



## ‘Speak Up’ Whistleblowing Policy



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## Our Underpinning Beliefs and Values

Oasis is driven by the passionate belief that each human being is uniquely valuable and of equal importance. We all have something to bring, and we all need each other. We call the 'O' in Oasis our 'Circle of Inclusion'. Everyone matters. Everyone belongs. And because we're committed to inclusion, we're committed to ending inequality, injustice, and exclusion wherever and however we can. Our work in the youth secure estate is driven by this philosophy and prevailing commitment to equality and community transformation.

Our staff not only share in our vision but are also champions of our ethos and the Oasis 9 Habits. Our ethos is made up of:

- A **passion** to include everyone
- A **desire** to treat everyone equally, respecting differences
- A **commitment** to healthy and open relationships
- A deep sense of **hope** that things can change and be transformed
- A sense of **perseverance** to keep going for the long haul

Our 9 Habits are the behaviours through which we aim to reflect our ethos:

Compassionate	Joyful	Considerate
Patient	Honest	Forgiving
Humble	Hopeful	Self-controlled

Oasis Restore's key values are **Relationships**, **Curiosity** and **Community** which underpin our Care Framework:

Relationships through building trust

Empowerment through providing choices and nurturing responsibility

Safety through providing consistency, a secure base and community

Trauma-Informed practice through creating a psychologically informed culture and systems

Ownership through providing life affirming opportunities

Restoration through offering support and challenge

Enquiry through encouraging openness and reflection

In using these principles throughout our policies, practice, and processes in the school, we will ensure that we create an environment of high-quality care and psychological safety for our students and staff.

In our approach to addressing staff Speaking Up within Oasis Restore we will strive to draw upon, make reference to and reflect on the Oasis Ethos , 9 Habits and our Framework of Care, knowing that being able to do these things grows confidence in our staff in that we practically take our commitments and obligations seriously. When directors, managers and all staff adhere to this policy it will help ensure a consistent application to addressing staff complaints and concerns. Restore believes passionately in every staff member's right to have their concerns taken seriously.

### **Who is this policy for?**

- Employees and workers
- Casual/zero-hour staff
- Agency workers
- Interns, those on work experience and volunteers
- Apprentices and trainees
- Contractors, suppliers and their staff
- Homeworkers
- Trustees

### **Policy Statement**

#### **Speak Up — We Will Listen**

Speaking up about any concern you have at work is really important. In fact, it's vital because it will help us to keep improving our services for all students and the working environment for our staff.

You may feel worried about raising a concern, and we understand this. But please don't be put off. In accordance with our duty of candour, our senior leaders and entire board are committed to an open and honest culture. We will look into what you say and you will have access to appropriate support. This includes individual support, keeping you informed throughout the process, providing feedback and giving you the opportunity to feedback on the speaking up process.

This policy does not form part of your contract of employment and we reserve the right to amend or withdraw it at any time.

#### **What Concerns can be raised under this policy:**

Public Interest Disclosure or 'whistleblowing' is when you are acting in the public interest (your concern needs to be more than a personal grievance) and your concern falls in to one of the following categories:

- Criminal offense
- Failure to comply with a legal obligation
- Miscarriage of justice
- Danger to the health and safety of any individual
- Damage to the environment and/or
- Covering up wrongdoing in the above categories

However under this policy you can also raise a concern about risk, malpractice or wrongdoing you think is harming the service we deliver. Just a few examples of this might include (but are by no means restricted to):

- Concerns around widespread racism, discrimination or sexual harassment
- Inadequate induction or training for staff
- Lack of, or poor, response to a reported student or staff safety incident
- Fraud, accounting, auditing matters or financial reporting practises
- A bullying culture (across a team or the whole organisation rather than individual instances of bullying which may fall under the Grievance and Bullying & Harassment policy).
- Modern slavery concerns

Please note that this policy is **not** suitable for the following:

- Child Protection and Safeguarding Allegations should be referred to either the Designated Safeguarding Lead or the Principal Director and would then be managed under relevant safeguarding policies.
- GDPR breaches should be reported under the Data Protection Policy
- Personal grievances should be managed under the grievance procedure
- Appeals about sickness absence, capability, disciplinary, grievances or redundancies should be managed under those respective policies.
- Your own errors, these should be reported under Restore's Errors/ Mistakes, Adverse Events, Incidents & Near Misses policy

Please remember that you may have a professional duty to report a concern. If in doubt, please raise it as early as possible. We would like you to raise the matter while it is still a concern. It doesn't matter if you turn out to be mistaken as long as you are **genuinely** troubled and are not reporting any concern that you know to be untrue.

## Roles and Responsibilities

The procedure itself will explain in further detail as to the roles and responsibilities of parties involved with the Whistleblowing process. The below is a summary, though not an exhaustive list, of some of the key roles and responsibilities of each party. It is a given that

all parties involved act professionally, fairly and respectfully at all times, even when emotions may on occasion understandably run high.

**Managers and Senior Leaders are responsible for:**

- Responding promptly and reasonably sensitively to complaints or concerns raised by colleagues; investigating matters where appropriate too;
- attending/chairing formal meetings as required;
- complying with this policy and procedure so that complaints or concerns may be resolved.
- ensuring that this policy is applied consistently and that colleagues are aware of this policy and actively assured and encouraged to raise genuine concerns.
- Provide feedback to the member of staff who raised any concern and support the member of staff with options available to escalate the concern should they be unhappy with the resolution
- Ensure there is no detriment as a result of a genuine concern being raised
- Prioritising access to training for those investigating and assessing concerns.
- Authorised Leaders dealing with concerns are responsible for acting on behalf of the organisation and therefore any decisions or outcomes that they make should ordinarily be treated as 'instructions' rather than 'recommendations'
- Authorised Leaders will need to transparently ensure that steps are taken to monitor that any outcome actions are appropriately implemented via management.

**Colleagues (inc Complainants, Respondents and Witnesses) are responsible for:**

- Every staff member has the responsibility to work within the policy guidelines when raising a concern or 'speaking up' or providing evidence to any investigation.

**The People Services Team are responsible for:**

- providing advice and guidance to all parties on these procedures;
- advising on the management of individual cases;
- updating this policy as appropriate to ensure compliance with legislation, best practise and feedback
- Conducting investigations when appropriate too
- making available training for those investigating and hearing grievances. Such training will be **mandatory**

- Ensure claims of victimisation are taken seriously

### **Chosen Companions are responsible for complying with the following rules:**

At any meeting the companion will be allowed to address the meeting in order to:

- put forward the employee's concerns
- sum up the employee's concerns
- respond on the employee's behalf to any view expressed at any meeting
- confer with the employee during a meeting.

The companion does not, however, have the right to answer questions on the employee's behalf, address any meeting if the employee does not wish it, or prevent managers/leaders from explaining their perspective or asking questions.

### **Feeling safe to raise your concern**

All staff should feel safe to raise a concern. Individuals who raise a genuine concern under this policy will not be at risk of losing their job or suffer any form of detriment as a result. Oasis Restore will not tolerate the harassment or victimisation of anyone raising a concern. Nor will it tolerate any attempt to bully staff into not raising any such concern. Any such behaviour is not in line with our values as an organisation and, if upheld following investigation, could result in disciplinary action.

Provided you are acting honestly, it does not matter if you are mistaken or if there is an innocent explanation for your concerns.

### **Confidentiality**

We hope you will feel comfortable raising your concern openly, but we also appreciate that you may want to raise it confidentially. This means that while you are willing for your identity to be known to the person you report your concern to and any investigating officer, you do not want anyone else to know your identity. Therefore, we will keep your identity confidential, if that is what you want, unless required to disclose it by law (for example, by the police) or to meet our regulatory or professional obligations. In addition to this, where a concern may relate to a safety or safeguarding matter, Oasis Restore may need to escalate actions whether or not the individual speaking up agrees.

You can also choose to raise your concern anonymously, without giving anyone your name, but that may make it more difficult for us to investigate thoroughly and give you feedback on the outcome. Please also bear in mind that potentially in the course of an investigation it may become apparent on review of any pertinent evidence the identity of the person who raised the concern regardless of whether they raised it anonymously or confidentially.

### **Stage 1 - Raising a whistleblowing concern**

Any concerns should normally be raised with your line manager. However, this may not always be possible, for example because of who is involved. In this case you may wish to contact a more Senior Leader, or a member of the People Services Team or a Member of the Board of Trustees. Dependent on the nature of the concern a more junior manager may be required to confidentially escalate your concern upwards to a relevant Senior Leader in order for it to be appropriately dealt with

Under no circumstances should you investigate a concern yourself or raise/highlight concerns via social media. This avoids any risk of prejudicing any investigation (including a criminal investigation) if it is warranted. If for any reason you do not feel able to raise your concern within Oasis Restore this policy sign posts to where you can find contact details of external 'prescribed bodies' you can approach instead (see further details below).

You can raise your concern orally, or in writing. We recommend that you use our located at Appendix 1 of this policy. It is important that you set out clearly:

- the details of the suspected wrongdoing;
- the names of any individuals involved; and
- and what action (if any) you are seeking.

## **Stage 2 - Responding to your whistleblowing concern**

You will receive an initial acknowledgement of your concerns within **three working days** of raising an issue.

In some cases, it may be necessary to ask you to subsequently attend a meeting or a number of meetings to clarify the nature of your concern. This will be arranged as soon as possible.

You may, if you wish, bring a colleague or a trade union representative with you to the meeting.

Where it is considered appropriate, a member of the People Services Team may also be present.

The Chief Operating Officer & Accounting Officer will be informed of all financial /fraudulent matters and will decide on the appropriate action following the results of any investigation

If we decide that a formal investigation is required the relevant manager will write to you confirming who is conducting the investigation (that may be the said manager or someone else) and the expected timescale for completion.

The level of investigation and time this will take will vary depending on the nature of the concerns.

Following the investigation, the relevant manager will inform you in writing, as quickly as possible after completion of the investigation, of the outcome and any next steps or action



that will be taken. While we aim to provide you with comprehensive feedback, in some cases this may not be possible, for example where data protection rules apply or there are sensitive issues that need to remain confidential. You will also be offered a meeting to discuss the findings. You will also be provided with details of how to raise an appeal if you are not satisfied with the outcome.

### **Stage 3 - Appeal**

You should raise your appeal in writing within ten working days of receipt of the investigation outcome. It is important that you set out clearly the grounds of your appeal, ie the basis on which you consider that your original concern has not been satisfactorily dealt with.

In some cases, it may be necessary to ask you to attend a meeting to clarify the nature of your appeal. This will be arranged as soon as possible. You may, if you wish, bring a colleague or a trade union representative with you to the meeting. Where it is considered appropriate, a member of the People Services Team may also be present.

The relevant manager will consider your grounds for appeal and review the manner in which your original whistleblowing concern was handled. You will be informed in writing of the outcome as quickly as possible.

### **Raising your whistleblowing concerns externally**

We encourage you to raise your whistleblowing concerns internally in the first instance. If you feel that appropriate action has not been taken, you can report the matter to the correct prescribed body or person (see list on [GOV.UK](https://www.gov.uk) or via [External Disclosures - Protect - Speak up stop harm \(protect-advice.org.uk\)](https://www.protect-advice.org.uk)).

You should seek advice if you are thinking of raising your concern with the media as you will not have protection under whistleblowing laws unless certain conditions are met.

### **How Will We Learn From Your Concern?**

The focus of the investigation will be on improving the service we provide for our students. Where the outcome of the Speaking Up process identifies improvements that can be made, we will track them to ensure necessary changes are made, and are working effectively. Lessons will be shared with teams across the organisation, or more widely, as appropriate.

### **Further guidance**

If you need further guidance or support, you can contact a member of the People Services Team, or alternatively the whistleblowing charity [Protect](https://www.protect-advice.org.uk) or [Citizens Advice](https://www.citizensadvice.org.uk) or ACAS ([Acas | Making working life better for everyone in Britain](https://www.acas.org.uk)) for free confidential advice or alternatively your Trade Union.

### **The right to be accompanied**

Staff speaking up have the right to be accompanied by a colleague or trade union official at any formal meeting under this process.

The trade union official need not be an employee of Oasis Restore, but if they are not a fellow worker or an employee of their union, Oasis Restore reserves the right to insist on them being certified in writing by the union as being experienced or trained in accompanying employees at grievance hearings.

Within reason the employee may request adjournments to speak to their companion privately at any time during a meeting.

Acting as a companion is voluntary and your colleagues are under no obligation to do so. Any employee/worker who is required to act in the capacity of a companion at a meeting under the procedure will be entitled to a reasonable period of paid time off from work duties to complete this role. This will include a reasonable period of time off for the companion to familiarise him/herself with the case and confer with the employee. When asking a fellow worker to be a companion, Complainants should avoid making an unreasonable request, say for example if the person is on long term absence which would delay meetings from taking place or for geographical reasons would have significant difficulty getting to the meetings or if they would have a clear conflict of interest in attending. Employees/workers who act as companions should not be prejudiced or victimised for doing so and they should let the investigating officer, or a member of the People Services Team know asap if they have any such concerns.

If the chosen companion is unavailable at the time of a meeting with an Investigating Officer, it may be rescheduled for a mutually convenient time that falls within 5 working days of that date providing this does not cause unreasonable delay. If the companion is not able to attend at a reasonable date and time within 5 working days of the original date, then the interview meeting would normally continue as scheduled.

Where a member of staff is being interviewed who is also subject to all or some of the complaints concerned (a 'respondent witness'), we will allow them to be accompanied by either a trade union representative or workplace companion provided it does not cause unreasonable delay to proceedings. We would deem unreasonable delay to be in excess of five working days.

We may, at our discretion, allow a Complainant or Respondent Witness to bring a companion who is not a colleague or union representative (for example, a member of their family) as a reasonable adjustment if they have a disability, or if they have difficulty understanding English or if it is not reasonably possible for them to be accompanied by a member of staff or union representative. We would not allow any request to be accompanied by a practising legal professional. In such circumstances the Complainant/Respondent Witness should make a request to the IO/authorised manager including details of who the proposed person is and written confirmation that they are not a practising legal professional (and have not been in the last five years) as soon as possible so a decision can be made.

For Colleagues not subject to any allegations being interviewed as a witness they have no right to be accompanied, however where a reasonable request to be accompanied (by either a trade union representative or a work colleague) for personal support is made in

advance and can take place without creating any significant delay in the proceedings, as long as there is no conflict of interest Oasis Restore will seek to accommodate this. The companion attending in such circumstances is attending for pastoral support and is not expected to be an active participant in the meeting, and is expected to maintain full confidentiality and professionalism regarding the proceedings

Staff should confirm in writing whether or not they consent to companions being included into correspondence concerning the process. Investigators, Managers and members of People Services Team will not include companions into correspondence unless specifically made aware of this request in accordance with UK GDPR.

### **Accessibility**

If any aspect of the this procedure causes any party involved difficulty on account of any disability, or if they need assistance for example, because English is not their first language, the person concerned should raise this issue with either with the People Services Team or the Investigating Officer who will consider and help implement any reasonable adjustments.

### **Recordings of meetings**

One of the Oasis Ethos statements is open honest relationships, therefore parties involved in a meeting should not covertly record it. Any breach of this provision may lead to disciplinary procedures against anyone found in breach of this.

Ordinarily written minutes will be taken of any meeting and shared for review, but where requested with reasonable notice, Oasis Restore may permit the meeting to be recorded electronically where it has the equipment available to do so and where typing up the recording would not come at an unreasonable cost. For example, where the employee has a visual impairment, it may be appropriate as a reasonable adjustment under the Equality Act 2010. All participants at the meeting should be informed that the meeting will be recorded and the need to obtain consent for that to happen.

Where Oasis Restore either decides at its own discretion to record a meeting with consent of those in attendance (such as when it is not able to source an experienced minute taker) or permits at request that the meeting/hearing to be recorded electronically, it will take responsibility for making the recording (whether it is video or audio) and typing up the audio transcript to share. Meetings held via MS Teams (or other similar platforms) would normally be video recorded rather than audio recorded given the nature of that technology, if all parties consent to that.

All records relating to grievances should be stored confidentially and securely on the individual's personal file, and in accordance with the Data Protection Act 2018. Records should be retained for six years after employment ceases, after which time they must be securely destroyed. The employee may also wish to keep records of events to support their case but should keep them confidential at all times

## **Data Protection and Confidentiality**

Oasis Restore processes personal data collected during this procedure in accordance with its data protection policy. In particular, data collected as part of the speaking up/whistleblowing procedure is held securely and accessed by, and disclosed to, individuals only for the purposes of responding to the complaints or conducting the investigation/ procedure or monitoring of equal opportunities, and the analysis of positive employee relations and commercial risk. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the Oasis Restore's data protection policy immediately. It may also constitute a disciplinary offence, which may be dealt with under the disciplinary procedure. Outcome letters should be stored securely on staff's personnel folders.

## **Training requirements**

All managers and senior staff are required to be trained in managing grievances

## **Equality Monitoring**

Oasis Restore is fully committed to the broad principles of social justice and is opposed to any form of discrimination or oppression. It therefore willingly accepts not only its legal responsibilities but also wishes to embrace best practice in all areas of its work in order to secure equality of both treatment and outcome for all.

Oasis Restore is therefore committed to ensuring that no-one is treated in any way less favourably on the grounds of personal differences such as race; colour; national, ethnic or social origin; gender (including reassigned gender); sexual orientation; religious belief; age; disability; marital status; caring responsibilities or political or other personal beliefs.

The Leadership Team of Oasis Restore will implement all necessary action and training to ensure its commitments with regard to equality of treatment and outcome are fulfilled and will regularly monitor and review progress made in this respect.

We will ensure that employment and development opportunities are available to those who are, or who become, disabled on an equal footing with those without a disability, adapting jobs wherever possible to make them accessible. Oasis Restore will ensure that pay decisions focus on capability to do the job based on evidence.

To ensure that Oasis Restore continues to meet its public sector equality duty we will work with staff representatives at our employee Information and Consultation Forum to seek feedback on current circumstances and future aims.

## **The requirements that apply to this policy**

Public Interest Disclosure Act 1998, as amended by The Enterprise and Regulatory Reform Act 2013 (ERRA).

## RACI matrix

Policy Element	Board	Leadership			PSD				Other PSD Colleagues	EAs and Admin staff							
		COO/Exec	Principal Director	Other Senior Leaders	CPO	Lead BP	Line Managers	EA									
Training and making staff aware of policy	I	A & R	A & R	R	R	R	R										
Providing Advice		C	C	C	A,R	A,R											
Managing investigations	R	A, R	A, R	R	C	C											
Policy Review and consultation inc with staff forum	I	A, R	A, R	I	A,R	R	R		I								
Being on Panels		A, R	A, R	R	R,C	R,C	R										
Implementation of Hearing Outcomes		A, R	A, R	R	C	C	R										
Pastoral support			A, R	R	C,I	C,I	R		,I								
Dismissing staff		A, R	A, R	R	C,I	C,I	C,I		I								
Clerking formal meetings/hearings							A		R	R							

**Appendix 1. Notification of Speaking Up/Whistleblowing Concern**

To:

I wish to register a concern under Oasis Restore’s Speaking Up and Whistleblowing Policy

**Summary of concern**

Please set out your concern with as much detail as possible, including the date, time, location, the identities of those involved in the wrongdoing and details of any witnesses. You may attach additional sheets if required.

<p><b>Nature of Concern</b> Please specify if your concern is about a potential: criminal offence; failure to comply with a legal obligation; miscarriage of justice; risk to the health and safety of an individual; damage to the environment; or attempt to cover up any of these or any other matter</p>
<p><b>I believe that my grievance could be resolved in the following way:</b>  Please set out how you would like to see the issue dealt with, and why and how you believe that this will resolve the issue.</p>
<p><b>My representative is:</b>  <i>If you have already got a representative please include their name and contact details; this will help in making arrangements to move the matter forward. Please also indicate whether you wish for them to be included in any correspondence with you during this process.</i></p>

Signed.....

Print Name:.....

Contact details .....

Job Title:.....

Line Manager:.....





## Document Control

### Changes History

Version	Date	Owned and Amended by	Recipients	Purpose
1	30/09/22	People Services, Head of People Development	Chief Operating Officer	Review of 1 <sup>st</sup> draft policy
1	13/09/23	CPO	YCS	ROM
1	22/09/23	CPO	Leadership folder	Launch on 25 <sup>th</sup> Sept 2023
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**Owner**  
The People Services Team