Harbour Schools Partnership

A guiding light for education

WHISTLEBLOWING POLICY

Version 1

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1 INTRODUCTION

The Public Interest Disclosure Act 1998 was enacted to ensure a climate of greater frankness between employers and workers so that irregularities can be identified and addressed quickly and to strengthen employment rights by protecting responsible workers who blow the whistle about wrongdoing or failures in the workplace. The policy set out in this document applies those statutory provisions to the administration of the Board of Trustees for The Harbour Schools Partnership (the "**Trust**").

Employees are often the first to realise that something wrong may be happening within the Trust or school. However, they may feel unable to express their concerns either because they feel that speaking up would be disloyal to their colleagues or to the school or because they fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern than to report what may just be a suspicion of malpractice.

The Trust is committed to doing things right with the highest possible standards of openness and accountability as is shown in its Policies and Procedures. In line with that commitment, it encourages employees and others with serious concerns about any aspect of the Trust's work to come forward and voice those concerns. It recognises that certain cases will have to proceed on a confidential basis. This policy makes it clear that employees can do so without fear of reprisal and is intended to encourage and enable employees to raise serious concerns within the Trust rather than overlooking a problem or publicly disclosing the matter.

This policy is adapted from Devon County Council's model, which was discussed with the relevant trade unions and professional organisations and has their support. The Trust recognises that an employee may wish to seek advice and be represented by his or her Trade Union Seeking advice from, and being represented by, your trade union may

be the best course of action to raise any issue under this policy. The Trust recognises and endorses the role, which trade unions and their officers play in this process.

The policy has been written in line with the Academies Handbook (updated 2.9.24), and government guidance on whistleblowing.

Academy Trust Handbook – Guidance – GOV.UK (www.gov.uk)

https://www.gov.uk/government/publications/whistleblowing-guidance-and-code-of-practice-for-employers

1.1 Aims and Scope of this Policy

This policy aims to:

- provide avenues for employees ('you') to raise concerns.
- provide mechanisms for you to receive updates and feedback on any action taken.
- allow you to take the matter further if you are dissatisfied with the Trust's response.
- provide a mechanism for you to receive a written response detailing the outcome of the process.

This policy covers concerns that fall outside the scope of other procedures. It is not intended as recourse against financial or business decisions made by the Board of Trustees. Nor is it an alternative to well-established disciplinary or grievance procedures. It may, however, overlap with other polices for dealing with complaints.

Concerns raised under the Whistleblowing Policy should be about something that is in the public interest and is or may be:

- unlawful or a criminal offence.
- a breach of legal obligation (but not a personal contractual breach unless such breach involves a matter of public interest).
- a miscarriage of justice.
- mistreatment or abuse of a pupil/student or a member of the public for whom the school has a responsibility.
- in disregard of legislation governing health and safety at work.
- seeking undue favour over a contractual matter or a job application; or against the Trust's Financial Regulations.
- has led to or could lead to a damage to the environment; and / or
- deliberately covers up information tending to show any of the above.

1.2 Safeguards

1.2.1 Harassment or Victimisation

The Board of Trustees recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The Trust will take action to protect you when you raise a concern in good faith. It will not tolerate any resulting harassment or victimisation (including informal or indirect pressures) and will treat this as a serious disciplinary offence which will be dealt with under the appropriate procedures.

Any investigation into an allegation of malpractice will not influence or be influenced by any disciplinary or redundancy procedures which already affect you. If allegations of malpractice arise during a disciplinary those allegations will be investigated at the same time as the disciplinary procedure.

1.2.2 Confidentiality

All concerns will be treated in confidence and the Board of Trustees will do its best to protect your identity if you do not want your name to be disclosed. If investigation of a concern discloses a situation which is sufficiently serious to warrant disciplinary action or police involvement, then your evidence may be important. Your name will not however be released as a possible witness until the reasons for its disclosure at this stage have been fully discussed with you.

1.2.3 Anonymous Allegations

This policy encourages you to put your name to your allegation. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of a Board of Trustees against the following criteria:

- the seriousness of the issues raised.
- the likelihood of confirming the allegation from attributable sources. • the Board of Trustees and the Trust's best interests; and
- the protection of the Trust's assets.

You should also bear in mind that if you do choose to raise a concern anonymously it will be more difficult for the matter to be investigated and for you to be provided with feedback.

1.2.4 Untrue Allegations

If you make an allegation in good faith but it is not confirmed by the investigation, no reprisals will be taken against you. If, however, you make malicious or vexatious allegations, disciplinary action may be taken against you.

2 PROCEDURE

2.1 How to Raise a Concern

Initially, you should raise your concerns by discussing the matter with the headteacher. If you are a member of a Trade Union or Professional Association you may consider it useful to contact them for advice at the earliest opportunity.

If the concerns involve an employee identified in this section or it is not appropriate due to the nature of your concerns, you should raise the concerns with the Chief Executive Officer (gary.chown@thsp.org.uk). If your concern is regarding the Chief Executive Officer, you should raise your concerns with the Board of Trustees, via the Company Secretary (cosec@thsp.org.uk).

Concerns can be raised orally but it is good practice for the concern to be recorded in writing at an early stage to ensure that all the details are correctly understood. A written allegation should set out the background and history of the concern (giving names, dates and places where possible) and the reason you are particularly concerned about the situation. It is preferable for you to record this in writing yourself. However, where the person to whom you voice your concerns writes these down, a copy will be sent to your home address or via your representative to give you an opportunity to agree this as a correct record. Although you are not expected to prove the truth of an allegation, you will need to demonstrate to the person contacted that there are sufficient grounds for your concern.

You may wish to seek advice from your trade union representative on how best to raise your concern. Where you wish to raise your concern anonymously this may be done through your trade union.

2.2 How the Trust will respond

The action taken by the Board of Trustees will depend on the nature of the concern. After initial enquiries to assess the seriousness, the matters raised may:

- Be investigated by the Trust / school leadership, internal audit or through the disciplinary process.
- Be referred to the Police.
- Be referred to external auditors.
- Need to be the subject of a referral to the Teaching Regulation Agency; and / or
- Form the subject of an independent enquiry.

If urgent action is required in response to a concern this may be taken before a full investigation is conducted.

Some concerns may be resolved by action agreed with you without the need for investigation or it may be that an investigation can be completed without the person(s) under investigation being aware of the process.

In any event within five working days of a concern being received, the person who you raised the concern to in Section
2 will write to you at your home address to:

- acknowledge that the concern has been received.
- indicate how it proposes to deal with the matter.
- give an estimate of how long it will take to provide a final response.
- tell you whether any initial enquiries have been made.
- tell you whether further investigation will take place, and if not, why not; and
- where appropriate, name an independent Support Officer to support you during any investigation.

Following discussion with you, where it is felt appropriate to appoint a Support Officer, that person will make contact with you, deal with all confidentiality issues, agree frequency of contact and explain their role to you, which is to:

- keep you informed about the progress of the investigation.
- inform the Investigating Officer of any further issues you may have.
- raise any concerns you may have about the conduct of the investigation.
- take appropriate steps to support you in the workplace; and
- support you if you are required to give evidence at any criminal or disciplinary proceedings that arise from your concern.

If you wish to retain your anonymity you will need to nominate a representative and/or a contact address where correspondence may be directed in order to keep you informed.

The amount of contact between Investigating Officers and you 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.

When any meeting is arranged, you have the right, if you so wish, to be accompanied by a trade union or professional association representative or a friend (who need not be associated with the Trust).

The Board of Trustees accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will receive information about the outcome of any investigations and/or proceedings.

2.3 Detriment

The Board of Trustees are committed to ensuring that an employee who makes an allegation in good faith suffers no detriment from doing so.

2.4 How the matter can be taken further

This policy is intended to provide you with a way to raise concerns within the Trust. The Board of Trustees hope you will be satisfied by the response. If you are not, you contact the Company Secretary (cosec@thsp.org.uk);

Alternatively, you may feel it is right to take the matter outside the Trust and if so, the following are possible contact points:

- relevant professional bodies or regulatory organisations.
- your trade union or professional association.
- your solicitor or legal adviser.
- the Police.
- the Health and Safety Executive.
- 'Protect' (previously 'Public Concern at Work') – Registered Charity https://protect-advice.org.uk/The Department of Education.
- Local Citizens Advice Bureau; and / or
- If the matter is taken outside the Trust, individuals should ensure that they do not disclose confidential information.

3 THE RESPONSIBLE OFFICER

The Chief Executive Officer has overall responsibility for the maintenance and operation of this policy. It is within the Chief Executive Officer's duty to ensure that The Harbour Schools Partnership acts lawfully, and he/she will maintain a record of all concerns raised under this policy and the outcomes of any investigations (but in a form which does not endanger your confidentiality) and report as necessary to the Board of Trustees where appropriate.

APPENDIX 1: POLICY HISTORY

Version / Date	Summary of Change	Review Date	Lead Author
001/Mar 2018		March 2018	Updated by SL -Nov 17 Contact: SS
16.11.20	**Section 1** Reference added to i) Academies Financial Handbook and ii) Government guidance on whistleblowing. **Section 2.1** Clarity on who to raise a concern with, together with contact details (email addresses)	Nov 2020	Updated by SS – Nov 20 Contact: SS
31.10.22	Section 1 - Updated link to Academies Financial Handbook Section 2.4 – 'Protect' is the new name for the 'Public at Work Concern' charity	Dec 2024	Updated by SS – Dec 22 Contact: SS

6.11.24	Minor amendments and updated link to Academies Financial Handbook	Dec 2026	SS, HRBP
1st April 25	Updated to reflect name change on merger. Section 2.1 reference to ELT removed to reflect new structure Section 2.4 reference to ELT removed	April 2027	JD People Lead