ODBST WHISTLEBLOWING POLICY

ODBST Level 1 Statutory Policy:	**ALL** Schools require this policy with **no changes** allowed to core text. No changes are necessary to personalise this with school name and branding, as this is a Trust level policy for use, without change, by all schools, **except** where a school contact is required as identified in the content of the policy. LGBs will **note** adoption in LGB meetings. Review will take place at Trust level, and schools will be notified of updates and review dates as necessary.
Other related ODBST policies and procedures:	ODBST Grievance Policy ODBST Complaints Policy ODBST Equal Opportunities Policy Data Protection Policy Safeguarding & Child Protection Policy
Committee responsible:	FRAPP
Approved by:	FRAPP
Date Approved:	24th Sept 2024
Date for Next Review:	Autumn term 2027

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

Approved September 2024

1. Introduction

The ODBST is committed to achieving the highest ethical standards and standards of service across the Trust. All employees are valued as members of the ODBST community, and we recognise the importance that openness and accountability plays in driving standards of excellence. Employees may often be the first to notice serious wrongdoing and the ODBST encourages and expects this to be reported without fear of reprisal.

This policy is a commitment to ensuring individuals working for the ODBST, including contractors, agency and casual workers, are able to raise concerns of malpractice or serious wrongdoing in good faith without fear of victimisation, disadvantage or subsequent discrimination. In doing so, this policy aims to strike a balance between promoting the right of individuals to speak freely and the right of the ODBST, and its schools, to be protected against malicious or false allegations. It is designed to encourage a culture of co-operation, integrity and accountability.

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

This policy aims to:

- Encourage employees/workers to report concerns of serious wrongdoing, malpractice, unethical conduct or as serious breach of internal policies within the organisation about any aspect of the ODBST or its schools.

- Reassure employees/workers that they will not be treated unfairly or lose their job if they report a concern and there is reasonable belief that the disclosure is made in good faith.

- Provide a range of avenues to report concerns and receive feedback on any action taken, including the option to raise concerns anonymously.

- Ensure that employees/workers receive a response to their concern and that they are aware of how to raise it further if they are not satisfied, which includes individuals able to make a disclosure to external bodies.

- Confirm a fair and impartial process for investigating and acting on confirmed instances of malpractice and serious wrongdoing.

- Confirm the roles, responsibilities and accountabilities of senior leaders involved in the whistleblowing process.

2. What is Whistleblowing?

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

As someone who works in the school, 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 school.

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 school, their employees, any persons who are the subject of any disclosure, as well as the person making the disclosure.

2. Who does it apply to?

- **ALL** employees of the ODBST.
- Contractors working for ODBST or the school on ODBST premises, for example, agency staff, builders or drivers.
- Any suppliers and those providing services under a contract with either ODBST or the school, in their own premises.

- Self-employed workers.

4. Our Commitment

The ODBST 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 school'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.

5. What types of concern are covered?

The whistleblowing policy and process is intended to address concerns that fall outside of other policies, such as complaints or grievance which should be dealt with under the relevant policy.

Note: There may be occasions when concerns are raised under this policy which should be dealt with under another process. However, if in doubt, it is better to raise a concern, which can then be referred, than risk not reporting it at all.

Whistleblowing covers concerns made that report wrongdoing that is "in the public interest". Examples of whistleblowing include (but are not limited to):

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

A whistle-blower is a person who raises a genuine concern relating to the above. Not all concerns about the trust, or individual schools in the trust, count as whistleblowing. For example, personal staff grievances such as bullying or harassment do not usually count as whistleblowing. If something affects a staff member as an individual, or relates to an individual employment contract, this is likely a grievance.

When staff have a concern they should consider whether it would be better to follow our staff grievance or complaints procedures.

Types of whistleblowing concerns may be about but are not limited to, for example:

- Conduct which is a criminal offence or a breach of law.
- Suspected fraud or corruption.
- Unauthorised use of public funds.
- Failure to comply with ODBST financial processes and procedures which are in place to support effective financial management.
- Disclosures related to miscarriages of justice.
- Dangerous procedures or activities risking Health and Safety, including risks to the public as well as other employees.
- A deliberate attempt to conceal any of the above.

6. Protection for whistleblowers

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.

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.

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

The ODBST will provide all reasonable protection for those who raise concerns made in the public interest.

The ODBST 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.

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.

7. Confidentiality and employee safeguards

The ODBST recognises that the decision to report a concern can be a difficult one to make. An employee, if they are a member, can request support from their union representative to assist them through the process. A whistleblower's employment rights are protected in the law from victimisation if they follow the criteria below:

- that they made a qualifying disclosure in good faith;
- that they reasonably believed the information was substantially true;
- that it was a qualifying disclosure as per the Public Interest Disclosure Act 1998 (PIDA);
- the procedure was followed;
- if the disclosure was made outside the trust, that it was made to a 'prescribed person or body', rather than another third party such as the press.

To support employees/workers the following safeguards are in place:

- If an employee/worker raises a concern in good faith they should not fear any reprisals, unfair treatment or loss of employment for reporting their concerns.
- The ODBST will not tolerate any form of discrimination, victimisation or harassment (including informal pressure) and will take appropriate action to protect those who raise concerns in good faith.
- If any instance of discrimination, victimisation or harassment occur, or any intimidatory threats are made against a whistleblower, the ODBST will take disciplinary action against the individual(s) concerned.
- Any investigation into the concern(s) raised by the whistleblower will not influence, or be influenced by, any disciplinary or redundancy procedures that are already in affect with an individual employee.
- Employees may seek advice or support from their trade union representative at any time. Due to the sensitive and serious nature of whistleblowing, the ODBST recognises the need to assure confidentiality for those who raise a concern. As far as possible, all concerns will be treated in the strictest of confidence and every effort will be made to protect, and not reveal, the whistleblower's identity. Any member of staff investigating a disclosure under this policy will have an awareness of the requirements of the PIDA and the need for confidentiality. If a concern leads to investigation or further action then the whistleblower may, at some point in the future, need to act as a witness and/or provide evidence. In such cases, this will be discussed with the whistleblower and every effort will be made to limit the number of people within the Trust with access to the whistleblower's identity. If the whistleblower does not consent to their identity being revealed this will be respected but may hinder the scope or outcome of the investigation.

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.

ODBST has its own Human Resources (HR) team 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.

8. 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 school's local governing body/Trustees in the case of centrally employed staff).

In exercising the discretion, the factors to be taken into account would include:
- the seriousness of the issues raised;
- whether there is a safeguarding element to the allegation;
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources or factual records.

9. Untrue, false and malicious allegations

One of the factors that may cause employees or workers to hesitate in reporting concerns is repercussions if their allegation(s) prove to be untrue. The ODBST encourages staff to speak out if they have reasonable belief that their suspicions are justified and are reporting the concerns in good faith and the interest of others. If their allegation turns out to be untrue, or it is not confirmed by the investigation, no action will be taken against the individual who raised the concern. If, however, an employee or worker raises a concern that they know to be false or that is made frivolously, maliciously or for personal gain then disciplinary action may be taken against them.

10. Legislation, external sources and other

This policy is written in line with the Public Interest Disclosure Act 1998 (PIDA), which amends the Employment Rights Act 1996, which enables workers to raise issues of concern in an appropriate manner and without fear of reprisal. Independent advice can be sought from the Advisory, Conciliation and Arbitration Service (ACAS), Citizens' Advice or your Trade Union, where relevant. Other ODBST policies which relate to this policy include the:
- Grievance Policy for staff employed at the ODBST
- ODBST Complaints Policy
- ODBST Equal Opportunities Policy
- ODBST Data Protection Policy
- ODBST Safeguarding & Child Protection Policy

11. 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 <u>are</u> 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 <u>not</u> an employee (e.g. agency staff, contractors, etc.) -

You can discuss your concerns with a relevant colleague or manager within the school that you are working in – in most cases this would be the Headteacher. You can <u>also</u> 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 School/Trust will respond

Step 1: Investigating the Concerns

When a concern is received by the headteacher/CEO/ Chair of Governors / Trustee/Director of HR – referred to from here as the 'recipient' – they will:

- Meet with the person raising the concern within a reasonable time. The person raising the concern may be joined by a trade union or professional association representative.
- Get as much detail as possible about the concern at this meeting and record the information. If it becomes apparent the concern is not of a whistleblowing nature, the recipient should handle the concern in line with the appropriate policy/procedure.
- Reiterate, at this meeting, that they are protected from any unfair treatment or risk of dismissal as a result of raising the concern. If the concern is found to be malicious or vexatious, disciplinary action may be taken.
- Establish whether there is sufficient cause for concern to warrant further investigation. If there is:
    - The recipient should then arrange a further investigation into the matter, involving a named individual e.g. the CEO, Chair of Governors, Director of HR, Chair of Trustees, if appropriate. In some cases, they may need to bring in an external, independent body to investigate. In others, they may need to report the matter to the police.
    - The person who raised the concern should be informed of how the matter is being investigated and an estimated timeframe for when they will be informed of the next steps.

Step 2: Action under the Whistleblowing Policy

Once the investigation – whether this was just the initial investigation of the concern, or whether further investigation was needed – is complete, the investigating person(s) will prepare a report detailing the findings and confirming whether or not any wrongdoing has occurred. The report will include any recommendations and details on how the matter can be rectified and whether or not a referral is required to an external organisation, such as the local authority or police.

They will inform the person who raised the concern of the outcome of the investigation, though certain details may need to be restricted due to confidentiality.

Beyond the immediate actions, the CEO, trustees and other staff, if necessary, will review the relevant policies and procedures to prevent future occurrences of the same wrongdoing.

Whilst the Trust cannot always guarantee the outcome sought, the Trust is committed to dealing with concerns fairly and in an appropriate way.

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.

How the matter can be taken further

ODBST hopes you will be satisfied that any matter you raise has been considered properly. The trust encourages staff to raise their concerns internally but recognises that staff may feel the need to report concerns to an external body. If you are not satisfied, and if you feel it is right to take the matter outside ODBST, you will find a list of appropriate professional bodies /regulatory organisations in Appendix 2. The Protect advice line (protect-advice.org.uk / 0203 117 2520), can also help staff when deciding whether to raise the concern to an external party.

In addition to the list in Appendix 2, you can raise your concerns to:

- ODBST's external auditors
- the police
- your trade union
- the Citizens Advice Bureau

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 (Protect) in accordance with the provisions of the Public Interest Disclosure Act 1998.

Annex 1 - Contact list for ODBST

Chief Executive, Sulina Piesse	Email: spiesse@odbst.org
Chair of Trustees, Michael Mill	Email: mmill@trustee.odbst.org
Director of Human Resources	Email: gnickless@odbst.org

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:

Whistleblowing: list of prescribed people and bodies - GOV.UK (www.gov.uk)

Ofsted (His Majesty's Chief Inspector of Education, Children's Services and Skills ('the Chief Inspector')	Contact them about matters relating to the welfare of children provided with accommodation by boarding schools, colleges and residential special schools. The Chief Inspector, Ofsted, Piccadilly Gate, Store Street, Manchester, M1 2WD Tel: 0300 123 3155 Email: whistleblowing@ofsted.gov.uk
Secretary of State for Education	Contact them about matters relating to the following educational institutions in England: • maintained schools • maintained nursery schools • independent schools (including academies and free schools) • non-maintained special schools • pupil referral units • alternative provision academies • 16 to 19 academies (and free schools) • an institution within the further education sector • special post-16 institutions Ministerial and Public Communications Division, Department for Education Piccadilly Gate, Store Street, Manchester, M1 2WD, Tel: 0370 000 2288 Website: www.gov.uk/contact-dfe
National Society for the Prevention of Cruelty to Children (NSPCC)	Contact them about matters relating to child welfare and protection. NSPCC, Weston House, 42 Curtain Road, London, EC2A 3NH Tel: 0800 028 0285 This phoneline is staffed 365 days a year: • Mon-Fri (incl. bank holidays) 8am to 8pm • Weekends 9am to 6pm Email: help@nspcc.org.uk Website: www.nspcc.org.uk/keeping-children-safe/reporting-abuse/dedicated-helplines/whistleblowing-advice-line/
Health and Safety Executive	Contact them about: • their functions under the Network and Information Systems Regulations 2018 • the industries and work activities for which the Health and Safety Executive is the enforcing authority under the Health and Safety (Enforcing Authority) Regulations 1998 • the health and safety of individuals at work, or the health and safety of the public arising out of or in connection with the activities of persons at work Tel: 0300 003 1647 Online form: www.hse.gov.uk/contact/concerns.htm
The Comptroller and Auditor General	Contact them about the proper conduct of public business, value for money, fraud and corruption in relation to the provision of public services. The Comptroller and Auditor General, National Audit Office, 157-197 Buckingham Palace Road, London, SW1W 9SP

	Tel: 020 7798 7999 Website: wwwnao.org.uk/contactus/whistleblowing-disclosures/
Data Protection and Freedom of Information (The Information Commissioner)	Contact them about compliance with the requirement of legislation relating to data protection and to freedom of information. The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, SK9 5AF, Tel: 0303 123 1113 Email: icocasework@ico.org.uk / Website: www.ico.org.uk
The Environment Agency	Contact them about acts and omissions which have an actual or potential effect on the environment or the management or regulation of the environment. This includes those relating to pollution, abstraction of water, flooding, the flow in rivers, inland fisheries and migratory salmon or trout. National Customer Contact Centre, PO Box 544, Rotherham, S60 1BY Tel: 03708 506 506 Website: www.gov.uk/environment-agency
Equality and Human Rights Commission	Contact them about compliance with the requirements of legislation relating to equality and human rights. Tel: 0161 829 8100 Email: whistleblowing@equalityhumanrights.com Website: www.eqaulityhumanrights.com/en/whistleblowing