



# Osprey Learning Trust

## Whistleblowing Policy

**Policy Date:** January 2016

**Version Date:** December 2019

For further advice and guidance in relation to this policy, please contact HR ONE at [hrdirect@devon.gov.uk](mailto:hrdirect@devon.gov.uk) or on 01392 385555.

**This policy was adopted by the Directors of**

**Osprey Learning Trust  
on 16<sup>th</sup> December 2019**

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**Whistleblowing Policy for Academy Schools – January 2016**

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## 1.0 Introduction

- 1.1 The Public Interest Disclosure Act 1998 was enacted to ensure a climate of greater frankness between employers and workers so that irregularities can be identified and addressed quickly and to strengthen employment rights by protecting responsible workers who blow the whistle about wrongdoing or failures in the work place. The policy set out in this document applies those statutory provisions to schools within the Osprey Learning Trust.
- 1.2 Employees are often the first to realise that something morally wrong may be happening within a Trust school. However, they may feel unable to express their concerns either because they feel that speaking up would be disloyal to their colleagues or to the Trust or because they fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern than to report what may just be a suspicion of malpractice.
- 1.3 Osprey Learning Trust is committed to operate within the highest possible standards of openness and accountability as is shown in the Trust's Code of Conduct which is available at [www.ospreylearningtrust.co.uk](http://www.ospreylearningtrust.co.uk). In line with that commitment it encourages employees and others with serious concerns about any aspect of the Trust's work to come forward and voice those concerns. It recognises that certain cases will have to proceed on a confidential basis. This policy makes it clear that employees can do so without fear of reprisal and is intended to encourage and enable employees to raise serious concerns within a Trust school rather than overlooking a problem or publicly disclosing the matter.
- 1.4 This policy has been discussed with the relevant trade unions and professional organisations and has their support. Seeking advice from, and being represented by, your trade union may be the best course of action to raise any issue under this policy. The Trust recognises and endorses the role which trade unions and their officers play in this process.

## 2.0 Aims and Scope of this Policy

2.1 This policy aims to:

- provide avenues for employees ('you') to raise concerns
- provide mechanisms for you to receive updates and feedback on any action taken
- provide a mechanism for you to receive a written response detailing the outcome of the process.

2.2 This policy covers concerns that fall outside the scope of other procedures. It is not intended as recourse against financial or business decisions made by the Trust. Nor is it an alternative to well-established disciplinary or grievance procedures. It may, however, overlap with other policies for dealing with complaints.

Concerns raised under the Whistleblowing Policy should be about something that is in the public interest and is or may be:

- unlawful or a criminal offence;
- a breach of legal obligation (but not a personal contractual breach unless such breach involves a matter of public interest);
- a miscarriage of justice;
- mistreatment or abuse of a pupil/student or a member of the public for whom the Trust have a responsibility;
- in disregard of legislation governing health and safety at work;
- seeking undue favour over a contractual matter or a job application; or against the Trust's Financial Regulations;
- has led to or could lead to a damage to the environment;
- deliberately covering up information tending to show any of the above.

## 3.0 Safeguards

### 3.1 Harassment or Victimisation

Osprey Learning 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 take action to protect you when you raise a concern in good faith. It will not tolerate any resulting harassment or victimisation (including informal or indirect pressures) and will treat this as a serious disciplinary offence which will be dealt with under the appropriate procedures.

Any investigation into an allegation of malpractice will not influence or be influenced by any disciplinary or redundancy procedures which already affect you. If allegations of malpractice arise during a disciplinary those allegations will be investigated at the same time as the disciplinary procedure.

### 3.2 Confidentiality

All concerns will be treated in confidence and the Trust will do endeavour to protect your identity if you do not want your name to be disclosed. If investigation of a concern discloses a situation which is sufficiently serious to warrant disciplinary action or police involvement, then your evidence may be important. Your name will not however be released as a possible witness until the reasons for its disclosure at this stage have been fully discussed with you.

### 3.3 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 Trust against the following criteria;

- the seriousness of the issues raised
- the likelihood of confirming the allegation from attributable sources
- the Trust's best interests
- the protection of the Trust's assets.

You should also bear in mind that if you do choose to raise a concern anonymously it will be more difficult for the matter to be investigated and for you to be provided with feedback. For this reason, where you wish to raise your concerns anonymously, this may best be done through your trade union.

### 3.4 Untrue Allegations

If you make an allegation in good faith but it is not confirmed by the investigation, no reprisals will be taken against you. If, however, you make malicious or vexatious allegations, disciplinary action may be taken against you.

## PROCEDURE

### 4.0 How to Raise a Concern

4.1 Initially, you should raise your concerns by discussing the matter with the CEO. If you are a member of a Trade Union or Professional Association, you may consider it useful to contact them for advice at the earliest opportunity.

If the concerns involve the CEO or it is not appropriate due to the nature of your concerns, you should initially raise the concerns with the Chair of the Trust board.

The individual receiving the concern will be referred to as the 'lead officer' throughout the remainder of the policy.

The lead officer will then liaise accordingly to ensure that the concern is properly investigated. If the allegations arise from a disciplinary matter, they will be investigated as part of the disciplinary investigation.

4.2 Alternatively, if you feel you cannot express your concerns as detailed above, you can raise your concern(s) externally to one of the bodies listed on the 'List of prescribed persons and bodies'.

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/431221/bis-15-289-blowing-the-whistle-to-a-prescribed-person-list-of-prescribed-persons-and-bodies-2.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/431221/bis-15-289-blowing-the-whistle-to-a-prescribed-person-list-of-prescribed-persons-and-bodies-2.pdf)

4.3 Where the concern relates to a child protection matter and you do not wish to raise it via the directly with the Trust or the individual school, you should inform the Local Authority Designated Officer for Safeguarding (via email at [ladosecure-mailbox@devon.gsx.gov.uk](mailto:ladosecure-mailbox@devon.gsx.gov.uk) or on 01392 384964). If the concern requires Police or other agency/authority involvement, the whistleblowing process will be halted until the relevant agencies have completed any necessary investigations and confirmed that it is appropriate to continue with the Whistleblowing procedure.

4.4 Concerns can be raised orally but it is good practice for the concern to be recorded in writing at an early stage to ensure that all the details are correctly understood.

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4.5 A written allegation should 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. It is preferable for you to record this in writing yourself. However, where the person to whom you voice your concerns writes these down, a copy will be sent to your home address or via your representative (see paragraph 4.7) to give you an opportunity to agree this as a correct record.

4.6 Although you are not expected to prove the truth of your allegation, you will need to demonstrate to the person contacted that there are sufficient grounds for your concern.

4.7 You may wish to seek advice from your trade union representative on how best to raise your concern. Where you wish to raise your concern anonymously this may be done through your trade union.

## **5.0 How the Trust will respond**

5.1 The action taken by the Trust will depend on the nature of the concern. After initial enquiries to assess the seriousness, the matters raised may;

- Be investigated by the Trust executive team, internal/external auditors or through the disciplinary process
- Be referred to the Police
- Be referred to external auditors
- Need to be the subject of a referral to the National College for Teaching and Leadership
- Form the subject of an independent enquiry

5.2 If urgent action is required in response to a concern this may be taken before a full investigation is conducted.

5.3 Some concerns may be resolved by action agreed with you without the need for investigation or it may be that an investigation can be completed without the person(s) under investigation being aware of the process.

5.4 In any event within five working days of a concern being received, the Trust will write to you at your home address to:

- acknowledge that the concern has been received

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- indicate how it proposes to deal with the matter
- give an estimate of how long it will take to provide a final response
- tell you whether any initial enquiries have been made, and
- tell you whether further investigation will take place, and if not, why not
- where appropriate, name an independent Support Officer to support you during any investigation.

5.5 Following discussion with you, where it is felt appropriate to appoint a Support Officer, that person will make contact with you, deal with all confidentiality issues, agree frequency of contact and explain their role to you, which is to:

- keep you informed about the progress of the investigation
- inform the Investigating Officer of any further issues you may have
- raise any concerns you may have about the conduct of the investigation
- take appropriate steps to support you in the workplace
- support you if you are required to give evidence at any criminal or disciplinary proceedings that arise from your concern.

5.6 If you wish to retain your anonymity you will need to nominate a representative and/or a contact address where correspondence may be directed in order to keep you informed.

5.7 The amount of contact between Investigating Officers and you 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 you.

5.8 When any meeting is arranged, you have the right, if you so wish, to be accompanied by a trade union or professional association representative or a friend (who need not be associated with the Trust).

5.9 The Trust accepts that you need to be assured that the matter has been properly addressed. Accordingly, subject to legal and/or confidentiality constraints, the CEO or Chair of the Trust Board will ensure that you are provided with information about the outcome of any investigations and/or proceedings.

## **6.0 Detriment**

6.1 The Trust is committed to ensuring that an employee who makes an allegation in good faith suffers no detriment from doing so.

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## 7.0 How the matter can be taken further

7.1 This policy is intended to provide you with a way to raise concerns. The Trust hopes you will be satisfied by its response. If you are not you may wish to raise the matter with one of the following possible contact points;

- relevant professional bodies or regulatory organisations
- your trade union or professional association
- your solicitor or legal adviser
- the Police
- the Health and Safety Executive
- 'Public Concern at Work' – Registered Charity

## 8.0 Consultation

This policy is provided following consultation with trade unions/professional associations and will apply to all employees. This policy is also for the Trust Board to consider for adoption. Should the Trust Board wish to make changes to this Policy, the required consultation must be undertaken with the County Officers of the recognised trade unions/professional associations.

This policy supersedes all previous whistleblowing policies.

## POLICY HISTORY

Policy Date	Summary of change	Contact	Version/ Implementation Date	Review Date
January 2016	New Policy Date of consultation with recognised Trade Unions – Dec 2015	HR ONE	1 - January 2016	
November 2019	Update to language to reflect changes in Trust structure and name		2 – November 2019	November 2020

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