do not protect non-employees as far as whistleblowing is concerned. Irrespective of this, OHC&AT will not allow harassment, dismissal or exclusion for any non-employee who raises a genuine concern.

LEGISLATION

The requirement to have clear whistleblowing procedures in place is set out in the Academy Trust Handbook. This policy has been written in line with that document, as

well as government guidance on whistleblowing. We also take into account the Public Interest Disclosure Act 1998 (PIDA), the Employment Rights Act 1996 and the Equality Act 2010. This policy complies with our funding agreements and articles of association.

DEFINITION OF WHISTLEBLOWING

Whistleblowing is raising a specific concern(s) of wrongdoing that is 'in the public interest'. Examples of whistleblowing include (but are not limited to):

- Criminal offences, such as fraud or corruption.
- Pupil/student or staff health and safety being put in danger.
- Failure to comply with a legal obligation or statutory requirement.
- Breaches of financial management procedures.
- Damage to the environment.
- Attempts to cover up any of the above, or any other wrongdoing in the public interest.

A whistleblower is a member of staff who raises a genuine concern, known as a protected disclosure, relating to the above.

Not all concerns about OHC&AT count as whistleblowing. If something affects a staff member as an individual, or relates to an individual employment contract, this is likely to be a grievance. Some examples (not exhaustive) are given below:

Whistleblowing	Grievance
Whistleblowing has a broad impact on the **organisation, the public, or others**	Grievances primarily affect an **individual employee**
Safeguarding: • Reporting abuse, neglect or bullying of student(s) that a school is failing to address. • Reporting instances where school staff are not following proper safeguarding procedures.	**Unfair treatment:** • An employee believes they were unfairly denied a promotion. • An employee feels they are being subjected to bullying or harassment. • An employee claims they are being discriminated against based on their protected characteristic(s)
Health and safety risks: • Reporting unsafe working practices that could endanger staff, students or the public. • Reporting that employees are working with dangerous machinery without receiving safety training or equipment.	**Contractual issues:** • Disputes about pay or working hours. • Disagreements about terms of employment. • Concerns regarding breaches of employment contract.

Illegal activities: • Reporting financial fraud, embezzlement or money laundering. • Reporting discriminatory practices against students or staff based on their protected characteristics	**Workplace conditions:** • Complaints about unsafe or unhealthy working conditions that directly affect the individual. • Disagreements with how a manager has applied company policy.
Ethical violations: • Reporting corruption or bribery. • Reporting a deliberate cover up of any wrongdoing.	
Damage to the environment: • Reporting illegal dumping of toxic waste.	
Sexual harassment • A concern that sexual harassment has occurred, is occurring, or is likely to occur.	

When staff have a concern, they should consider whether it would be better to follow the staff grievance procedure instead of this policy.

Protect (formerly Public Concern at Work) has further guidance on the difference between a whistleblowing concern and a grievance, as well as a free and confidential advice line, that workers may find useful.

PROCEDURE FOR STAFF TO RAISE A WHISTLEBLOWING CONCERN

When to raise a concern

Staff should consider the examples above when deciding whether their concern is of a whistleblowing nature. Consider whether the incident(s) was illegal, breached statutory or OHC&AT procedures, put people in danger or was an attempt to cover up any such activity.

Who to report to

Individuals are encouraged to raise any concerns – however minor or uncertain they may seem – through their line management in the first instance. This allows for issues to be addressed where they may stem from incomplete information or limited visibility.

If, after doing so, the individual remains concerned, they should report the matter to the named staff contact. Concerns should not be reported to anyone who may be involved in the suspected wrongdoing.

OHC&AT has appointed the following named contacts for whistleblowing:

- Laurie Cornwell – Deputy CEO
- Barbara McIntosh – Named Trustee for OHCAT
- Angela O'Hara – Named Trustee for OHC

All of the above named contacts can be reached by emailing: governance@ohcat.org, which is monitored by the Director of Governance (Clerk to the Board of Trustees).

How to raise a concern

Concerns should be made in writing wherever possible. They should include names of those committing wrongdoing, dates, places and as much evidence and context as possible. Staff raising a concern should also include details of any personal interest in the matter. Staff should send the concern to one of the named contacts via governance@ohcat.org. If a concern is received by another staff member, they should pass it on to one of the named contacts without delay.

Anonymous reporting

Individuals may also use the Microsoft Form linked below to report a concern. Individuals may choose to provide contact details or remain completely anonymous. The form does not collect any direct or indirect identifying information that the individual does not choose to include.

Whistleblowing Form – Fill in form

OHC&AT will consider anonymous reports and will not attempt to identify anyone who

wishes to remain anonymous. However, we will be unable to contact anonymous reporters, which means we cannot seek clarification or provide feedback. Please note that anonymity may limit our ability to fully investigate a concern.

Regardless of how a concern is raised, OHC&AT is committed to protecting individuals who report matters in good faith. All concerns will be handled sensitively, fairly, and in accordance with legal requirements. We will ensure that concerns are investigated appropriately and that all information provided is managed securely and confidentially.

OHC&AT PROCEDURE FOR RESPONDING TO A WHISTLEBLOWING CONCERN

Investigating the concern

When a concern is received, the named contacts will agree on the appropriate lead person to take responsibility for leading on the disclosure and ensuring proper oversight. Concerns that are of a safeguarding nature will be referred to the Director of Safeguarding & Wellbeing and/or the Designated Safeguarding Lead for the relevant school or College centre (as appropriate).

The agreed lead person will:

- Notify the Head of Regulatory Compliance, who will acknowledge receipt within three working days and record the concern in the central log. The log will note the date received, the assigned investigator, the outcome, and the date the concern is closed.
- Reassure the person raising the concern that they are protected from any unfair treatment or repercussions as a result of making a protected disclosure.
- If necessary, they will meet with the person raising the concern to gather more information. The person raising the concern may be joined by a trade union or professional association representative, if they wish.
- Gather as much detail as possible about the concern, and record the information. If it becomes apparent the concern is not of a whistleblowing nature, it should be dealt with in line with the appropriate policy/procedure.
- Establish whether there is sufficient cause for the concern to warrant further investigation. If there is:
    - Arrange an investigation into the matter by someone with no prior knowledge or involvement in the concern being investigated. In some cases, an external body may be brought in to investigate. In other cases, the matter may need to be reported to an external agency e.g. the Police, the LADO, the Health & Safety Executive, a Funding body, the Environment Agency.
    - The person who raised the concern should be informed of how the matter is being investigated and an estimated timeframe of the next steps.
    - All parties connected with the investigation will be supported throughout the process.
    - Regular updates on the progress of the investigation will be made in writing to the named Trustee
    - A written conclusion of the outcome of the investigation will be made to

the named Trustee

Outcome of the investigation

Once the investigation is complete, the investigating person(s) will prepare a report detailing the findings and whether in their view, based on the evidence, any wrongdoing has occurred. The report will include actions on how the matter can be rectified, any recommendations for future practice and whether or not a referral is required to an external organisation, such as the local authority or police for the lead person to make a decision.

The named Trustees will be informed of the findings, the outcome and any recommendations.

The lead person will inform the person who raised the concern of the outcome of the investigation, though certain details may be restricted due to confidentiality. It is not possible to provide feedback for anonymous reports.

Beyond the immediate actions, ESLT and Trustees will review the relevant policies and procedures to prevent future occurrences of the same wrongdoing.

Whilst OHC&AT cannot always guarantee the outcome sought, we will deal with concerns fairly and in an appropriate way.

Malicious or vexatious allegations

Staff are encouraged to raise concerns when they believe there is an actual or potential issue. If an allegation is made in good faith but the investigation finds no wrongdoing, there will be no disciplinary action against the person who raised the concern.

If, however, an allegation is shown to be deliberately invented or malicious, OHC&AT will consider whether any disciplinary action against the person making the allegation is appropriate.

Under no circumstances should staff approach a commercial body or the media with details of the suspected wrongdoing. If any such body is approached and/or where the concern is deliberately invented or malicious or for personal gain, the protection given by this procedure may be lost. Additionally, OHC&AT may consider this to be gross misconduct and disciplinary action may be taken.

Escalating concerns beyond OHC&AT

OHC&AT encourages staff to raise their concerns internally, in line with this policy. We recognise that staff may feel the need to report concerns to an external body. A list of prescribed bodies to whom staff can raise concerns with is included here.

The Protect advice line can also help staff when deciding whether to raise the concern to an external party.

RELATED POLICIES AND DOCUMENTATION

Anti-bullying policies (Academies/OHC)
Child Protection, Adult Protection & Safeguarding Policy
Complaints Policy (OHCAT/OHC)
Conflict of Interest Policy
Delegation of Duty Policy
Dignity at Work Policy
Disciplinary Policy
Employee Protection (Sexual Harassment) Policy
Equality, Diversity & Inclusion Policy
Grievance Procedure
Health & Safety Policy
Manual Handling Policy
OHC&AT Financial Regulations and annexes
Staff Code of Conduct
Trustee and Local Governor Code of Conduct