

# HARBOURSIDE LEARNING *Partnership*

## Whistleblowing Policy and Procedure

Committee:	Finance and Resources
Policy Ratified:	12 <sup>th</sup> March 2018
Review Date:	March 2021

Additional School Procedure – N/A	
Committee:	
Procedure Adopted:	
Review Date:	



## **1. Introduction**

1.1 The Harbourside Learning Partnership (HLP) is committed to conducting its business with honesty and integrity, and expects all staff to maintain high standards in accordance with their contractual obligations and each of the HLP school's policies and procedures.

1.2 However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring or to address them when they do occur.

1.3 This procedure is not a substitute for normal line management processes or for existing procedures such as the Grievance and Disciplinary Procedures for staff or the complaints procedure, but is an addition to them. Staff should always first consider using normal line management for raising concerns. This procedure is only for the purpose of raising concerns about the types of suspected wrongdoing listed in section 3 below.

1.4 This procedure should only be used where all other existing internal procedures are felt to be inappropriate or when a member of staff, for whatever reason, feels inhibited in going through the normal line management. This policy does not prevent staff from raising concerns through their trade union if they so wish.

## **2. Aims of Policy**

- To encourage staff to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected;
- To provide staff with guidance as to how to raise those concerns;
- To reassure staff that they should be able to raise genuine concerns in good faith without fear of reprisals, even if they turn out to be a mistake.

2.1 This policy takes account of the Whistleblowing Arrangements Code of Practice issued by the British Standards Institute and Public Concern at Work.

2.2 This policy does not form part of an employee's contract of employment and is not intended to have contractual effect. It is provided for guidance to all HLP staff and the Partnership reserves the right to amend its content at any time.

2.3 This policy reflects HLP's current practices and applies to all individuals working at all levels of the organisation, including the Members, Trustees, Local Governors, Headteachers, members of the Senior Leadership Teams, employees, consultants, contractors, trainees, part-time and fixed-term workers, casual and agency staff (collectively referred to as "staff" in this policy) who are required to familiarise themselves with its content.

2.4 A summary of the procedures outlined in this policy is provided in Appendix 1.

### **3. What is whistleblowing?**

3.1 Whistleblowing is the disclosure of information which relates to suspected wrongdoing or threat of harm at work. This may include:

- criminal activity;
- child protection and/or safeguarding concerns;
- miscarriages of justice;
- danger to health and safety;
- damage to the environment;
- failure to comply with any legal or professional obligation or regulatory requirements;
- financial fraud or mismanagement;
- negligence;
- serious or persistent breach of the school's internal policies and procedures including its Code of Conduct;
- conduct likely to seriously damage the school's reputation;
- unauthorised disclosure of confidential information;
- the deliberate concealment of any of the above matters.

3.2 A 'whistleblower' is a person who raises a genuine concern in good faith relating to any of the above. If you have any genuine concerns related to suspected wrongdoing or threat of harm affecting any of the HLP school's activities (a whistleblowing concern) you should report it under this policy.

3.3 This policy should not be used for complaints relating to staff's own personal circumstances, such as the way you have been treated at work. In those cases you should follow the Grievance Policy and Procedure.

3.4 If you are uncertain as to whether something is within the scope of this policy you should seek advice from your Headteacher (or the CEO if you do not work at a particular school) and if the matter is in relation to an alleged wrongdoing by the Headteacher or CEO then staff should seek the advice of the Chair of the Trustees.

#### **4. Raising a whistleblowing concern**

4.1 Each HLP school hopes that in many cases staff will be able to raise any concerns with their Line Manager, speaking to them in person or putting the matter in writing if they prefer. They may be able to agree a way of resolving a concern quickly and effectively. In some cases they may refer the matter to the Local Governing Body.

4.2 However, where the matter is more serious, or you feel that your Line Manager has not addressed your concern, or you prefer not to raise it with them for any reason, you should contact one of the following:

- **Your Headteacher**
- **The Chair of the Local Governing Body at your school**
- **The CEO of the Partnership; or**
- **The Chair of the Trustees of the Partnership**

4.3 The Headteacher or other person contacted will arrange a meeting with you as soon as practicable to discuss your concern. They will record sufficient details to enable the matter to be thoroughly investigated. In some cases it will not be possible to maintain absolute confidentiality and this will be explained to you. In such instances you will have the choice of either withdrawing or agreeing to his/her identity becoming known to enable the concern to be effectively dealt with.

4.4 Staff may bring a colleague or trade union representative to any meetings under this policy who must respect the confidentiality of the disclosure and any subsequent investigation.

4.5 The person holding the meeting will take notes and produce a written summary of the concern raised and provide you with a copy as soon as practicable after the meeting. The school will also aim to give you an indication of how it proposes to deal with the matter, having sought advice from the central team or as appropriate.

#### **5. Confidentiality**

5.1 We hope that staff will feel able to voice whistleblowing concerns openly under this policy. However, if a member of staff wants to raise his or her concern confidentially, the school will endeavour to keep his or her identity secret in so far as it is possible to do so when following this policy and procedure. If it is necessary for anyone investigating that member of staff's concern to know the 'whistleblower's identity, the school will discuss this with the member of staff first.

5.2 The school does not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if the school cannot obtain further information. It is also more difficult to establish whether any allegations are credible and have been made in good faith. 'Whistleblowers' who are concerned about possible reprisals if their identity is revealed should come forward to one of the contacts listed above and appropriate measures can then be taken to preserve confidentiality. Allegations relating to child protection issues or criminal activity may be referred to the local authority and the police, and in such circumstances the Local Authority or the Police will need to know the source of the allegation.

5.3 If an individual misuses the policy and procedure e.g. by making malicious or repeated unsubstantiated complaints against colleagues this could give rise to action under HLP's Disciplinary Procedure. If the Headteacher, or other person to whom an allegation has been made, knows or has

a suspicion that an employee comes into this category then s/he will take advice from the HR advisor in the first instance who will help to determine what action should be taken.

5.4 If you are in any doubt you can seek advice from Public Concern at Work, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are:

Public Concern at Work (Independent whistle blowing charity)

Helpline: 020 7404 6609 E-mail: [whistle@pcaw.co.uk](mailto:whistle@pcaw.co.uk) Website: [www.pcaw.co.uk](http://www.pcaw.co.uk)

Or the NSPCC whistleblowing helpline: 0800 0280285 Website: <https://www.nspcc.org.uk/what-you-can-do/report-abuse/dedicated-helplines/whistleblowing-advice-line/>

## **6. Allegations against Local Governors, Trustees or Members**

6.1 If an allegation against a Local Governor, Trustee or Member is received then this will be treated in the same way as any other concern. It will receive the same serious consideration. The allegation will be considered by the CEO and Chair of Trustees who together will decide how it should be dealt with.

6.2 If the allegation is against the CEO then it will be considered by the Chair of the Trustees who will decide how it should be dealt with.

6.3 If the allegation is against the Chair of the Trustees then it will be referred to the Department for Education (usually the office of the Regional Schools Commissioner) and/or the Salisbury Diocesan Board of Education.

## **7. External disclosures**

7.1 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases staff should not find it necessary to alert anyone externally.

7.2 The law recognises that in some circumstances it may be appropriate for staff to report their concerns to an external body such as the Local Authority, the Police, the Department for Education or Ofsted. It will very rarely if ever be appropriate to alert the media. We strongly encourage you to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Public Concern at Work, operates a confidential helpline (see paragraph 5.4). They also have a list of prescribed regulators for reporting certain types of concern.

7.3 Whistleblowing concerns usually relate to the conduct of HLP school staff or members of the Governance structure, but they may sometimes relate to the actions of a third party, such as a service provider. The law allows staff to raise a concern in good faith with a third party, where the member of staff reasonably believes it relates mainly to their actions or something that is legally their responsibility. However, staff are encouraged to report such concerns internally first. Staff should contact one of the other individuals set out above for guidance.

## **8. Investigation and outcome**

8.1 Once a member of staff has raised a concern, the Headteacher under advice from the HR Advisor and CEO as appropriate, will carry out an initial assessment to determine the scope of any investigation. If the concern raised relates to the Headteacher, then the initial assessment to determine the scope of the investigation will be carried out by the CEO. The Headteacher (or CEO in the case of the concern being against the Headteacher) will inform the 'whistleblower' of the outcome of its assessment. The member of staff raising the concern may be required to attend additional meetings in order to provide further information.

8.2 In most cases a panel of three Local Governors and Trustees will investigate any issue. In rare cases HLP may appoint an investigator or team of investigators including staff or third parties with relevant experience of investigations or specialist knowledge of the subject matter. The investigator(s) may make recommendations for change to enable HLP to minimise the risk of future wrongdoing.

8.3 HLP will aim to keep the member of staff informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent the school from giving specific details of the investigation or any disciplinary action taken as a result. The member of staff is required to treat any information about the investigation as strictly confidential.

8.4 If HLP concludes that a 'whistleblower' has made false allegations maliciously, in bad faith or with a view to personal gain, the 'whistleblower' will be subject to disciplinary action under HLP's Disciplinary Procedure.

8.5 Whilst HLP cannot always guarantee the outcome a particular member of staff is seeking, the Partnership will try to deal with the concern fairly and in an appropriate way. If a member of staff is not happy with the way in which his or her concern has been handled, he or she can raise it with one of the other key contacts outlined above.

8.6 There are no rights of appeal against any decisions taken under this procedure, however any employee facing disciplinary action as a result of an allegation made against them will have the usual rights to a fair hearing and to an appeal against any action taken.

8.7 Any 'whistleblower' will be kept informed of progress by the person considering or investigating the concern, including, where appropriate, the final outcome. However, in certain circumstances, e.g. where disciplinary action under the School's Disciplinary Procedure has resulted from the concern, it may not be appropriate to provide specific details due to the confidentiality and sensitivity of such matters.

## **9. Protection and support for 'whistleblowers'**

9.1 It is understandable that 'whistleblowers' are sometimes worried about possible repercussions. HLP aims to encourage openness and will support staff who raise genuine concerns in good faith under this policy, even if they turn out to be mistaken.

9.2 Staff will not suffer any detrimental treatment as a result of raising a concern in good faith. Detrimental treatment would include dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If a member of staff believes that he or she has suffered any such treatment, he or she should inform his or her line manager immediately. If the matter is

not remedied the member of staff should raise it formally using the HLP's Grievance Policy and Procedure.

9.3 Other staff must not threaten or retaliate against 'whistleblowers' in any way. Anyone involved in such conduct will be subject to disciplinary action.

9.4 All staff are responsible for the success of this policy and should ensure that they use it to disclose any suspected wrongdoing or threat of harm. staff are invited to comment on this policy and suggest ways in which it might be improved. Comments, suggestions and queries should be addressed to the HLP HR Advisor in the first instance.

## **10. Safeguarding**

10.1 If a member of staff suspects that there is a serious safeguarding / child protection issue that they feel that the Designated Safeguarding Lead is not taking seriously or that they believe there is a serious safeguarding issue involving the Headteacher or the Designated Safeguarding Lead they should in the first instance contact the CEO.

## **Appendix 1**

**Don't think "what if I'm wrong" – think "what if I'm right"**

### **Reasons for whistle blowing:**

- To raise concerns about unacceptable practice or behaviour.
- To prevent the problem worsening or widening.
- To protect or reduce risks to others.
- To avoid becoming implicated by "turning a blind eye".

### **What stops people from whistle blowing:**

- Concern about starting a chain of events which spirals.
- Disrupting the school.
- Fear of getting it wrong, or not being believed
- Fear of repercussions or damaging careers.

### **How to raise a concern:**

- You should voice your concerns, suspicions or uneasiness as soon as you feel you can. The earlier a concern is expressed the easier and sooner action can be taken.
- Try to pinpoint exactly what practice is concerning you and why.
- Approach your immediate manager, Head Teacher or the Designated Safeguarding Lead.
- If your concern is about your immediate manager/Head Teacher or Designated Safeguarding Lead, contact the CEO or the Chair of the Trustees or you feel you need to take it to someone outside the school contact the Local Authority, the Department for Education (usually the Regional Schools Commissioner) or Ofsted.
- You should then put your concerns in writing, outlining the background and history, giving names, dates and places where you can. You are not expected to prove the truth of an allegation but you will need to demonstrate sufficient grounds for the concern.
- Make sure you get a satisfactory response – don't let matters rest.

### **What happens next?**

- You should be given information on the nature and progress of any enquiries. As your employer, HLP has a duty to protect you from harassment or victimisation.
- No action will be taken against you if the concern proves to be unfounded provided it was raised in good faith.

- Allegations made frivolously, maliciously or for personal gain will be seen in a different light and disciplinary action will be taken.

### **Further advice and support**

It is recognised that whistle blowing can be difficult and stressful. Advice and support is available from your line manager, HR department and/or your professional trade union as well as those organisations highlighted in paragraph 5.4. Staff are strongly encouraged to seek advice before reporting to anyone external including the media.