



Olive Academies

## Whistleblowing Policy

<b>Document control table</b>	
Title	Whistleblowing Policy
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Approved by	OA MAT Board via Finance & Audit committee
Date of next review	July 2021
Updates/revisions included:	Included lead contacts from Senior Leadership Group and Trust Board for staff to contact in cases of whistleblowing (as required by Academies Financial Handbook 2019)
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. The policy set out in this document applies those statutory provisions to the administration of Olive Academies (OA) Multi-Academy Trust.

This policy applies to all OA staff, trustees, academy advisory board (AAB) members and volunteers.

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

Whistleblowing encourages and enables employees to raise serious concerns within OA 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 OA. However, they may not express their concerns either because they feel that speaking up would be disloyal to their colleagues or to OA or because they fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern than to report what may just be a suspicion of malpractice.

The policy applies to all employees, (including those designated as casual hours, temporary, agency, authorised volunteers or work experience), and those contractors working for OA on OA premises, for example, agency staff, builders, etc.

OA is committed to the highest possible standards of openness, probity and accountability. In line with that commitment it encourages employees and others with serious concerns about any aspect of the OA'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 response;
- 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 procedures. It is not intended as recourse against financial or business decisions made by OA. Nor is it an alternative to well-established disciplinary or grievance procedures. It may however overlap with other OA 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**

Concerns raised under this whistleblowing policy should be about something that 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 OA 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 OA or 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. This means that personal grievances and complaints are not usually covered by this policy and should be dealt with under the grievance procedure.

## **5. Safeguards**

Harassment or victimisation

OA 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.

OA 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 OA 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 however be released as a possible witness until the reasons for its disclosure at this stage have been fully discussed with you. This policy encourages you however 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 false allegation;
- 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 OA against the following criteria:

- the seriousness of the issues raised;
- the likelihood of confirming the allegation from attributable sources;
- OA's best interests;
- the protection of OA 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 confirmed by the investigation, no reprisals will be taken against you. If, however, you make malicious or vexatious allegations, disciplinary action may be taken against you.

### **9. 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 some reason this first step is inappropriate then the concern should be raised with either the OA Director of Finance and Compliance or the Vice-chair of the MAT board. They can be emailed as follows:

Director of Finance and Compliance: [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.

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

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.

### **10. 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 – for example 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, OA 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. your trade union official.

This named person will make contact with you immediately, explain his/her 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 in order 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 OA).

OA 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.

#### **11. What if an employee receives a complaint about him/herself?**

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 CEO in case of head teacher – 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 or diary or similar will often be advisable.

#### **12. Malicious allegations**

If, following 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 OA disciplinary procedure.

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

### **13. Detriment**

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

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

This policy is intended to provide you with a way to raise concerns within OA. OA 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 OA on your behalf.

Alternatively, you may feel it is right to take the matter outside OA and, if so, you should take advice from an appropriate person with specialist knowledge of these types of policies.

### **15. The responsible officer**

Olive Academies Multi Academy Trust Board has overall responsibility for this policy, and for reviewing the effectiveness of actions taken in response to concerns raised under this policy. The OA MAT Board must approve this policy.

Lead contacts within the trust for whistleblowing allegations are:

- Jo Gillman, Director of Finance and Compliance
- Rosemary Leeke, Vice chair of trustees

Headteachers 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.