

# WHISTLE-BLOWING POLICY

**The OHC&AT Board of Trustees has agreed this Policy – 1<sup>st</sup> July 2022.**

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 horizontal line extending to the right.

# Whistle-blowing Policy

## INTRODUCTION

Orchard Hill College (the **College**) and Orchard Hill College Academy Trust (the **Trust**), jointly known as OHC&AT, is committed to providing outstanding educational opportunities for all our pupils and students.

OHC&AT recognises that the people that work for us are sometimes the first to become aware that a problem exists and that they should be able to raise concerns without fear of adverse repercussions. The law protects staff who raise such concerns internally or externally and this policy sets out how OHC&AT will ensure we meet our obligations to staff who make a 'protected disclosure' under this policy.

## AIMS

This policy aims to:

- Encourage individuals to report suspected wrongdoing as soon as possible in the knowledge that their concerns will be taken seriously and investigated and that their confidentiality will be respected.
- Inform so that all workers know how to raise concerns about suspected wrongdoing in or by OHC&AT.
- Set out clear procedures for how OHC&AT will respond to such concerns.
- Give staff confidence in the protection available to them if they make a protected disclosure.
- Assure staff that they will not be victimised for raising a legitimate concern through the steps set out in the policy even if they turn out to be mistaken.

This policy does not form part of any employee's contract of employment and may be amended at any time.

The policy applies to all employees or other workers who provide services to OHC&AT in any capacity including self-employed consultants or contractors who provide services on a personal basis, agency workers and volunteers. For the purpose of this policy hereon in all referred to as "staff".

## LEGISLATION

The requirement to have clear whistle-blowing procedures in place is set out in the [Academy Trust Handbook](#). This policy has been written in line with that document, as well as [government guidance on whistle-blowing](#). We also take into account the [Public Interest Disclosure Act 1998](#) and the [Bribery Act 2010](#). This policy complies with our funding agreements and articles of association.

## DEFINITION OF WHISTLE-BLOWING

Whistle-blowing is raising a specific concern(s) of wrongdoing that is 'in the public interest'. Examples of whistle-blowing include (but are not limited to):

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

A whistle-blower is a member of staff who raises a genuine concern, known as a protected disclosure, relating to the above.

Not all concerns about OHC&AT count as whistle-blowing. For example, staff grievances such as bullying or harassment do not usually count as whistle-blowing. If something affects a staff member as an individual, or relates to an individual employment contract, this is likely to be a grievance. When staff have a concern they should consider whether it would be better to follow the staff grievance procedure instead of this policy.

Protect (formerly Public Concern at Work) has [further guidance](#) on the difference between a whistle-blowing concern and a grievance, as well as a free and confidential [advice line](#), that workers may find useful

## PROCEDURE FOR STAFF TO RAISE A WHISTLE-BLOWING CONCERN

### When to raise a concern

Staff should consider the examples above when deciding whether their concern is of a whistle-blowing nature. Consider whether the incident(s) was illegal, breached statutory or OHC&AT procedures, put people in danger or was an attempt to cover up any such activity.

### Who to report to

Staff should report their concern to either the Principal, a member of ESLT or a senior HR colleague. Staff should not report their concern to anyone involved in the suspected wrongdoing. OHC&AT has named Trustees for whistle-blowing:

- The named Trustee for the College is **Julie Avis**
- The named Trustee for the Trust is **Barbara McIntosh**

The named Trustees can be contacted by emailing the Clerk to the Board of Trustees: [clerk@ohcandat.org](mailto:clerk@ohcandat.org).

## **How to raise a concern**

Concerns should be made in writing wherever possible. They should include names of those committing wrongdoing, dates, places and as much evidence and context as possible. Staff raising a concern should also include details of any personal interest in the matter.

## **OHC&AT PROCEDURE FOR RESPONDING TO A WHISTLE-BLOWING CONCERN**

### **Investigating the concern**

When a concern is received by the Principal, member of ESLT or senior HR colleague they will:

- Acknowledge receipt within 3 working days and make a record of the concern.
- Reassure the person raising the concern that they are protected from any unfair treatment or repercussions as a result of making a protected disclosure.
- If necessary they will meet with the person raising the concern to gather more information. The person raising the concern may be joined by a trade union or professional association representative, if they wish.
- Gather as much detail as possible about the concern, and record the information. If it becomes apparent the concern is not of a whistle-blowing nature, it should be dealt with in line with the appropriate policy/procedure.
- Establish whether there is sufficient cause for the concern to warrant further investigation. If there is:
  - Arrange an investigation into the matter by someone with no involvement in the concern being investigated. In some cases, an external body may be brought in to investigate. In other cases, the matter may need to be reported to an external agency e.g. the Police, the LADO, the Health & Safety Executive, a Funding body, the Environment Agency.
  - The person who raised the concern should be informed of how the matter is being investigated and an estimated timeframe of the next steps.

### **Outcome of the investigation**

Once the investigation 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 be restricted due to confidentiality.

Beyond the immediate actions, the Principal, ESLT and Trustees will review the relevant policies and procedures to prevent future occurrences of the same wrongdoing.

Whilst OHC&AT cannot always guarantee the outcome sought, we will deal with concerns fairly and in an appropriate way.

### **Malicious or vexatious allegations**

Staff are encouraged to raise concerns when they believe there is an actual or potential issue. If an allegation is made in good faith but the investigation finds no wrongdoing, there will be no disciplinary action against the person who raised the concern.

If, however, an allegation is shown to be deliberately invented or malicious, OHC&AT will consider whether any disciplinary action against the person making the allegation is appropriate.

### **Escalating concerns beyond OHC&AT**

OHC&AT encourages staff to raise their concerns internally, in line with this policy, but recognises that staff may feel the need to report concerns to an external body. A list of prescribed bodies to whom staff can raise concerns with is included [here](#).

The Protect advice line can also help staff when deciding whether to raise the concern to an external party.

## **POLICY REVIEW DETAILS**

<i>Version:</i>	2.0
<i>Reviewer:</i>	Lynn Barratt, Rachael Tucker
<i>Approval body:</i>	Family Board
<i>Date this version approved:</i>	1 <sup>st</sup> July 2022
<i>Due for review:</i>	Summer 2025

## **RELATED POLICIES AND DOCUMENTATION**

Anti-bullying policies (Academies/OHC)  
Child Protection, Adult Protection & Safeguarding Policy  
Dignity at Work Policy  
Equality, Diversity & Inclusion Policy  
Fraud Policy  
Grievance Procedure  
Health & Safety Policy  
OHC&AT Finance Regulations  
Staff Code of Conduct