

Weston Park Primary School



Whistleblowing Policy

Date of last review: November 2017

Date of next review: November 2019

Whistleblowing Policy

1. Purpose

The 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 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.

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

2. Scope

The policy applies to all members of the Hamwic Trust or any Trust within it including the Jefferys Education Trust and Hillary Trust, as well as the Hamwic Education Trust (together the "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. It may however overlap with other policies such as the Complaints Policy, Staff and Director Code of Conducts, Equal Opportunities Policy and Freedom of Information Policy.

3. Equal Opportunities

The whistleblowing procedure must always be applied fairly 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, an Employee will be protected from detriment, harassment and victimisation.

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,
- that a person has failed, is failing or is likely to fail to comply with any legal obligation to which he is 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 and disciplinary policy.

5. Confidentiality

All concerns raised will be treated with confidence and consideration will be made in order to maintain the employee's confidentiality. 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.

6. Anonymous Concerns

Employees are encouraged to put their name to any concern raised.

7. Procedure for Raising a Concern

7.1 Raising a Concern

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) and 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 HR Manager if an employee has raised a concern to them.

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

- Acknowledging that the concern has been received
- 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
- Telling the employee whether further investigations will take place, and if not, why not
- Naming an independent person to support the employee during any investigation 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 and Grievance policy
- Referral to the police
- Referral to the local governing body
- Referral to the Trust
- An independent investigation
- No case to answer

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 and Grievance 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.

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

8.1 Internal Contacts

Contact	Telephone Number	Email
Chief Executive Officer Robert Farmer	023 8078 6833	robert.farmer@hamwic.org
Deputy Chief Executive Business Gemma Carr	023 8078 6833	gemma.carr@hamwic.org
Head of HR Bev Collins	023 8078 6833	beverley.collins@hamwic.org

Or in writing for the attention of the above to:

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

8.2 External Contacts

Employees can also raise a concern with external bodies including:

- 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
- 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
- Local Government Ombudsman - <http://www.lgo.org.uk/>

In taking a concern externally, employees must ensure that, as far as 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.

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: