

RAISING CONCERNS AT WORK (WHISTLEBLOWING) POLICY

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I STATEMENT OF INTENT

The board, staff and governors of ODST and their schools seek to run all aspects of ODST and school business and activity with full regard for high standards of conduct and integrity. If members of ODST staff, parents, governors or the school's community at large become aware of activities which give cause for concern, the ODST has this Whistleblowing Policy which acts as a framework to allow concerns to be raised confidentially and provides for a thorough and appropriate investigation of the matter to bring it to a satisfactory conclusion, if necessary under the ODST disciplinary procedure.

II INTRODUCTION

The Second Report of the Committee on Standards in Public Life: Local Public Spending Bodies published by The Nolan Committee used the term "whistleblowing" to mean the confidential raising of problems or concerns within an organisation by a member of staff and refers to matters of impropriety e.g. a breach of law, school procedures or ethics.

III OBJECTIVES

The objectives of this whistleblowing policy are to:

- enable employees of ODST or other stakeholders to raise any perceived matters of impropriety in a confidential manner;
- highlight ODST's commitment to ensuring that integrity is maintained within all its, and its member schools, processes;
- resolve any perceived matters of impropriety as near as possible to their point of origin;
- operate in a way which will not result in the victimisation of an individual who brings about a complaint under the whistleblowing policy.

IV SCOPE

- **Governing Body** ✓
- Teaching Staff □
- Headteacher □
- Support staff □
- **All Staff** ✓
- **Central Office Staff** ✓

V RELEVANT LEGISLATION

- Public Interest Disclosure Act 1998
- Equality Act 2010
- Enterprise and Regulatory Reform Act 2013

VI RELATED POLICIES

VII RELATED DOCUMENTS

VIII DATE OF REVIEW

The policy will be reviewed as required by the Board of Directors of ODST to take account of any legislative changes and / or national policy development as well as the feedback from ODST staff and schools and in any event by 31 December 2016 at the latest.

IX GENERAL PRINCIPLES

Definitions

- The term “relevant body” where used is the Board of Directors of ODST;
- Unless indicated otherwise, all references to “school” include both schools and academies;
- Unless indicated otherwise, all references to “teacher” include the headteacher;
- Unless indicated otherwise, all references to ‘staff’ include both teaching, support and centrally employed staff.

Delegation

The relevant body has chosen to delegate some of its functions to local governing bodies as set out in this policy.

X RESPONSIBILITIES

Responsibilities of the Governors

1. The local governing body should adopt this model ODST policy.
2. Governors must ensure that appropriate support is given both to the employee raising the concern and to any employee against whom allegations have been made under this procedure and that both parties are kept fully informed of progress.

ODST Model Raising Concerns at Work (Whistleblowing) Policy

This Procedure should be made available to all ODST employees.

Introduction

1. The Second Report of the Committee on Standards in Public Life: Local Public Spending Bodies published by The Nolan Committee used the term "whistleblowing" to mean the confidential raising of problems or concerns within an organisation by a member of staff. This is not "leaking" information but refers to matters of impropriety e.g. a breach of law, school procedures or ethics. Nor is whistleblowing the raising of a grievance within the school (which would be dealt with under the staff grievance procedures).
2. The staff and governors of ODST and their schools seek to run all aspects of school business and activity with full regard for high standards of conduct and integrity. If members of staff, parents, governors or the school's community at large become aware of activities which give cause for concern, the ODST and its schools have this Whistleblowing Policy which acts as a framework to allow concerns to be raised confidentially and provides for a thorough and appropriate investigation of the matter to bring it to a satisfactory conclusion, if necessary, under the school's disciplinary procedure.
3. ODST and its schools are committed to tackling fraud and other forms of malpractice and treats these issues seriously. ODST recognise that some concerns may be extremely sensitive and has therefore developed a system which allows for the confidential raising of concerns within the school environment, but also has recourse to an external party outside the management structure of the schools.

When might the whistleblowing policy apply?

4. Individuals are encouraged to come forward in good faith with genuine concerns knowing they will be taken seriously. A whistleblower should ask a few questions before taking action:
 - is it, or do you believe, the action to be illegal?
 - is it, or do you believe it to be, against codes of practice issued by the schools, the DFE/EFA or a professional body?
 - does it contradict what the employee has been taught, or should have been taught?
 - is it about an individual's behaviour or is it about general working practices?
 - has the whistleblower witnessed the incident?
5. If any individual raises malicious unfounded concerns or attempts to make mischief, this will also be taken seriously and may constitute a disciplinary offence or require some other form of penalty appropriate to the circumstances.
6. All allegations should be capable of being dealt with through the disciplinary procedure and will be considered appropriately.

7. Where the alleged activity or behaviour cannot be dealt with under the scope of other procedures then consideration should be given to using this Whistleblowing Policy e.g.
 - manipulation of accounting records and finances;
 - inappropriate use of school assets or funds;
 - decision making for personal gain;
 - any criminal activity;
 - damage to the environment of the school;
 - dangerous practices;
 - abuse of position;
 - fraud and deceit or corrupt practices;
 - serious breaches of school procedures which may advantage a particular party (for example tampering with tender documentation, failure to register a personal interest);
 - sexual or physical abuse of pupils or others;
 - other unethical conduct.

8. Anonymous allegations will only be considered if the issues raised are:
 - very serious;
 - the credibility of the allegation is considered to be high;
 - the likelihood of confirming the allegation is high.

Procedure

9. ODST encourages the whistleblower to raise the matter internally in the first instance with their line manager (or the Principal, if the line manager is the one under suspicion; the Chair of the LGB if the Principal or a governor is under suspicion; CEO of ODST if the Chair of the LGB is under suspicion, of a member of the Board of Trustees under any other circumstances). This will allow them to right the wrong and give an explanation for the behaviour or activity. Alternatively the whistleblower may request a private and confidential meeting in the first instance with the person who is causing concern. He/she may be accompanied by a representative of their choice if they so wish (e.g. Union representative or work colleague).

10. All matters will be treated in strict confidence and anonymity will be respected wherever possible. Written, dated and signed supporting evidence and statements should always be taken to any meetings if possible.

How will the matter be progressed?

11. The individual(s) in receipt of the information or allegation (the investigating officer(s)) will carry out a preliminary investigation. This will seek to establish the facts of the matter and assess whether the concern has foundation and can or should be resolved internally. The initial assessment may identify the need to involve third parties to provide further information, advice or assistance, for example involvement of other members of school staff, the school's RO and/or external auditors, legal or personnel advisors, the Police or the Department for Education.

12. Records will be kept of work undertaken and actions taken throughout the investigation. The investigating officer(s), possibly in conjunction with the Chair of Governors or nominee, will consider how best to report the findings and what corrective action needs to be considered. This may include some form of disciplinary action and/or third party referral such as the Police.
13. Depending on the nature of the concern or allegation and whether or not the investigating officer considers there to be a case to answer, the disciplinary procedure may be applied. In such cases any disciplinary action will be considered in line with the ODST disciplinary procedures and dismissal may be a potential outcome. Where a case is proven on the balance of probability the matter will be reported to the full Governing Body, the DFE/EFA.
14. If the whistleblower is dissatisfied with the conduct of the investigation or resolution of the matter or has genuine concerns that the matter has not been handled appropriately, the concerns may be raised with the Chair of Governors or, for financial impropriety, the school's Responsible Officer. If that fails to resolve matters then the employee should seek the assistance of "Public Concern at Work" on 0207 404 6609. For any concerns taken outside of the school this policy will not apply and any employee raising issues on a wider basis, e.g. with the press, without following the procedure in this policy may be liable to disciplinary action.

Respecting confidentiality

15. Wherever possible ODST seeks to respect the confidentiality and anonymity of the whistleblower and will as far as possible protect him/her from reprisals. ODST will not tolerate any attempt to harass or victimise the whistleblower, or attempts to prevent concerns being raised, and will consider any necessary disciplinary or corrective action appropriate to the circumstances.

Conclusion

16. Good practice will be established within ODST in terms of the systems of internal control, both financial and non-financial, and the external regulatory environment in which the schools operate, to ensure that cases of suspected fraud or impropriety will rarely occur and are swiftly identified. This Whistleblowing Policy is provided as a reference document to establish a framework within which issues can be raised confidentially internally, and if necessary, outside the management structure of the school. This document is a public commitment that concerns are taken seriously and will be actioned. Any actions arising from allegations/investigation must be in accord with the ODST disciplinary procedure, which should cover all of the potential areas of concern.
17. Where appropriate information and advice from the appointed professional advisors to ODST should be utilised throughout any concern raised under this policy, particularly where dismissal or appeal to an Employment Tribunal is possible.