



# Whistleblowing Policy

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## Preamble

As the employer of staff in our schools, The Odyssey Collaborative Trust recognises the statutory responsibilities related to employment. Throughout this document, reference is made to the responsibilities held by the Headteacher/CEO/Board of Trustees for operational purposes. Ultimate responsibility rests with the Board of Trustees. The following arrangements are in place for the line management of staff:

<b>Role</b>	<b>Line manager</b>
CEO	Board of Trustees
Central team	CEO
Headteachers	CEO
School staff	Headteacher

The above table sets out who holds the ultimate responsibility for line management of staff; in some cases this may be delegated, for instance a headteacher may delegate the line management of office staff to the School Business Manager.

This policy has been introduced to enable employees, and other persons working for the Trust on school or Trust premises, together with suppliers and those providing services under a contract with the Trust or school, to confidentially voice serious concerns over malpractice and wrongdoing within the Trust or school.

In the case of an issue where an individual does not feel comfortable raising concerns to the Headteacher or CEO, the individual should approach the Board of Trustees by contacting either of the following nominated officers:

Ian Dewes (CEO)  
The Odyssey Collaborative Trust  
[i.dewes@odysseyct.org.uk](mailto:i.dewes@odysseyct.org.uk)  
07708475638

Jane Green and Phil Storer (Co-Chairs of the Trust Board)  
The Odyssey Collaborative Trust  
[j.green@odysseyct.org.uk](mailto:j.green@odysseyct.org.uk)  
[p.storer@odysseyct.org.uk](mailto:p.storer@odysseyct.org.uk)

If an individual feels unable to contact the Trust, or the concern is about the Trust, they may contact:

The Charity Commission for England and Wales  
Tel: 0300 066 9197

Secretary of State for Education  
Ministerial and Public Communications Division  
Department for Education  
Piccadilly Gate

Store Street, Manchester, M1 2WD  
Tel: 0370 000 2288

Ofsted  
Tel: 0300 123 3155

## **1. Introduction**

Odyssey Collaborative Trust is committed to open and honest communication and ensuring the highest possible standards in integrity – we will always treat whistleblowing as a serious matter.

In line with the school'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 issue with the appropriate person/people. 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 member of staff who suspects malpractice knows how to raise concerns and what procedures are in place to deal with the concern.

Where this policy necessitates personal or special category data to be processed, it will be done so in accordance with the school's Data Protection Policy.

This policy will:

- Give confidence to members of staff 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 school standards and policies.
- Provide members of staff with avenues to raise concerns.
- Ensure that members of staff receive a response to the concerns they have raised and feedback on any action taken.
- 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 Public Interest Disclosure Act 1998 (PIDA).

Under this policy, any of the following can raise a concern:

- Employees of the school
- Voluntary workers working with the school
- Trainees, such as student teachers
- Agency staff and Contractors

### **1.1 Public Interest Disclosure Act 1998 ("PIDA")**

The 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. Disclosures made under this procedure will be monitored for statistical purposes as required under the PIDA. The details of any disclosure will remain confidential.

Any member of the school community or the general public is able to “blow the whistle”; however, the PIDA only protects employees. The Non-employees section of this policy includes further details on how whistleblowing affects non-employees.

## 1.2 Enterprise and Regulatory Reform Act 2013 (“ERRA”)

The ERRA came into force on 25 June 2013 and introduced a number of changes to whistleblowing legislation. A worker will be eligible for protection if they honestly think what they are reporting is true and they think they are telling the right person. The law says that a whistle blower should also believe that their disclosure is in the public interest.

## 2. Definitions

**Whistleblowing** is when an individual reports suspected wrongdoing, or ‘qualifying disclosures’ (see definition below) at work to their employer. If someone working or volunteering within the Trust suspects activities which are illegal, unethical, or not correct, then the **whistleblowing policy** should be used. There are other policies which may be more relevant to certain circumstances than the whistleblowing policy. Trust staff who are unhappy with their treatment from others within the organisation should use the Trust’s **grievance policy**. If any other individual has a complaint (defined as “an expression of dissatisfaction about actions taken or a lack of action”) the **complaints policy** should be used. For clarity, a member of staff of Odyssey Collaborative Trust would use the grievance policy, whereas someone outside the organisation such as a parent or member of the public would use the complaints policy. These policies are available on the Trust SharePoint site and Trust website.

As outlined by the PIDA, **qualifying disclosures** pertain to when any of the following takes place:

- A criminal offence has been committed, is likely to be committed or is being committed
- A person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject
- A miscarriage of justice has occurred, is occurring or is likely to occur
- The health or safety of any individual has been, is being or is likely to be endangered
- The environment has been, is being or is likely to be damaged
- Information tending to show any matter falling within any of the preceding points has been, is being or is likely to be deliberately concealed

**In the public interests** means that by blowing the whistle 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:

- The number of people in the group whose interests the disclosure served

- The nature of the interests and the extent by which individuals are affected by the wrongdoing disclosed
- The nature of the wrongdoing disclosed
- The identity of the alleged wrongdoer

**Blacklisting** refers to an individual who is being refused work because they are viewed as a whistle blower.

### 3. Roles and responsibilities:

The Board of Trustees will be responsible for:

- Agreeing the whistleblowing procedure.
- Ensuring the agreed whistleblowing procedure is published on the trust's website.
- Monitoring the effectiveness of this policy and undertaking any necessary reviews, e.g. in relation to good practice recommendations or changes in legislation.
- Ensuring all members of the school community have access to this policy.
- Receiving any concerns raised about the CEO.
- Ensuring investigation take place where necessary and in line with this policy.
- Ensuring this policy provides an open and transparent framework where employees of the school can raise their concerns.
- Taking the necessary action against members of staff following an investigation into any alleged malpractice.
- Appointing one governor and one member of staff to act as points of contact for staff members when reporting concerns.

Some of the above duties can be delegated to the Central Team.

The headteacher will be responsible for:

- Ensuring all members of staff have read and understood this policy.
- Receiving, investigating and responding to any concerns that have been raised by school staff.
- Being the first point of contact regarding whistleblowing, where appropriate.

The CEO will be responsible for:

- Receiving any concerns raised about a headteacher.
- Ensuring all members of staff in the Central Team have read and understood this policy

All members of staff will be responsible for:

- Raising any concerns that meet the definitions in the [definitions](#) section of this policy.
- Being truthful and reasonable with any concerns that they have.
- Not raising malicious or unfounded concerns.

#### 4. Harassment and victimisation of staff

The school 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 school as a whole; however, the school will not tolerate any such harassment or victimisation and will take appropriate action to protect staff who raise a concern in good faith.

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.

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 school's Disciplinary Policy and Procedure.

#### 5. Non-employees

The PIDA and the Employment Rights Act 1996 do not protect non-employees as far as whistleblowing is concerned. Irrespective of this, the school will not allow harassment, dismissal or exclusion for any non-employee who raises a genuine concern.

Where an individual feels that they have been unfairly treated following blowing the whistle, they should make a complaint under the school's Complaints or Grievance Policy (as appropriate).

The Board of 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.

#### 6 Good practice principles

The school will implement the core whistleblowing principles, as outlined in the 'Freedom to speak up report', to ensure that whistleblowing procedures are fair, clear and consistent.

The school will implement a **culture of change** by ensuring the following principles are reflected in our ethos and values – there will be a culture:

- Of safety in the school.
- Where people feel confident with raising concerns.
- Free from bullying.
- Of visible leadership.
- Of valuing staff.
- Of reflective practice.

By providing a clear procedure for mediating and resolving cases, as outlined in the [Procedure](#) section of this policy, the school will ensure that all cases are efficiently handled. This procedure includes:

- How to raise and report concerns.
- How investigations will be conducted.
- How the school will mediate and resolve disputes.

The school will implement **measures to support good practice** by ensuring adherence to the following principles:

- Offering relevant training to staff
- Providing the necessary support to staff
- Providing support to staff who are seeking alternative employment
- Being transparent
- Being accountable
- Conducting an external review of any concerns raised, where necessary
- Undertaking regulatory action as required

We will ensure there are **particular support measures in place for vulnerable groups** by adhering to the following principles:

- Ensuring non-permanent staff are developed, and receive training on, the same principles as permanent staff
- Ensuring trainees are subject to all the safeguarding and whistleblowing principles
- Ensuring staff from ethnic minorities are supported, as they may feel particularly vulnerable when raising concerns
- Ensuring staff are empowered and protected, enabling them to raise concerns freely

## 7. Procedure

When raising concerns, individuals will express them in **writing** to the Headteacher. If an individual is raising a concern about the headteacher, they should express their concerns **in writing** to the CEO. The CEO will involve the chair of the LGB where concerns are raised about the headteacher. If it is about the CEO then concerns should be put in writing to the Co-Chairs of Trustees. In these two scenarios, the CEO or Board of Trustees will take on the headteacher's duties outlined in the Interview and investigation section of this policy. For the rest of this policy the person who is contacted about the concerns (headteacher, CEO, trustees) is referred to as the Investigating Officer.

When individuals raise their concern, they will include the following information as far as possible:

- The background and history of the concern
- Any relevant names, dates and places
- The reasons for the concern

The earlier a concern is expressed; the easier it is to take appropriate action. Although the complainant is not expected to prove the truth of an allegation that is made, it will be necessary for them to demonstrate to the person contacted that there are sufficient grounds for concern.

Whilst there is no obligation to do so, the school encourages individuals to let their identity be known when they raise concerns, as anonymous concerns can be more challenging to investigate.

Individuals who would like to seek professional and confidential advice should contact Protect, a registered charity that advises on whistleblowing queries. The Protect website can be accessed [here](http://www.protect-advice.org.uk) (www.protect-advice.org.uk), or they can be contacted on 020 31172520.

Once an individual has raised a concern, the Investigating Officer will be responsible for investigating it.

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.

If a member of staff feels they should report a concern to the DfE, they should use the [online contact form](#).

Appropriate whistleblowing procedures will be put in place for concerns about poor or unsafe practice and potential failures in the school's safeguarding system to be raised with the SLT.

If a member of staff feels like they are unable to raise a safeguarding-related concern with the school, or feels that their genuine concerns are not being addressed, they are able to contact the NSPCC Whistleblowing Helpline on 0800 028 0285 or the [Local Authority Designated Officer](#).

## **8. Interview and investigation**

The Investigating Officer will write to the individual within 10 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.

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 Investigating Officer will establish if:

- There are grounds for a concern and that it is genuine.
- The concern was raised in accordance with this policy.

During the initial interview, the Investigating Officer will request the individual puts their concern in writing, if they have not already done so. The Investigating Officer will write a summary of the concern if the individual is unable to put it in writing.

The Investigating Officer will explain the following to anybody raising a concern:

- How they will communicate with the complainant throughout the process. It should be noted, the need for confidentiality may prevent the School/Trust giving the complainant specific details of any necessary investigation or any necessary disciplinary action taken as a result of the concern.
- That the complainant's identity will be kept confidential from the alleged wrongdoer.
- That the School/Trust will do everything in its power to protect the complainant from discrimination.
- That if the concern is genuine, even if the concern is not confirmed, no disciplinary action will be taken against the complainant.

- If clear evidence is uncovered that the complainant's concern is malicious or unfounded, disciplinary action may be brought against them.
- If an investigation is carried out, the whistle blower will be informed of the final outcome.
- A record will be kept of the seriousness of the issues raised and the credibility of the concern. All records will be kept confidential and will be stored in line with the school's Records Management Policy.

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:

- Be investigated by management, an internal audit or through the disciplinary process.
- Be referred to the police or an external auditor.
- Form the subject of an independent inquiry.

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.

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 school and to assist in monitoring the procedure.

The whistle blower will be informed of the results of the investigation, 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.

## **9. What the Trust asks of whistle blowers**

The purpose of this policy is to enable individuals to raise concerns in confidence, without any fear of reprisal. It is important that whistle blowers:

- Do not talk about the concern outside the school unless it is to report the concern through the proper external channels, e.g. the LA.
- 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.

## **10. Further Action**

This policy is intended to provide employees and other persons with an avenue to raise concerns within the Trust and it is hoped that they will take this option in the first instance. The Trust hopes they will be satisfied but if not, and the complainant feels it is right to take the matter outside the Trust, then depending upon the nature of the issue involved, the following are possible contact points:

- Relevant professional bodies or regulatory organisations.

- The Secretary of State for Education
- OFSTED
- OFQUAL
- The Police
- Teacher Regulation Agency
- The local Citizen Advice Bureau
- An independent legal adviser within the meaning of the Public Interest Disclosure Act 1998.
- A regulatory body designated for the purposes of the Public Interest Disclosure Act.
- The DFE
- Member of Parliament
- National Audit Office
- Health and Safety Executive

Complainants are strongly advised to take advice from their Trade Union before raising a complaint with an external body.

It is extremely unlikely to be the case that a complaint should ever be shared with the media. Again, complainants considering this step are strongly advised to take advice from their Trade Union Representative before taking such action.

If the complainant does wish to take the matter outside the Trust, they must first ensure that they do not disclose confidential information. In addition, if the complainant wishes to secure the protections afforded by the Public Interest Disclosure Act, they must ensure that their disclosure is protected within the meaning of the Act and that it complies with a set of specific conditions, which vary according to whom the disclosure is made. If necessary, the complainant may wish to seek advice from the Trust HR function or their Trade Union. The wording of the Act can be found by following this link:

<https://www.gov.uk/government/publications/the-public-interest-disclosure-act>

## 11. Appeal process

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.

## 12. Unfair treatment

An individual can take a case to an employment tribunal if they feel that they have been treated unfairly as a result of whistleblowing. Further information can be sought from the [Citizen's Advice Bureau](#), the whistleblowing charity [Protect](#), or from an individual's trade union.

Any claims of unfair dismissal needs be made within **three months** of the investigation ending.

## 13. Monitoring and review

The Central Team will review this policy **every two years**, ensuring that all procedures are up-to-date. Any changes made to this policy will be communicated to all members of staff.