



## Omega Multi-Academy Trust **Whistleblowing Policy**

This policy uses The School Bus model and takes due consideration of all policies that transferred across to the Omega Multi-Academy Trust on conversion and in consultation with the Joint Consultative and Negotiation Committee

<b>Version Number</b>	1.2
<b>Date policy last reviewed</b>	February 2022
<b>Policy Type</b>	Statutory
<b>Owner</b>	CEO
<b>Approved By</b>	Trust Board
<b>Approval Date</b>	3/02/2022
<b>Next Review Date</b>	February 2023

## Review Date & Summary Changes

<b>July 2021 - 1.0</b>	(in consultation with JCNC) 10.2 (Changed 10 days to 5 days), 10.5 (Added in words "who is trained to do so") and 10.11 (added in "within 15 working days")
<b>September 2021 – 1.1</b>	(in consultation with the Trust Board) 4.3(Added in “and inform CEO a concern has been raised) 4.4 (Added in inform the Trust Board)
<b>February 2022 – 1.2</b>	1.2 Changed ‘Academies Financial Handbook 2020’ to ‘Academies Trust Handbook 2021’
	1.2 Added in DfE (2021) ‘Keeping Children Safe in Education 2021’
	9.11 Updated hyperlink to online contact form
	9.12 Added in ‘If a member of staff feels like they are unable to raise a safeguarding-related concern with the school, they are able to contact the NSPCC Whistleblowing Helpline on 0800 028 0285 or the LADO’.

Signed by:



CEO

Date: 03/02/2022



Chair of Trustees

Date: 23/02/21

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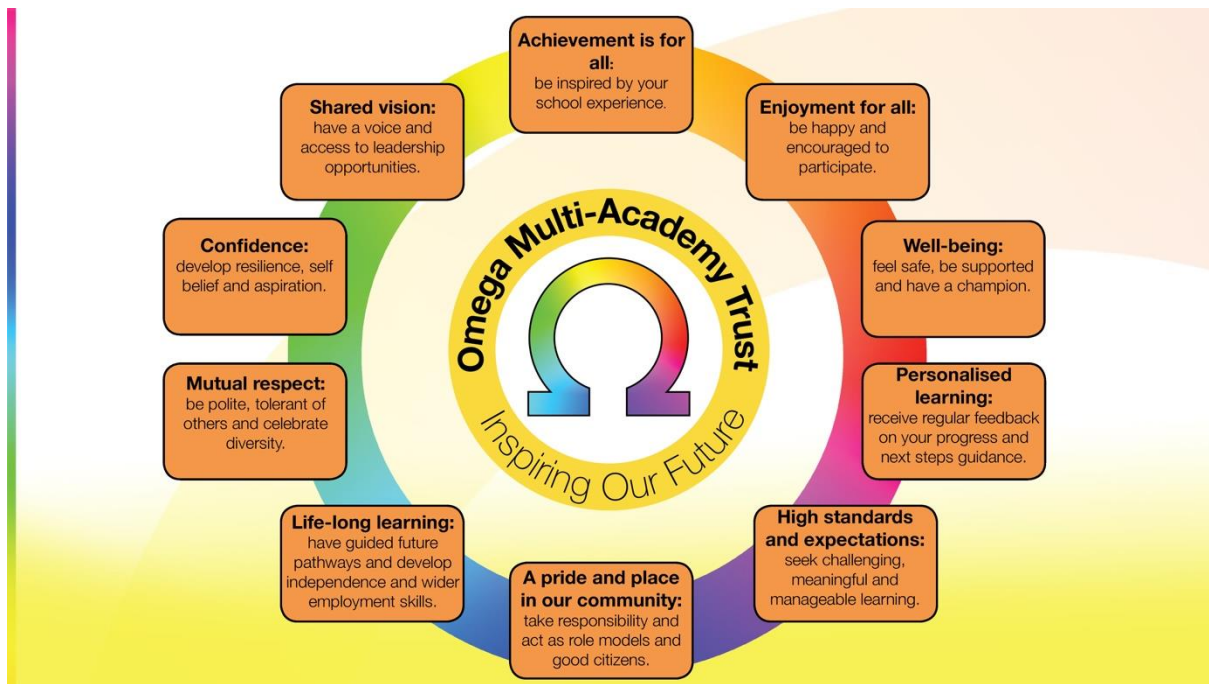
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# Omega Multi-Academy Trust

## Mission Statement

The Omega learning community provides excellent teaching and learning with passion and purpose, based on core values, understood by all. Working in a warm and welcoming, yet purposeful environment, our mission is for everyone to be happy and inspired by their school experience. We empower students to harness their own creativity, to raise their aspirations and to achieve their potential. Working together, they gain confidence and pride to take their place in our community.



## Rationale:

Omega Values	How this policy addresses these values
Achievement is for all: be inspired by your school experience.	To ensure that all employees of the Trust are supported to feel confident to report any concerns regarding the behaviour of another member of staff which may impact on the achievement of colleagues and students.
Enjoyment for all: be happy and encouraged to participate	By implementing the core whistleblowing principles, as outlined in the 2015 'Freedom to speak up report', to ensure that whistleblowing procedures are fair, clear and consistent.
Well-being: feel safe, be supported and have a champion	To ensure that all staff members of the Trust are supported to feel confident to report any concerns regarding the behaviour of another member of staff. To have a named single point of contact who will provide advice, and supervision if required.
Personalised learning: receive regular feedback on your progress and next-steps guidance	By ensuring that members of the Trust community receive a response to the concerns they have raised and feedback on any action taken. To ensure that there are particular support measures in place for vulnerable groups.
High standards and expectations: seek challenging, meaningful and manageable learning.	By supporting the principle that if an employee sees or suspects that something is wrong, they will raise this with the school.
Pride and place in our community: take responsibility and act as role models and good citizens.	To ensure that all staff members of the Trust take responsibility for themselves to act as good role models and are supported to report any behaviours, which they feel are inappropriate or a cause for, concern.
Life-long learning: have guided future pathways and develop independence and wider employment skills	By ensuring that all individuals are aware of procedures for raising concerns and will receive training in how to do this.
Mutual respect: be polite, tolerant of others and celebrate diversity.	To ensure that all staff members of the Trust demonstrate mutual respect and celebrate diversity, and to be supported to report any concerns or issues they may have regarding other members of staff.
Confidence: develop resilience, self-belief and aspiration.	Ensuring that all staff members of the Trust are confident to report any issues regarding other members of staff and be supported to develop resilience when reacting to difficult situations.
Shared vision: have a voice and access to leadership opportunities.	To ensure that whistleblowing procedures are fair, clear and consistent and that all employees know how to raise concerns.

## **Statement of Intent**

The Omega Multi-Academy Trust (“the Trust”) is committed to open and honest communication and ensuring the highest possible standards in integrity – and will always treat whistleblowing as a serious matter.

In line with the Trust’s commitment to openness, probity and accountability, members of staff are encouraged to report concerns. This policy will work to ensure that, if an employee sees or suspects that something is wrong, they will raise this. This is known as “blowing the whistle” – a phrase that is used throughout this policy and should be viewed as a positive action of speaking up.

This policy seeks to ensure that any person suspecting malpractice knows how to raise concerns and what procedures are in place to deal with the concern.

## 1. Legal Framework

- 1.1. This policy has due regard to all relevant legislation including, but not limited to, the following:
  - Public Interest Disclosure Act 1998
  - Employment Rights Act 1996
- 1.2. This policy has been created with regard to the following guidance documents:
  - ESFA (2021) 'Academies Trust Handbook 2021'
  - DfE (2021) 'Keeping Children Safe in Education 2021'
  - GOV.UK (2015) 'Whistleblowing for employees'
  - DfE (2014) 'Whistleblowing procedure for maintained schools'
  - Sir Robert Francis (2015) 'Freedom to speak up report'
- 1.3. This policy operates in conjunction with the following trust policies:
  - Disciplinary Policy
  - Grievance Policy
  - Complaints Policy

It is important to know which policy is relevant to each concern. It is highly stressed that if employees are unsure which policy to use, that they seek advice and ask questions, without judgement.

## 2. Introduction

For the purposes of this policy, where the Headteacher, Chair of Governing Body and Governing Body are allocated roles of responsibility, if the concern is raised from central office employees, the responsibility will be assumed by the CEO, Chair Trustees and the Trust Board.

- 2.1. Employees are often the first to realise that something may be seriously wrong within their workplace and the services they commission. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues, school or the Trust. Employees may also fear that there may be personal consequences if they speak up, for example; victimisation or harassment. As a result, employees may decide not to report the matter.
- 2.2. The Trust is values driven and where any employee receives an injustice, the Trust welcomes their views.
- 2.3. The Public Interest Disclosure Act 1998 (PIDA) protects employees who "blow the whistle" where the employee reasonably believes that the disclosure falls within the remit of the prescribed person or body and that the information and any allegations are substantially true.

- 2.4. Disclosures made under this procedure will be monitored for statistical purposes as required under the PIDA. The details of any disclosure will remain confidential.
- 2.5. The Headteacher is the first point of contact for whistleblowing queries. If the allegation is related to the Headteacher, the concern will be raised with the Chair of Governors.
- 2.6. Any member of the Trust community or the general public is able to “blow the whistle”; however, the PIDA only protects employees. Section 7 includes further details on how whistleblowing affects non-employees.

### 3. Definitions

- 3.1. **Whistleblowing:** Whistleblowing is when an employee reports suspected wrongdoing, or ‘qualifying disclosures’, at work to their employer.
- 3.2. **Qualifying disclosures:** As outlined by the PIDA, qualifying disclosures pertain to when any of the following takes place:
  - 3.2.1. A criminal offence has been committed, is likely to be committed or is being committed
  - 3.2.2. A person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject
  - 3.2.3. A miscarriage of justice has occurred, is occurring or is likely to occur
  - 3.2.4. The health or safety of any individual has been, is being or is likely to be endangered
  - 3.2.5. The environment has been, is being or is likely to be damaged
  - 3.2.6. Information tending to show any matter falling within any of the preceding points has been, is being or is likely to be deliberately concealed
- 3.3. **In the public interests** means that an individual acted outside of their own personal interest – they acted for more than personal gain. It is not necessary for the disclosure to be of interest to the entire public. The following considerations are often used as a test to establish whether something is within the scope of public interest:
  - 3.3.1. The number of people in the group whose interests the disclosure served
  - 3.3.2. The nature of the interests and the extent by which individuals are affected by the wrongdoing disclosed



- 3.3.3. The nature of the wrongdoing disclosed
- 3.3.4. The identity of the alleged wrongdoer
- 3.4. **Blacklisting** refers to an individual who is being refused work because they are viewed as a whistle-blower.
- 3.5. **Grievances** involve someone filing a grievance because they personally have been mistreated in some way – the person raising the grievance will have a direct interest in the outcome. It is important to understand the difference between raising a grievance and blowing the whistle.

#### **4. Roles and Responsibilities:**

- 4.1. The Board of Trustees will be responsible for:
  - 4.1.1. Establishing and agreeing the Whistleblowing Policy
  - 4.1.2. Ensuring the agreed Whistleblowing Policy is published on the Trust's website
  - 4.1.3. Monitoring the effectiveness of this policy and undertaking any necessary reviews, e.g. in relation to good practice recommendations or changes in legislation
  - 4.1.4. Ensuring all members of the Trust community have access to this policy
  - 4.1.5. Investigating, in liaison with the Chief Executive (as appropriate), where concerns are raised
  - 4.1.6. Ensuring this policy provides an open and transparent framework where members of the Trust community can raise their concerns
  - 4.1.7. Taking the necessary action against members of staff following an investigation into any alleged malpractice
- 4.2. The Headteacher will be responsible for:
  - 4.2.1. Ensuring all members of their staff have read and understood this policy
  - 4.2.2. Receiving, investigating and responding to any concerns that have been raised by the Trust community
  - 4.2.3. Being the first point of contact regarding whistleblowing
- 4.3. The Chair of Governing Body will be responsible for receiving any concerns raised about the Headteacher and informing the CEO a concern has been raised.
- 4.4. The Chair of the Trust Board will be responsible for receiving any concerns raised about the CEO and informing the Trust Board a concern has been raised.
- 4.5. Everyone in the Trust community will be responsible for:

- 4.5.1. Raising any concerns that meet the definitions of 3.2 and 3.3 of this policy
- 4.5.2. Being truthful and reasonable with any concerns that they have
- 4.5.3. Not raising malicious or unfounded concerns

## **5. Scope**

- 5.1. This policy will:
  - 5.1.1. Give confidence to members of the Trust community when raising concerns about conduct or practice that is potentially illegal, corrupt, improper, unsafe or unethical, or which amounts to malpractice or is inconsistent with the Trust's standards and policies.
  - 5.1.2. Provide members of the Trust community with avenues to raise concerns
  - 5.1.3. Ensure that members of the Trust community receive a response to the concerns they have raised and feedback on any action taken
  - 5.1.4. Offer assurance that members of staff are protected from reprisals or victimisation for whistleblowing action undertaken in good faith and within the meaning of the PIDA
- 5.2. This policy will not be confused with the procedures in the Trust's grievance, disciplinary or complaints policies.
- 5.3. Under this policy, any of the following can raise a concern:
  - 5.3.1. Employees of the Trust
  - 5.3.2. Employees of contractors working for the Trust, for example, agency staff, builders and drivers
  - 5.3.3. Employees of suppliers
  - 5.3.4. Voluntary workers working with the Trust
  - 5.3.5. A trainee, such as a student teacher
  - 5.3.6. Pupils
  - 5.3.7. The wider community
  - 5.3.8. Governors
  - 5.3.9. Trustees

## **6. Harassment and Victimisation of Staff**

- 6.1. The Trust recognises that the decision to report a concern can be a difficult one to take, not least because of the fear of reprisal from those responsible for the malpractice or from the Trust as a whole; however, the Trust will not tolerate any such harassment or victimisation and will take appropriate action to protect staff who raise a concern in good faith.
- 6.2. Staff are protected in law by the PIDA, which gives employees protection from detriment and dismissal where they have made a protected disclosure,

providing the legal requirements of the Act are satisfied, e.g. the disclosure was in the public interest.

- 6.3. Any member of staff who victimises or harasses a member of staff as a result of their having raised a concern in accordance with this policy will be dealt with under the Trust's disciplinary policy.

## 7. Non-employees

- 7.1. The PIDA and the Employment Rights Act 1996 **do not** protect non-employees as far as whistleblowing is concerned.
- 7.2. Irrespective of 7.1, the Trust will not allow harassment, dismissal or exclusion for any non-employee who raises a genuine concern.
- 7.3. Where an individual feels that they have been unfairly treated following blowing the whistle, they should make a complaint under the Trust's Complaints Policy.
- 7.4. Governors and Trustees are not employees and, while they are responsible for ensuring there is a whistleblowing procedure in place, they are not protected under the PIDA.

## 8. Good Practice Principles

- 8.1. The Trust will implement the core whistleblowing principles, as outlined in the 2015 'Freedom to speak up report', to ensure that whistleblowing procedures are fair, clear and consistent.
- 8.2. The Trust will implement a culture of change by ensuring the following principles are reflected in our ethos and values – there will be a culture:
  - 8.2.1. Of safety in the Trust
  - 8.2.2. Where people feel confident with raising concerns
  - 8.2.3. Free from bullying
  - 8.2.4. Of visible leadership
  - 8.2.5. Of valuing staff
  - 8.2.6. Of reflective practice
- 8.3. By providing a clear procedure for mediating and resolving cases, as outlined in section 9, the Trust will ensure that all cases are efficiently handled. This procedure includes:
  - 8.3.1. How to raise and report concerns
  - 8.3.2. How investigations will be conducted
  - 8.3.3. How the Trust will mediate and resolve disputes

- 8.4. The Trust will implement measures to support good practice by ensuring adherence to the following principles:
  - 8.4.1. Offering relevant training to staff
  - 8.4.2. Providing the necessary support to staff
  - 8.4.3. Providing support to staff who are seeking alternative employment
  - 8.4.4. Being transparent
  - 8.4.5. Being accountable
  - 8.4.6. Conducting an external review of any concerns raised, where necessary
  - 8.4.7. Undertaking regulatory action as required
  
- 8.5. The Trust will ensure there are particular support measures in place for vulnerable groups by adhering to the following principles:
  - 8.5.1. Ensuring non-permanent staff are taught, and receive training on, the same principles as permanent staff
  - 8.5.2. Ensuring students and trainees are subject to all the safeguarding and whistleblowing principles
  - 8.5.3. Ensuring staff from ethnic minorities are supported, as they may feel particularly vulnerable when raising concerns
  - 8.5.4. Ensuring staff are empowered and protected, enabling them to raise concerns freely

## **9. Procedure**

- 9.1. When raising concerns of the level of seriousness under this policy, individuals will express them in writing, in the first instance, to the Headteacher.
- 9.2. If an individual is raising a concern about the Headteacher, they should express their concerns in writing to the Chair of Governors. Where this is the case, the Chair of Governors will take on the Headteacher's duties.
- 9.3. When individuals raise their concern, they will include the following information as far as possible:
  - 9.3.1. The background and history of the concern
  - 9.3.2. Any relevant names, dates and places
  - 9.3.3. The reasons for the concern
- 9.4. The Trust encourages individuals to let their identity be known when they raise concerns, as anonymous concerns can be challenging to investigate.
- 9.5. It should be made clear whether the matter is to be treated in confidence. If the matter is to be dealt with in confidence, the individual's identity will not be disclosed without consent. If the situation arises where a person's identity has to be made known (for example, if the evidence in court is required to be given), the individual will always be contacted to discuss how they want to proceed.

- 9.6. The only time when confidentiality might be breached without consent is where the allegation is so serious that the school or trust have to take immediate action to prevent anyone coming to any harm, in which case it may be necessary to reveal the nature and source of the complaint.
- 9.7. If it is possible to proceed without breaking any confidences, the Trust will endeavour to do so. These are extreme cases and the Trust would always notify the individual in advance if this needs to be done. The Trust will make suitable arrangements for anyone if this becomes necessary.
- 9.8. Individuals who would like to seek professional and confidential advice should contact Protect, a registered charity that advises on whistleblowing queries. The Protect website ([www.protect-advice.org.uk](http://www.protect-advice.org.uk)), or they can be contacted on 0203 1172 520.
- 9.9. Once an individual has raised a concern, there is a responsibility for it to be investigated.
- 9.10. In certain instances, it may be appropriate for the individual to raise the concern with an outside agency, e.g. the police, depending on the severity of the concern. Equally, it may be appropriate for the individual to request that their Trade Union raises the matter.
- 9.11. If a member of staff feels they should report a concern to the ESFA ([www.gov.uk](http://www.gov.uk)), they should use the [online contact form](#).
- 9.12. If a member of staff feels like they are unable to raise a safeguarding-related concern with the school, they are able to contact the NSPCC Whistleblowing Helpline on 0800 028 0285 or the LADO.
- 9.13. The Trust, or the appropriate external agency, will acknowledge receipt of a disclosure but, unless additional information is required, will not contact or engage in dialogue with the whistle-blower after the initial stage meeting, as this may undermine the legitimacy of the investigation outcome.

## 10. Next Steps

- 10.1. The initial stage will be an interview with the whistle-blower, and then an assessment of further action will be discussed. During this initial stage, the Headteacher will establish if:
  - 10.1.1. There are grounds for a concern and that it is genuine
  - 10.1.2. The concern was raised in accordance with this policy
- 10.2. The Headteacher will write to the individual within 5 working days of the initial meeting to confirm that the concern has been received, as well as to indicate proposals for dealing with the matter.

- 10.3. During the initial interview, the Headteacher will request the individual puts their concern in writing, if they have not already done so. The Headteacher will write a summary of the concern if the individual is unable to put it in writing.
  
- 10.4. The Headteacher will explain the following to anybody raising a concern:
  - 10.4.1. How they will communicate with the complainant throughout the process. It should be noted, the need for confidentiality may prevent the Trust giving the complainant specific details of any necessary investigation or any necessary disciplinary action taken as a result of the concern
  - 10.4.2. That the complainant's identity will be kept confidential from the alleged wrongdoer
  - 10.4.3. That the Governing Body will do everything in its power to protect the complainant from discrimination
  - 10.4.4. That if the concern is genuine, even if the concern is not confirmed, no disciplinary action will be taken against the complainant
  - 10.4.5. If clear evidence is uncovered that the complainant's concern is malicious or unfounded, disciplinary action may be brought against them
  
- 10.5. If an investigation is carried out, the whistle-blower will be informed of the final outcome and the investigation must be carried out by a member of staff who is trained to do so.
  
- 10.6. A record will be kept of the seriousness of the issues raised and the credibility of the concern.
  
- 10.7. It may be possible for the concern to be resolved by simply agreeing the necessary action or explaining procedures to the alleged wrongdoer; however, depending on the severity and nature of the concern, it may:
  - 10.7.1. Be investigated by senior management, an internal audit or through the disciplinary process
  - 10.7.2. Be referred to the police or an external auditor
  - 10.7.3. Form the subject of an independent inquiry
  
- 10.8. If the Investigating Officer needs to talk to the whistle-blower, they are permitted to be accompanied by a Trade Union Representative, a professional association representative, a friend or a fellow member of staff not involved in the area of work that the concern relates to. This person will provide support only and will not be allowed to become involved in the proceedings.
  
- 10.9. The Trust will ensure that the individual receives appropriate support and guidance if they agree to give evidence in criminal or disciplinary proceedings.

10.10. A record will be made of the nature and outcome of the concern. The purpose of this is to ensure that a central record is kept which can be cross-referenced with other complaints to monitor any patterns of concern across the Trust and to assist in monitoring the procedure.

10.11. The whistle-blower will be informed of the results of the investigation within 15 working days, and any action that is proposed will be subject to third party rights. Where action is not taken, the individual will be given an explanation.

## **11. Untrue Allegations**

11.1. Where an employee makes an allegation in good faith which is not confirmed by the investigation, no action will be taken. If, however, an employee makes a malicious or vexatious allegation, disciplinary action may be taken.

## **12. What the Trust Asks of Employees**

12.1. The purpose of this policy is to enable individuals to raise concerns in confidence, without any fear of reprisal; therefore, it is imperative that whistle-blowers:

12.1.1. Do not take the concern outside the Trust, e.g. gossiping

12.1.2. Declare any personal interest in the matter, as the policy is designed to be used in the interest of the public and not for individual matters

## **13. Appeal Process**

13.1. If no action is to be taken and/or the individual is not satisfied with the way the matter has been handled, they can make a complaint under the Trust's complaints policy.

## **14. Unfair Treatment**

14.1. An individual can take a case to an employment tribunal if they feel that they have been treated unfairly as a result of whistleblowing.

14.2. Further information can be sought from the Citizen's Advice Bureau, the whistleblowing charity Protect, or from an individual's Trade Union.

14.3. Any claims of unfair dismissal needs be made within 3 months of the investigation ending.

## **15. Monitoring and Review**

15.1. This policy will be reviewed annually and any changes made to this policy will be in joint negotiation with a consultation committee and be communicated to all employees.

