

## Whistleblowing Policy

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| <b>Prepared By:</b>        | Head of HR                   |
| <b>Approved By:</b>        | Hamwic Education Trust Board |
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## **1. Purpose**

Hamwic Education Trust is committed to achieving the highest possible standards of openness, probity and accountability. The Trust recognises that it is important for all employees to be able to raise genuine concerns in an appropriate manner and in line with the Public Interest Disclosure Act 1998.

The term whistleblowing can be defined as raising a concern in good faith about a wrong doing within an organisation. The concern must be a genuine concern about a crime, criminal offence, miscarriage of justice, dangers to health and safety and of the environment and has occurred or likely to occur.

Whistleblowing can only refer to situations that have arisen within a current or ex workplace.

## **2. Scope**

The policy applies to all members of staff within Hamwic Education Trust. For the purposes of this policy the term "staff" means all members of staff within the Trust including permanent, fixed term and temporary staff. It also refers to governors, any third party representatives, agency workers and volunteers engaged with the Trust.

The policy covers concerns that fall outside of 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.

## **3. Equal Opportunities**

The whistleblowing procedure must always be applied equitably and in accordance with employment law and the Trust Equal Opportunities Policy. Employees who make a disclosure will be fully supported and protected by the Trust and all disclosures will be treated in a consistent and fair way. Where a concern is raised in good faith, (or in bad faith in certain circumstances) an employee will be protected from detriment, harassment and victimisation.

The Trust will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect employees who raise a concern in good faith.

Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures already taking place concerning the employee.

No action will be taken against anyone who makes an allegation in good faith, reasonably believing it to be true, even if the allegation is not subsequently confirmed by the investigation.

Support will be provided to an employee raising a concern in order to minimise any difficulties which they may experience. This may include advice on giving evidence if needed. Meetings may if necessary, be arranged off-site and the employee will be given the opportunity of being represented if they so wish.

## **4. What to Raise Concerns About**

The Public Disclosure Act 1998 lists matters about which disclosures can be raised, provided they are in the public interest, which are:

- that a criminal offence has been committed, is being committed or is likely to be committed, (e.g. fraud, corruption, sexual or physical abuse of pupils or others)
- that a person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject,

- that a miscarriage of justice has occurred, is occurring or is likely to occur,
- that the health or safety of any individual has been, is being or is likely to be endangered,
- that the environment has been, is being or is likely to be damaged,
- that information tending to show any matter falling within any one of the preceding points above, has been, is being or is likely to be deliberately concealed.

Whistle blowers must act in the public interest, therefore personal grievances and complaints are not covered by this policy and should be raised through the Trust grievance, disciplinary or complaints policy. Copies of policies can be obtained through the school office or the school intranet.

## **5. Confidentiality**

All concerns raised will be treated with confidence and consideration will be made in order to maintain the employee's confidentiality (please see Section 6 below). In some circumstances, however it may not be possible to maintain confidentiality if the concern is subject to an external investigation or requires third party involvement. The employee will be advised if their confidentiality cannot be maintained (before the confidentiality is broken).

## **6. Anonymous Concerns**

Employees are encouraged to put their name to any concern raised and will be afforded the protection outlined in Section 3 of this policy. Should they wish to remain anonymous, every effort will be made to retain their anonymity. Concerns expressed anonymously are much less powerful, but they will be treated with caution and considered at the discretion of the Trust. In exercising this discretion, the factors to be taken into account would include:

- The seriousness of the issues raised
- The credibility of the concern, and
- The likelihood of obtaining the necessary information and confirmation of the allegation

## **7. Procedure for Raising a Concern**

### ***7.1 Raising a Concern***

If the employee suspects wrongdoing in the workplace:

- They must not approach or accuse the individuals directly
- They must not try to investigate the matter themselves
- They must not convey their suspicions to anyone other than those with the proper authority

Employees should raise concerns in the first instance with their line manager. If the staff member believes their manager is involved in the malpractice, they may raise their concern with a more senior member of staff.

Concerns may be raised orally, or preferably, in writing. The concern should include as much detail as possible (names, dates, places, history of the concern and reason for the concern). The employee must also indicate if the concern is to be treated in confidence. The person hearing the concern should record the concern with as much evidence as possible in order to determine whether there are reasonable grounds for raising a concern.

Employees may wish to seek advice from their Trade Union or professional association before raising a concern.

## **7.2 Next Steps**

Line Managers should in the first instance contact the Trust Head of HR if an employee has raised a concern to them, who will determine whether it is a 'qualifying disclosure' under the Act, by considering the following:

- Whether any factual information was actually disclosed, as opposed to opinion only
- Whether the individual making the disclosure believed that the information tended to show that the matter is occurring or is likely to occur; and
- Whether that belief was reasonable.

If the above criteria are met, the concern will qualify as a protected disclosure, and the remainder of this procedure will apply. If the criteria are not all met but the staff member's concern was made in good faith, investigations should still take place into the concerns and the staff member should not be discriminated against because they have raised such a concern.

Within ten working days of a concern being raised, the Trust will write to the employee:

- Acknowledging that the concern has been received and who will be dealing with it
- When an employee raises a concern they may be asked how they think the concern should be best resolved. If the employee has any personal interest, they should disclose this at the outset. Should an employee's concern fall within another policy, for example, the Grievance Policy, they will be told this is the case.
- Indicating how it proposes to deal with the matter
- Giving an estimate of how long it will take to provide a final response
- Telling the employee whether any initial enquiries have been made, and
- Telling the employee whether further investigations will take place, and if not, why not
- Inform the employee whether the complaint will remain confidential or not (and if not, provide an explanation as to why this cannot be the case)
- Naming an independent person to support the employee during any investigation and attendance at meetings e.g. trade union official

The action taken will depend on the nature of the concern. There may be preliminary enquiries or an internal investigation and depending on the nature of the issue raised, the response may be one or more of the following:

- An internal management investigation
- A disciplinary investigation in accordance with the Disciplinary policy
- Referral to the police
- Referral to the local governing body
- Referral to the Trust
- An independent investigation
- No case to answer

Concerns or allegations which fall within the scope of specific procedures (for example child protection) will normally be referred for consideration under that relevant procedure. Policies can be obtained from the

school office or school intranet. Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required, this may be taken before any investigation is conducted.

If it is found that the allegation was made for malicious purposes or for personal gain, the Trust will deal with this under the Disciplinary procedure.

### **7.3 Communication**

Subject to legal constraints and the need to protect the rights of individuals, the employee raising the concern will be informed of the outcome of any investigation. For reasons of sensitivity and confidentiality, all communications with a staff member who takes action under this procedure will be sent to their home address, unless an alternative arrangement has been mutually agreed.

The Trust Board will be made aware of the outcome of any concern raised through the Whistleblowing policy.

### **8. How the matter can be taken further?**

In the event that a staff member feels that their concerns have not been resolved through the above process, they may write to the CEO, if they have not already been involved, outlining their concern, the action taken to date and the reasons for their dissatisfaction.

Within 10 working days of a concern being raised, the CEO will write to the staff member to acknowledge that the concern has been received and indicate what further steps will be taken, as well as providing an estimate of the time it will take to provide a final response. The CEO may decide to set up a small group, where appropriate, to investigate the concerns. The CEO will then inform the staff member of the outcome of this process.

#### **8.1 Internal Contacts**

| <b>Concern</b>  | <b>Contact</b>                                  | <b>Telephone Number</b> | <b>Email</b>   |
|---|---|-------------------------|--|
| Initial concern   | Raise with line manager                         |                         |  |
| Line manager to raise concern with Head of HR   | Head of HR<br>Bev Collins                       | 023 8078 6833           | <a href="mailto:beverley.collins@hamwic.org">beverley.collins@hamwic.org</a> |
| Line manager to raise concern with Deputy CEO (Business) in the absence of Head of HR | Deputy Chief Executive (Business)<br>Gemma Carr | 023 8078 6833           | <a href="mailto:gemma.carr@hamwic.org">gemma.carr@hamwic.org</a>             |
| If unhappy with outcome received  | Chief Executive Officer<br>Robert Farmer        | 023 8078 6833           | <a href="mailto:robert.farmer@hamwic.org">robert.farmer@hamwic.org</a>       |

Or in writing for the attention of the above to:

Hamwic Education Trust  
Unit E, The Mill Yard  
Nursling Street  
Southampton  
SO16 0AJ

## 8.2 External Contacts

In the event that the matter cannot be satisfactorily resolved within the Trust, the staff member may escalate their concerns further to:

- An elected member of the local authority
- A local member of parliament
- Relevant trade union or professional association
- A solicitor
- The police
- A 'Prescribed person; as designated by the Act, a full list that can be found at <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>
- Public Concern at Work – [www.pcaw.org.uk](http://www.pcaw.org.uk)
- Audit Commission – <https://www.nao.org.uk/contact-us/whistleblowing-disclosures/>
- Department for Education - <https://www.gov.uk/government/organisations/department-for-education/about/complaints-procedure>
- Ofsted – [www.ofsted.gov.uk](http://www.ofsted.gov.uk)
- Local Government Ombudsman - <http://www.lgo.org.uk/>

In taking a concern externally, employees must ensure that, as far as reasonably possible, the matter is raised without personal information relating to other staff, or confidential information about unrelated matters, being disclosed.

It is expected that employees will follow the internal whistleblowing procedure before referring the matter to an external organisation, except in very serious and exceptional cases.

## 9. Support for Employees

Employees can also seek advice from:

- The Education Support Partnership - <https://www.educationsupportpartnership.org.uk/>
- Citizen's Advice Bureau - <https://www.citizensadvice.org.uk/>
- Trade Union or professional association where the employee is a member
- Confidential Counselling Service for Hamwic Employees through Health Assured on 0800 023 4742

## 10. Recording and Monitoring

The Trust will maintain a register containing all concerns that are brought to its attention. The Trust will review the register and produce an annual report for the Board. The report will include a summary of the concerns raised, to which school they related, the post to which the concerns related (if not confidential) and any lessons learned. The report will not include any employee names. The aim of this is to ensure that:

- The Trust and/or the relevant schools learn from mistakes so they are not repeated, and
- Consistency of approach across the organisation.

### Associated Policies:

- Complaints Policy
- Child Protection Policy
- Disciplinary Policy
- Grievance Policy