

Whistle Blowing Policy

1. Introduction

1.1 Employees are often the first to realise that there may be something seriously wrong within an organisation and/or Academy. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to an Academy. They may also fear harassment or victimisation. In these circumstances, they may feel it is easier to ignore the concern rather than report what may just be a suspicion of malpractice.

1.2 In accordance with our ethos, OCL prides itself on having an open and honest culture and is committed to the highest possible standards of probity and accountability. In line with that commitment we encourage employees with serious concerns about any aspects of the organisation's work to come forward and voice those concerns. Confidentiality will be maintained as far as is possible. It is guaranteed at the point of making a protected disclosure and will be maintained during investigations and hearings, other than when there is a need for disclosure of identity due to cross examination of the staff member as a witness in any subsequent procedure.

1.3 This policy covers protected disclosures made in the public interest. It is intended to encourage and enable employees to raise serious concerns within an Academy or OCL generally, irrespective of seniority, rank or status, rather than overlooking a problem or reporting the matter externally. It does not override workers' legal rights to make a protected disclosure to certain third parties under the Public Interest Disclosure Act 1998 (PIDA), as incorporated into the Employment Rights Act 1996.

1.4 This policy does not apply to concerns held by an individual member of staff about breaches of their own contract of employment, the OCL grievance procedure is the policy under which breaches of individual contracts of employment should be raised.

1.5 Whistle blowers will be protected from suffering a detriment, bullying or harassment from another employee. Employees who mistreat a colleague as a result of whistleblowing will face disciplinary action.

2 Aims and Scope of this Policy

2.1 This policy aims to:

- provide avenues for staff to raise concerns and receive feedback on any action taken
- allows staff to take the matter further if dissatisfied with the management response, and
- reassures employees that they will be protected from reprisals or victimisation for confidential reporting

2.2.1 This policy applies to temporary, casual and agency staff, volunteers as well as employees and OCL directors.

2.3 Concerns must be raised when employees reasonably believe that one or more of the following has occurred, is in the process of occurring, or is likely to occur:

- a criminal offence
- a failure to comply with any legal or professional obligation or regulatory requirements
- bribery
- improper unauthorised use of public funds or other funds
- a miscarriage of justice has occurred or is likely to occur
- maladministration, misconduct or malpractice
- endangering of an individual's health and safety or welfare
- damage to the environment
- deliberate concealment of any of the above

2.4 Where the nature of the disclosure is not included in the above list, advice may be sought on the use of the appropriate policy (i.e. the whistleblowing or grievance policy) from the Human Resources Department or from a trade union or professional association. In general, it should be made by way of OCL's grievance policy and not under this whistleblowing policy.

3 How to Raise a Concern

3.1 Employees' concerns must be raised with his/her line manager, who should report it to the regional HR Business Partner covering that academy, or directly to the Head of HR at the National Office. Employees can approach the relevant HR Business Partner directly if a protected disclosure relates to the line manager. The HR Business Partner will then confirm with the Head of HR how the matter will be investigated. Concerns may also be raised with the Head of Compliance

3.2 Concerns should be raised in writing. The letter should set out the background and history of the concern giving names, dates and places where possible, and the reason why the employee making the disclosure is particularly concerned about the situation. If the employee does not feel able to put his/her concerns in writing, the employee should arrange to meet with the regional HR Business Partner, as above.

3.3 The earlier and the more detailed the concern, the easier it will be to take action.

3.4 At this stage the employee is not expected to prove the allegation but s/he will need to demonstrate to the person contacted that there are sufficient grounds for concern.

4 How OCL will respond

4.1 The action taken by OCL will depend on the nature of the concern. The matters raised may:

- be investigated by the HR Business Partner, either in conjunction with other OCL employees
- be investigated by the Head of Compliance
- be investigated internally by an appropriately skilled and experienced individual, knowledgeable in the area concerned
- be referred to an External Auditor or Ombudsman
- form the subject of an independent enquiry

4.2 In order to protect individuals, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations that fall within the scope of specific procedures (for example, **child protection** or allegations against a professional or **discrimination**) will normally be referred for consideration under those procedures.

4.3 Some concerns may be resolved by agreed action without the need for investigation.

4.4 Within ten working days of a concern being received (the individual with whom the employee raised the matter will write to the employee:

- acknowledging the concern has been received
- indicating how it is proposed to deal with the matter
- giving an estimate of how long it will take to provide a final response
- telling the employee whether any initial enquiries have been made, and
- telling the employee whether further investigations will take place, and if not, the reason why.

4.5 The amount of contact between the individual(s) considering the issues and the employee who made the protected disclosure 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 the employee in a discreet manner.

4.6 When any meeting is arranged, the staff member may be accompanied by a union or workplace representative. The meeting can be ‘off site’, if requested.

4.7 OCL will take steps to minimise any difficulties which the staff member may experience as a result of raising a concern and provide any appropriate

support. For instance, if the employee is required to give evidence in disciplinary or criminal proceedings, OCL will advise the employee about the procedure.

4.8 OCL accepts that the employee needs to be assured that the matter has been properly addressed. Thus, subject to legal constraints, s/he will receive information about the outcomes of investigations. In addition s/he will be informed as to what action has been taken to correct working practices where they have been found to be at fault by the investigation.

5 Safeguards

Harassment or Victimisation

5.1 OCL 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. OCL will not tolerate harassment or victimisation and will take action to protect the staff member when s/he has raised a concern.

Confidentiality

5.3 OCL will respect confidentiality and all steps will be taken to ensure that confidentiality is maintained throughout the process. However, it must be appreciated that the investigation process may reveal the source of the information and that a statement by the employee may be required as part of the evidence.

Anonymous Allegations

5.4 This policy encourages employees to put their name to their concerns. Concerns expressed anonymously are less capable of being followed up effectively, but they will all be considered.

5.5 In such circumstances OCL will take the following factors into account when establishing the scope and depth of the investigation:

- the seriousness of the issues raised
- the credibility of the concern, and
- the likelihood of confirming the allegation from attributable sources and information

Allegations found to be untrue

5.6 If an employee makes an allegation, but it is not confirmed by the investigation, no action will be taken against that employee.

5.7 If, however, an employee makes malicious or vexatious allegations, disciplinary action may be taken against him or her.

5.8 In determining whether an employee has acted maliciously and/or vexatious the investigator will consider whether the employee was motivated to make the allegation(s) simply out of a desire to pursue a personal vendetta or grudge.

6 How the Matter Can Be Taken Further

6.1 This policy is intended to provide staff with an avenue to raise concerns within OCL. We hope anyone invoking this procedure will be satisfied with the response given. If not, the employee should indicate this to the Regional Academies Director (in the case of academy-based staff) or the Chief Executive (in the case of nationally-employed staff). If the staff member feels it is right to take the matter outside the organisation, the following are possible contact points:

- relevant professional bodies or regulatory organisations
- the relevant ombudsman
- the employee's solicitor
- the police
- Protect[1]: 020 3117 2520 or https://protect-advice.org.uk/
- trade union/professional association

[1] Protect is an independent authority on public interest whistleblowing. Protect focuses on the responsibility of workers to raise concerns about malpractice and on the accountability of those in charge to investigate and remedy such issues. It offers free advice to people concerned about danger or malpractice in the workplace but who are unsure whether or how to raise the matter.