Ormiston Academies Trust

Whistleblowing policy

Policy version control

Policy type	Statutory The Trust will regularly monitor and review this policy to ensure that it is appropriate, effective, and compliant with both employment legislation and the Equality Act 2010
Author In consultation with	Daniele Brennan, Head of People Policy, Process and Systems. This version of the policy was implemented in September 2021 following consultation with the recognised trade unions. It has been reviewed to confirm accuracy for reissue in September 2024 and following no changes other than formatting / checking contact details, it is being shared with recognised trade unions for information.
Approved By	OAT Executive, 10 September 2024 Trust Board, 19 September 2024
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Review	September 2027
Description of changes	April 2026: • Employment Rights Act 2025.

	• Sexual harassment now comes under the definition of whistleblowing.

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1. Introduction

1.1. Ormiston Academies Trust (OAT) has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. Within academies, the principal has delegated day-to-day responsibility for operating this policy.

1.2. OAT is committed to achieving the highest possible standards of service and ethical standards and this policy will enable staff to raise concerns of serious wrongdoing without fear of reprisal.

1.3. This policy applies to everyone working at OAT at all levels and grades, whether they are employees, contractors, casual or agency staff.

1.4. Whistleblowing is distinct from the grievance procedure which should be used if staff have a complaint related to their personal circumstances in the workplace. Concerns about wrongdoing at OAT schools such as fraud, malpractice, mismanagement, sexual harassment, breach of health and safety law or any other illegal or unethical act either on the part of management, the Governing Body or fellow employees should be raised using this policy.

1.5. This policy has been introduced in line with the Public Interest Disclosure Act 1998 to enable concerns to be raised in an appropriate manner. It does not override workers' legal rights to make a protected disclosure to certain third parties under this Public Interest Disclosure Act 1998 (PIDA), as incorporated into the Employment Rights Act 1996. Under the Employment Rights Act 2025, disclosures relating to sexual harassment are expressly recognised as protected whistleblowing disclosures, and workers raising such concerns are entitled to full legal protection from detriment or dismissal.

2. Purpose

2.1. The aim of this policy is to:

- Provide avenues for staff to raise concerns and receive appropriate feedback.
- Encourage staff to feel confident in raising concerns.
- Establish a fair and impartial investigative procedure.
- Ensure that staff receive a response to concerns and are aware of how to pursue then if they are not satisfied.
- Ensure that staff will be protected from any reprisals or victimisation.

3. Scope

3.1. This policy may be used by all staff across any part of OAT, to raise concerns where the wellbeing of others or the academy itself is at risk.

3.2. The term 'staff' broadly includes employees, contractors, agency workers, trainees and anyone who is subject to a contract to undertake work or services within OAT.

3.3. The Whistleblowing policy is designed to sit alongside the OAT Grievance Policy and the OAT Complaints Policy. As a guideline, concerns, which should be raised through these routes are as follows:

- Employment related issues should be raised through the OAT Grievance Policy.
- The OAT Complaints Policy can be used for parental/non parental complaints and for complaints about Ormiston Academies Trust.

4. What to raise concerns about

4.1. The Public Interest Disclosure Act lists matters about which concerns can be raised, provided they are in the public interest as follows:

- where a crime has been committed, is being committed, or is likely to be committed.
- where a person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject
- where a miscarriage of justice has occurred, is occurring, or is likely to occur.
- where the health and safety of an individual has been, is being or is likely to be endangered.
- where the environment has been, is being or is likely to be damaged.
- where information tending to show any of a) to e) above has been concealed or is likely to be deliberately concealed.
- Where sexual harassment has occurred, is occurring, or is likely to occur, as disclosures relating to sexual harassment are now expressly recognised as protected whistleblowing disclosures under the Employment Rights Act 2025.

4.2. Particular concerns that may fall within the terms of this policy include, for example, willful maladministration and corruption, misuse of funds, theft or fraud. We anticipate that disclosure will most likely relate to the actions of employees, contractors, casual or agency staff, but they may also relate to the actions of a third party.

5. How to raise a concern

5.1. As a first step, you should normally raise concerns with your immediate manager or your manager's manager. This depends, however, on the seriousness and sensitivity of the issues and who is involved. For example, if you believe that your immediate manager or your manager's manager is involved, you should approach the principal, education director, chair of governors or an alternative manager within the central team. You may bypass the immediate management route if you feel the overall management and Governing Body of a school is engaged in an improper course of action.

5.2. Because details change, we have not detailed specific names in this policy. You can however find the names of our senior teams here, and may contact any one of them via the usual email addresses: Ormiston Academies Trust – Our team

5.3. You may use the following email address to whistleblow to the chief executive at: ceooffice@ormistonacademies.co.uk

If for some reason you need to escalate your issue above the chief executive, you can send to the OAT Trust Board by sending to: asktheboard@ormistonacademies.co.uk

5.4. Concerns are better raised in writing. You will need to set out the background and history of your concerns, giving names, dates and places where possible, and the reasons why you are particularly concerned about the situation. If you do not feel able to put the concern in writing, you should arrange to meet with the appropriate person. It is important that, however the concern is raised, you make it clear that you are raising the issue via the whistleblowing procedure.

5.5. The earlier and the more detailed the concern, the easier it will be to take action.

5.6. At this stage, you are not expected to prove the allegation, but will need to demonstrate to the person contacted that there are sufficient grounds for concern.

6. How we will respond to a concern

6.1. The action taken by OAT will depend on the nature of the concern. The matters raised may:

- be investigated by the principal or chief executive, or an independent third party as appropriate, either in conjunction with other OAT employees or alone
- be investigated internally by an appropriately skilled and experienced individual, knowledgeable in the area concerned who has had no previous involvement with the case/issue
- be referred to an External Auditor or Ombudsman
- form the subject of an independent enquiry

6.2. In order to protect individuals, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations that fall within the scope of specific procedures (for example, child protection or discrimination) will normally be referred for consideration under those procedures.

6.3. Some concerns may be resolved by agreed action without the need for investigation.

6.4. Within ten working days of a concern being received (excluding anonymous concerns) the person with whom you raised the matter will write to you:

- acknowledging the concern has been received
- indicating how it is proposed to deal with the matter
- giving an estimate of how long it will take to provide a final response
- telling you whether any initial enquiries have been made, and
- telling you whether further investigations will take place, and if not, the reason why.

6.5. The amount of contact between you and the person to whom you reported the protected disclosure 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 in a discreet manner.

6.6. If it is necessary to meet with you further to discuss the issues in more detail, you will have the right to be accompanied by a union or workplace representative. The meeting can be held off site if preferable.

6.7. OAT will take steps to minimise any difficulties which you may experience as a result of raising a concern and provide any appropriate support. For instance, if you are required to give evidence in disciplinary or criminal proceedings, we will ensure that you are supported and have access to the information you need.

6.8. OAT acknowledges that you will need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will receive information about the outcomes of investigations. In addition, you will be informed as to what action has been taken to correct working practices where they have been found to be at fault by the investigation.

7. Assurances

7.1. We recognise that whistleblowing is not something that is always easy, but we provide you with the following assurances:

- To ensure you have the right to disclose a concern and to protect you throughout this process.
- To ensure you have the right to disclose a concern/issue if OAT does not deal with the matter. However, the duty of fidelity is implied by the law in every contract of employment and prohibits employees from disclosing employers' confidential information, unless it is in the public interest that information is disclosed or unless the Academy/OAT HO fails to properly consider or deal with the issue.
- If you make a disclosure on one or more matters listed above and you have a reasonable belief that the concern is real, you will not suffer any detriment, even if after investigation it transpires that the concern is unfounded. We will not tolerate the harassment or victimisation of anyone raising a genuine concern and may progress disciplinary action should this occur.
- If you request that your identity is protected, we will not disclose it unless required to do so by law. If the situation arises where we are unable to resolve the concern without revealing your identity (for instance because your evidence is needed in court), we will discuss with you how the matter should proceed.
- A concern raised anonymously means that no one, including the person with whom the concern is raised, knows the identity of the person who raises it. However, raising a concern anonymously means that no one will be able to seek any further information, and this could affect the ability to properly investigate the concern, or provide feedback on how the concern has been addressed. This also means the assurances offered to staff under the Whistleblowing Policy cannot be extended to someone whose identity is unknown.

8. How the matter can be taken further

8.1. This policy is intended to provide you with an avenue to raise concerns within the individual academy or at the level of Ormiston Academies Trust. We hope anyone invoking this procedure will be satisfied with the response given. We encourage direct communication of any serious issue with the Chief Executive (or if necessary, a Trustee) prior to involving any external bodies. If you feel it is right to take the matter outside the organisation, the following are possible contact points:

- your Trade Union
- The Department for Education
- Member of Parliament
- National Audit Office
- Health and Safety Executive
- the relevant ombudsman
- your solicitor
- the Charities Commission
- the police
- Protect (formerly Public Concern at Work). They are an independent authority on public interest whistleblowing. They focus on the responsibility of workers to raise concerns about malpractice and on the accountability of those in charge to investigate and remedy such issues. It offers free advice to people concerned about danger or malpractice in the workplace but who are unsure whether or how to raise the matter). Protects helpline number is 0203 117 2520.

9. Timing

9.1. The whistleblowing procedure should normally be conducted within the timescales laid down in this document. However, if there is a valid reason to do so, timescales can be varied. If any change is initiated by OAT, the employee should be given an explanation and informed when a response or meeting can be expected. Delays should not normally exceed 10 working days.

10. Responsibilities

10.1. OAT is responsible for maintaining fair, consistent and objective procedures for matters relating to whistleblowing across OAT.

10.2. The principal has overall responsibility for the internal organisation, control and management of each academy.

11. Equal Opportunities

11.1. The whistleblowing procedure must always be fairly applied and in accordance with employment law and OAT's Equal Opportunities Policy.

12. Monitoring / Review

12.1. This policy will be monitored to ensure consistency of application and adherence to the equalities legislation, to ensure that the policy operates in accordance with the duty to promote equality, to eliminate discrimination and to promote good relations between staff with protected characteristics under the Equalities Act 2010.

12.2. This policy will be monitored and reviewed by the relevant body in conjunction with the recognised Trade Unions at an agreed date/timescale (see front sheet of this policy document).

12.3. The Trust must keep a record of Public Interest Disclosures, including those made anonymously.