



# Whistleblowing Policy

This Policy has been adopted and approved by Oxlip Learning Partnership and is to be used by all members of the Trust.

## History of Document:

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## Contents

Item		Page
1	Introduction	1
2	Background	1-2
3	Legislation	2
4	Aims of the Procedure	2-3
5	What is a Whistleblower and Whistleblowing?	3
6	Safeguards	3-4
7	Raising a Concern	4
8	Roles and Responsibilities	4-6
9	Raising Concerns Outside of the Trust	6
10	Contacts	7
11	Monitoring, Evaluation and Review	7

All HR policies and procedures are available from Oxlip Learning Partnership School Offices, along with the School Workforce Privacy Notice and Record Retention Policy, which provide specific details in accordance with the GDPR principles.

### 1. Introduction

The aim of this procedure is to set out how Oxlip Learning Partnership will deal with concerns raised by employees which relate to suspected wrongdoing or dangers at work.

Allegations of child abuse against teachers and other employees and volunteers will be dealt with in accordance with 'Keeping Children Safe in Education - statutory guidance for schools and colleges'.

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 the trust in any capacity including self-employed consultants or contractors who provide services on a personal basis and agency workers.

For this policy's purposes, the term Headteacher/Principal refers to each school's lead professional. For central trust staff this will be the Chief Executive Officer (CEO).

### 2. Background

As employees may be the first to realise that there may be something wrong within the Trust, it is important that they feel able to express their concerns without fear of harassment or victimisation. Otherwise, they may find it easier to ignore the concern rather than report it. The Public Interest Disclosure Act 1998 recognises this fact and is designed to protect employees, who make certain disclosures of information in 'the public interest', from detriment and/or dismissal. This policy builds on the provisions of the Act.

The Trust is committed to the highest possible standard of operation, probity and accountability. In line with that commitment, employees, officers, consultants, contractors, volunteers, casual workers and agency workers with serious concerns are encouraged to come forward and voice those concerns. This procedure makes it clear that employees can do so without fear of reprisals. It is intended to encourage and enable employees to raise serious concerns within the Trust rather than overlooking a problem or alerting anyone external to the Trust.

### 3. 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 the above document, as well as [government guidance on whistleblowing](#). We also take into account the [Public Interest Disclosure Act 1998](#).

### 4. Aims of the Procedure

This procedure aims to:

- Provide avenues for employees to raise concerns internally as a matter of course, and receive feedback on any action taken
- Provide for matters to be dealt with quickly and appropriately and ensure that concerns are taken seriously and treated consistently and fairly
- Reassure employees that they will be protected from reprisals or victimisation for whistleblowing where they have a genuine concern
- Allow employees to take the matter further if they are dissatisfied with the Trust's response

### 5. What is a Whistleblower and Whistleblowing?

A whistleblower is a person who raises a genuine concern relating to the matters listed below. If employees have any genuine concerns related to suspected wrongdoing or danger affecting any of our activities (a whistleblowing concern) they should report it under this procedure.

Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include, but is not limited to:

- criminal activity
- failure to comply with any legal or professional obligation or regulatory requirements
- miscarriages of justice
- danger to health and safety
- damage to the environment
- bribery
- facilitating tax evasion
- financial fraud or mismanagement
- breach of our internal policies and procedures including our Code of Conduct
- conduct likely to damage our reputation or financial wellbeing
- unauthorised disclosure of confidential information
- negligence
- Public examination fraud
- the deliberate concealment of any of the above matters

Before initiating the procedure, employees should consider the following:

- The responsibility for expressing concerns about unacceptable practice or behaviour rests with all employees

- Employees should use line manager or team meetings and other opportunities to raise questions and seek clarification on issues which are of day-to-day concern
- Whilst it can be difficult to raise concerns about the practice or behaviour of a colleague, employees must act to prevent an escalation of the problem and to prevent themselves being potentially implicated

This procedure should not be used for complaints about an employee's personal circumstances, such as the way they have been treated at work. In these cases, an employee should use the Trust's grievance procedure. If the matter relates to salary, the salary review procedures are documented in the Trust's Pay Policy.

## **6. Safeguards**

### **6.1 Harassment or Victimisation**

- The Trust 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. The Trust will not tolerate harassment or victimisation and will act to protect employees when they have a genuine concern.
- This does not mean that if an employee is already the subject of internal procedures such as disciplinary or redundancy, that those procedures will be halted as a result of that employee raising a concern under the whistleblowing procedure.

### **6.2 Confidentiality**

- The Trust hopes that employees will feel able to voice whistleblowing concerns openly under this procedure. The Trust will make every effort to protect an employee's identity if confidentiality is requested.
- As indicated above, identity will be protected as far as possible, but should the investigation into the concern require the employee to be named as the source of the information, that this will be discussed with the employee before their name is disclosed.

### **6.3 Anonymous Allegations**

Employees are encouraged to put their name to an allegation. Proper investigation may be more difficult or impossible if we cannot obtain further information and it is also more difficult to establish whether allegations are credible. Anonymous allegations will be considered at the discretion of the Trust.

In exercising the discretion, the factors to be considered would include:

- The seriousness of the issues raised
- The credibility of the concern
- Likelihood of confirming the allegation from attributable sources

### **6.4 Untrue Allegations**

If an employee makes an allegation where they have a genuine concern, but it is not confirmed by the investigation, no action will be taken against that employee. If, however, we conclude that an employee has made malicious or vexatious allegations, or with a view to personal gain, disciplinary action may be taken against that employee.

### **6.5 Unfounded Allegations**

Following an investigation, allegations may be confirmed as unfounded. This outcome will be notified to the employee who raised the concern, who will be informed that the Trust deems the matter to be concluded and that it should not be raised again unless new evidence becomes available.

## 6.6 Support for Employees

It is recognised that raising concerns can be difficult and stressful. Advice and support will be made available, as appropriate, to both the employee(s) raising the concerns and any employee(s) subject to investigation.

## 7. Raising a Concern

As a first step, an employee should normally raise concerns with their immediate manager or their manager's superior. This depends, however, on the seriousness and sensitivity of the issues and who is involved. For example, if an employee believes that their immediate manager or their manager's superior is involved, they should approach the Headteacher/Principal.

An employee (including the Chief Executive Officer and members of the leadership team) can bypass the direct management line and the Board of Trustees if they feel the overall management and Board of Trustees of the Trust is engaged in an improper course of action. In this case, please refer to section 9 below.

Concerns are better raised in writing. The employee should set out the background and history of the concerns, giving names, dates and places where possible, and the reasons why they are particularly concerned about the situation. If an employee does not feel able to put the concern in writing, they should telephone or meet the appropriate person. However, it is important that when the concern is raised, the employee makes it clear that they are raising the issue via the whistleblowing procedure.

The earlier an employee expresses the concern, the easier it is to act.

Although an employee is not expected to prove the truth of an allegation, they will need to demonstrate to the person contacted that there are sufficient grounds for the concern.

In some instances, it may be appropriate for an employee to ask the trade union to raise a matter on the employee's behalf.

At each meeting under this procedure, the employee may bring a colleague or trade union representative. The companion must respect the confidentiality of the disclosure and any subsequent investigation.

## 8. Roles and Responsibilities

A senior manager may be informed by an employee about concern/s and that they are "blowing the whistle" within the procedure in person, in writing or over the phone.

Any concern regarding the Headteacher/Principal will need to be reported to the CEO or in the case of an allegation regarding the CEO, the Chair of the Trust.

The person receiving the information should respond immediately and arrange for a stage 1 meeting to take place with the employee to discuss the concern(s) as soon as possible.

The senior manager, CEO or Chair of the Trust will then follow the procedures below. They should also contact HR to seek advice.

### Stage One:

An initial meeting should establish that:

- There is genuine cause and sufficient grounds for the concern, and
- The concern has been appropriately raised via the Whistleblowing Policy

The person conducting this meeting should ask the employee to put their concern/s in writing if they have not already done so. If the employee is unable to do this, the person conducting the meeting will take down a written summary of their concern/s and provide them with a copy after the meeting. The person conducting the meeting should make notes of the discussions with the employee. Notes should make it clear that the employee is raising the issue via the whistleblowing procedure and provide:

- The background and history of the concerns
- Names, dates and places (where possible)
- The reasons why the employee is particularly concerned about the situation

The employee should be asked to date and sign their letter and/or the notes of any discussion. The employee should be positively encouraged to do this, as a concern expressed anonymously is much less powerful and much more difficult to address, especially if the letter/notes become evidence in other proceedings, e.g. an internal disciplinary hearing.

The manager, CEO or Chair of the Trust should follow the policy as set out above and in particular explain to the employee:

- Who they will need to speak to in order to determine the next steps
- What steps they intend to take to address the concern(s)
- How they will communicate with the employee during and at the end of the process. It should be noted that the need for confidentiality may prevent the Trust from giving the employee specific details of any necessary investigation or any necessary disciplinary action taken as a result
- That the employee will receive a written response within 10 working days
- That their identity will be protected as far as possible, but should the investigation into the concern require the employee to be named as the source of the information, that this will be discussed with the employee before their name is disclosed
- That the Trust will do all that it can to protect the employee from discrimination and/or victimisation
- That the matter will be taken seriously and investigated immediately
- That if the employee's concern, though raised as a genuine concern, is not confirmed by the investigation, no punitive action will be taken against them
- If clear evidence is uncovered during the investigation that they have made a malicious or vexatious allegation, disciplinary action may be taken against them
- The investigation may confirm their allegations to be unfounded in which case the Trust will deem the matter to be concluded unless new evidence becomes available

### **Stage Two:**

Following the initial meeting with the employee, the manager should consult with the Headteacher/Principal, or in the case of the CEO or Chair of the Trust – with the HR Manager, to determine whether an investigation is appropriate and, if so, what form it should take. A record should be made of the decisions and/or agreed actions.

It may be necessary, with anonymous allegations, to consider whether it is possible to take any further action. When making this decision, the following factors should be considered:

- The seriousness of the issue(s) raised
- The credibility of the concern(s)
- The likelihood of confirming the allegation(s) from attributable sources

In some cases, it may be possible to resolve the concern(s) simply, by agreed action or an explanation regarding the concern(s), without the need for further investigation. However, depending on the nature of the concern(s) it may be necessary for the concern(s) to:

- Be investigated internally
- Be referred to the police
- Be referred to the external auditor
- Form the subject of an independent inquiry

Persons dealing with whistleblowing cases should have a working knowledge and understanding of other Trust procedures, e.g. grievance, disciplinary, harassment and child protection procedures, to ensure that concerns raised by employees are addressed via the appropriate procedure.

### **Stage Three:**

Within 10 working days of a concern being received, the senior manager, CEO or Chair of the Trust receiving the concern must write to the employee:

- Acknowledging that the concern has been received
- Indicating how they propose 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
- Telling the employee whether further investigations will take place, and if not why not
- Letting the employee know when they will receive further details if the situation is not yet resolved

## **9. Raising Concerns Outside the Trust**

The aim of this procedure is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases, the employee should not find it necessary to alert anyone externally. The law recognises that in some circumstances it may be appropriate for the employee to report their concerns to an external body, such as a regulator. It will very rarely, if ever, be appropriate to alert the media. Employees are strongly encouraged to seek advice before reporting a concern to anyone external. If an employee is not satisfied with the Trust's response, the person dealing with the case should ensure that they are made aware with whom they may raise the matter externally:

- [Protect: Speak up, stop harm](#) - 0203 117 2520\*
- Recognised trade union
- Senior LA officer
- External auditor
- Relevant professional bodies or regulatory organisations
- Solicitor

\*Protect is a registered charity that employees can contact for advice to assist them in raising concerns about poor practice at work. The charity also provides advice to employers as to the possible ways to address these concerns.

Concerns about safeguarding practices can be raised externally using the NSPCC whistleblowing helpline. Employees can call 0808 800 5000 or email [help@nspcc.org.uk](mailto:help@nspcc.org.uk).

The senior manager dealing with the case should stress to the employee that if they choose to take a concern outside the Trust, it is the employee's responsibility to ensure that confidential information is not disclosed, i.e. confidential information, in whatever format, is not handed over to a third party.

## 10. Contacts

<b>Lead Profession at each school</b>	<b>Bacton Primary School</b> Mrs T Sait, Executive Headteacher 01449 781367 <a href="mailto:admin@bactonschool.org.uk">admin@bactonschool.org.uk</a>	<b>Britannia Primary School</b> Mr K Hart, Principal 01473 729054 <a href="mailto:office@britannia.suffolk.sch.uk">office@britannia.suffolk.sch.uk</a>
	<b>Cedars Park Primary School</b> Miss A Suhail, Headteacher 01449 778230 <a href="mailto:admin@cedarspark.suffolk.sch.uk">admin@cedarspark.suffolk.sch.uk</a>	<b>Copleston High School</b> Mr A Green, Principal 01473 277240 <a href="mailto:mail@copleston.suffolk.sch.uk">mail@copleston.suffolk.sch.uk</a>
	<b>Mendlesham Primary School</b> Mrs T Sait, Executive Headteacher 01449 766224 <a href="mailto:admin@mendleshamschool.org.uk">admin@mendleshamschool.org.uk</a>	<b>Rose Hill Primary School</b> Ms G Bright, Principal 01473 727552 <a href="mailto:mail@rosehillprimary.net">mail@rosehillprimary.net</a>
	<b>Stowupland High School</b> Mr L Walker, Principal 01449 674827 <a href="mailto:enquiries@stowuplandhighschool.co.uk">enquiries@stowuplandhighschool.co.uk</a>	
<b>Chief Executive Officer</b>	Mr S Common	01449 742422 <a href="mailto:mail@oxlip.uk">mail@oxlip.uk</a>
<b>Trust Board</b>	Mr R Wade Chair of the Trust	
<b>Director of HR</b>	Mrs N Hooper	
<b>Trust external auditors</b>	MHA 910 The Crescent Colchester Business Park Colchester CO4 9YQ  01206 258550	
<b>Protect</b> Independent whistleblowing charity	Helpline: 0203 117 2520 Website: <a href="https://protect-advice.org.uk/">https://protect-advice.org.uk/</a>	
<b>NSPCC</b> Whistleblowing helpline for concerns about safeguarding practices	Helpline: 0808 800 5000 or Email: <a href="mailto:help@nspcc.org.uk">help@nspcc.org.uk</a> .	

## 11. Monitoring, Evaluation and Review

The CEO will be responsible for monitoring the implementation and effectiveness of this policy and Procedure. The Policy and Procedure will be reviewed by the Trust annually.