

The logo for Orchard Hill College & Academy Trust features a red horizontal line above a red house-shaped icon with a white ampersand inside. The text "Orchard Hill College" is on the left and "Academy Trust" is on the right, both in a bold, black, sans-serif font.

**Orchard Hill College & Academy Trust**

# **WHISTLEBLOWING POLICY**

**The OHC&AT Board of Trustees has agreed this Policy – 10<sup>th</sup> December 2021.**

Jay Mercer  
Chair of OHCAT Board

A handwritten signature in black ink, appearing to read "Jay Mercer", with a horizontal line extending to the right.

Peter Lauener  
Chair of OHC Board

A handwritten signature in black ink, appearing to read "Peter Lauener", with a checkmark-like flourish at the end.

# Whistleblowing Policy

## INTRODUCTION

Orchard Hill College and Academy Trust (OHC&AT) is committed to providing outstanding educational opportunities for all our pupils and students. Part of this commitment is to uphold the right and responsibility of all employees to raise any genuine concerns of breaches of the law, suspected bribery and/or other serious wrongdoing. The principles of openness and accountability which underpin legislation protecting whistleblowers are reflected in this policy and procedure. OHC&AT is also committed to ensuring compliance with the Bribery Act 2010.

All of us at one time or another may have concerns about what is happening at work or within a particular organisation. Usually we can easily resolve these concerns, but when they are about serious malpractice it can be difficult to know what to do.

Do not ignore your concerns. It is important that we do not allow serious malpractice to endanger the safety or wellbeing of pupils and students, impact upon the rights of staff to work in an environment free from discrimination and bullying, or to damage service delivery in any other way.

It is the responsibility of the whole OHC&AT community to promote an ethos of mutual respect, fairness and equality in everything we do, in order to create a positive atmosphere for all. This policy aims to encourage staff to raise genuine concerns through internal procedures without fear of adverse repercussions. The law allows staff to raise such concerns externally and this policy informs staff how they can do so. However, should staff raise a concern otherwise than under this procedure, it may result in a disclosure losing its protected status under the law.

This policy also seeks to balance the need to allow a culture of openness with the need to protect other staff against vexatious allegations or allegations which are not well founded.

As employees we all have a responsibility to ensure that we are complying with our employer's policies and procedures. Many of these reflect legal responsibilities that we all have, including those relating to child protection, safeguarding of vulnerable adults and equality duties for race, disability, gender, age, sexual orientation, faith or belief, transgender, pregnancy and marriage. Anybody who has a concern relating to any of these areas must report it to the appropriate Line Manager or Designated Person.

## **ABOUT THE WHISTLEBLOWING PROCEDURE**

This policy and procedure is part of OHC&AT's programme to improve the delivery of services to our pupils and students. It provides us with the opportunity to address a potential problem before it becomes serious.

This policy applies to all individuals engaged by OHC&AT, including all employees, apprentices, casual staff, employees of subcontractors, consultants and agency staff engaged by OHC&AT. For the purposes of this policy, they will be referred to as Staff.

Pupils and students are encouraged to raise genuine concerns about suspected wrongdoing by making a complaint to the Principal of their provision; each provision has a Worries and Concerns procedure in place to support pupils/students in raising complaints and concerns.

Staff might be unsure whether it is appropriate to raise their concern under the Whistleblowing Policy or whether it is a personal grievance that needs to be raised under the OHC&AT Grievance Procedure. Any staff member in this situation is encouraged to approach the Principal, a senior HR colleague or if necessary a member of the OHC&AT Executive Senior Leadership Team (ESLT) in confidence for further advice.

### **Protected disclosures**

The law protects staff who, out of a sense of public duty, want to reveal suspected wrongdoing or malpractice. The law allows staff to raise what it defines as a 'protected disclosure'. In order to be a protected disclosure, a disclosure must relate to a specific subject matter (see below) and the disclosure must also be made in an appropriate way (see 'Procedure for making a disclosure', p.3). A protected disclosure must, in the reasonable belief of the staff member making it, also be made in the public interest. A protected disclosure must consist of information and not merely be allegations of suspected malpractice.

### **Specific subject matter**

Staff should follow this policy and procedure if, in the course of employment, they become aware of information which they reasonably believe tends to show one or more of the following:

- That a criminal offence has been committed, is being committed or is likely to be committed;
- That an individual has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject;
- That a miscarriage of justice has occurred, is occurring or is likely to occur;
- That the health and safety of any individual has been, is being or is likely to be endangered;
- That the environment has been, is being or is likely to be damaged;

- That information tending to show any of the above has been, is being or is likely to be deliberately concealed;
- Failure to have due regard to the need to prevent people being drawn into terrorism (the Prevent duty);
- Unethical or unprofessional conduct that causes concern.

Examples of incidents falling into one or more of the above classifications might include:

- Failure to appropriately act upon safeguarding concerns or otherwise act to prevent abuse of pupils/students
- Abuse of other staff
- Using funds or property irresponsibly or unlawfully
- Putting personal interests before the interests of the organisation
- Possible corruption
- Dangerous procedures risking health and safety
- Failing to follow exam procedures

## **RAISING CONCERNS AT WORK: WHISTLEBLOWING PROCEDURE**

### **Procedure for making a disclosure**

Information which a staff member reasonably believes tends to show one or more of the situations noted under 'Specific subject matter' should be promptly disclosed in writing to the Principal of the relevant OHC&AT provision, so that any appropriate action can be taken.

If the information is about the Principal, then the disclosure should be made to a member of the OHC&AT ESLT.

Staff are encouraged to identify themselves when making a disclosure. If an anonymous disclosure is made, OHC&AT will not be in a position to notify the individual making the disclosure of the outcome of action taken. Anonymity also means that OHC&AT will have difficulty in investigating the concern. OHC&AT reserves the right to determine whether to apply this procedure in respect of an anonymised disclosure in light of the following considerations:

- The seriousness of the issues raised in the disclosure;
- The credibility of the concern;
- The likelihood of confirming the concern from attributable sources.

For further guidance in relation to this policy and procedure, or concerning the use of the disclosure procedure generally, staff should speak in confidence to the Principal, a senior HR colleague or a member of OHC&AT ESLT. Whilst advice about the policy can be given in confidence, where a specific disclosure is made confidentiality will be maintained as far as possible dependent on the disclosure. There are situations where a disclosure must be shared e.g. to safeguard a pupil/student, to prevent a criminal act from occurring or to safeguard health and safety.

Where a disclosure relates to safeguarding concerns, OHC&AT will follow our safeguarding procedures including referral to the Local Authority Designated Officer (LADO) as necessary. Please refer to the Child Protection, Adult Protection & Safeguarding Policy for further details.

### **Procedure for investigating a disclosure**

When a staff member makes a disclosure, OHC&AT will acknowledge its receipt, in writing, within a reasonable time. Consideration will then be given to the substance and/or merit of the disclosure. If OHC&AT considers that the disclosure does not warrant further action, the staff member will be notified in writing of the reasons for this decision and advised that no further action will be taken by OHC&AT under this policy and procedure. Considerations to be taken into account when making this determination may include the following:

- If the Principal/HR/OHC&AT ESLT is satisfied that a staff member does not have reasonable belief that suspected malpractice is occurring, *or*
- If the matter is already the subject of legal proceedings or other appropriate action by an external body, *or*
- If the matter is already subject to another appropriate OHC&AT procedure.

When a staff member makes a disclosure which has sufficient substance or merit to warrant further action, OHC&AT will take appropriate action (including action under any other applicable OHC&AT policy or procedure). Possible actions could include: internal investigation; referral to OHC&AT's auditors; referral to relevant external bodies such as the LADO, Police, Ofsted, Health and Safety Executive or the Information Commissioner's Office.

If appropriate, any internal investigation will be conducted by a Principal without any direct association with the individual to whom the disclosure relates, or by an external investigator appointed by OHC&AT as appropriate.

Any recommendations for further action made by OHC&AT will be addressed to the CEO as appropriate in the circumstances. The CEO will take all steps within their power to ensure the recommendations are implemented.

The staff member making the disclosure will be notified of the outcome of any action taken by OHC&AT under this policy and procedure within a reasonable period of time. The information provided may be limited if it is of a confidential nature. There is no right of appeal for staff members making a disclosure.

### **Safeguards for staff making a disclosure**

A staff member making a disclosure under this procedure can expect their matter to be treated confidentially by OHC&AT and, where possible, their name not to be disclosed to anyone implicated in the suspected wrongdoing without their prior approval. OHC&AT will

take all reasonable steps to ensure that any report of recommendations or other relevant documentation produced as a result of disclosure does not identify the staff member making the disclosure without their consent unless OHC&AT is legally obliged to do so, or for the purposes of seeking legal/safeguarding advice. Where OHC&AT must disclose a name to an outside body e.g. the Police, the staff member will be notified of this in advance.

Employees may raise concerns about the practice of anyone who works for or on behalf of OHC&AT, including staff, governors, volunteers and contractors.

Concerns may be raised individually or collectively. If collective concerns are raised, staff should be prepared to give their own account during any investigation should this be required.

There is no time limit to raising a concern, however employees are encouraged to do so at the earliest opportunity in order to allow concerns to be suitably addressed.

No disciplinary action will be taken against a staff member on the grounds of them making a disclosure under this policy or procedure. This does not prevent OHC&AT from bringing disciplinary action against a staff member where OHC&AT has sound reason to believe that a disclosure was made maliciously or vexatiously, or where a disclosure is made outside OHC&AT without reasonable grounds.

A staff member will not suffer dismissal or any detrimental action or omission of any type (including informal pressure or any form of victimisation) by OHC&AT for making a disclosure in accordance with this policy and procedure. Equally, where a staff member is threatened, bullied, pressurised or victimised by a colleague for making a disclosure, disciplinary action may be taken by OHC&AT against the colleague in question.

### **Disclosure to external bodies**

This policy and procedure has been implemented to allow staff to raise concerns internally within OHC&AT. A staff member has the right to make a disclosure outside of OHC&AT where there are reasonable grounds to do so and in accordance with the law.

Staff may make a disclosure to an appropriate external body prescribed by the law. The list of 'prescribed' organisations and bodies can be found at <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>

Staff can also make disclosures on a confidential basis to a practising solicitor or barrister.

If a staff member seeks advice outside of OHC&AT, they must be careful not to breach any confidentiality obligations or to damage OHC&AT's reputation in so doing.

## Accountability

OHC&AT will keep a record of all concerns raised under this policy and procedure.

## FURTHER ASSISTANCE FOR STAFF

**OHC&AT will not tolerate any harassment or victimisation of staff who make disclosures.** If at any stage of this procedure a staff member feels that they are being subject to informal pressures, bullying or harassment due to making a disclosure, they should raise this matter in writing with OHC&AT HR.

A staff member making a disclosure may want to confidentially request counselling or other support from OHC&AT's Occupational Health service or the Employee Assistance Programme. Any such request for counselling or support should be addressed to OHC&AT HR.

## POLICY REVIEW DETAILS

<i>Version:</i>	1.2
<i>Reviewer:</i>	Lynn Barratt
<i>Approval body:</i>	Family Board
<i>Date this version approved:</i>	10 <sup>th</sup> December 2021
<i>Due for review:</i>	Autumn 2022

## RELATED POLICIES AND PROCEDURES

Anti-Bullying Policy  
Child Protection Adult Protection & Safeguarding Policy  
Dignity at Work Policy  
Equality & Diversity Policy  
Fraud Policy  
Grievance Procedure  
Health & Safety Policy  
OHC&AT Finance Regulations  
Staff Code of Conduct