



Confidential Reporting (Whistleblowing)

Reviewed May 2015

## **1. INTRODUCTION**

Employees are often the first to realise that there may be something seriously wrong within an organisation. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the employer. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.

The Beckfoot and Hazelbeck Trust (Trust) is committed to the highest possible standards of openness, probity and accountability. In line with Best Value principles the Trust is also committed to improving the performance of all its functions. The trust expects its employees, and its contractors' employees, who have serious concerns about any aspect of the Trust's work to raise those concerns. The Trust accepts that employees may prefer to do this in a confidential way that avoids any public disclosure of their identity.

This Code makes it clear that employees can do so without fear of victimisation, subsequent discrimination or disadvantage. The Code is intended to encourage and enable employees to raise serious concerns within the Trust rather than overlooking a problem or reporting it outside.

The Code applies to all employees of the Trust and to persons employed by bodies in a contractual relationship with the Trust undertaking Trust functions or providing goods or services to the Trust.

## **AIMS AND SCOPE**

As an employee of the Trust this Code aims to:

- Encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice.
- Provide a way for you to raise those concerns and to be told of any action taken.
- Ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied.
- Reassure you that you will be protected from possible reprisal or victimisation if you have a reasonable belief that you have made any disclosure in good faith.

This Code is intended to deal with concerns not coming within the Employee Complaints Procedure, for example:

- Conduct which is an offence or a breach of law.
- Disclosures related to miscarriages of justice.
- Health and safety risks, including risks to the public as well as other employees.
- Damage to the environment.
- The unauthorised use of public funds.
- Possible fraud and corruption.
- Sexual or physical abuse of clients.
- Other unethical conduct.

Any serious concerns you have about any aspect of service provision, the conduct of employees or members of the Trust, or others acting on behalf of the Trust can be reported under this Code. This may be about something that:

- Makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the Trust subscribes to.
- Is against the Trust's policies.
- Falls below established standards of practice, or
- Amounts to improper conduct.

### **SAFEGUARDS Harassment or Victimisation**

- The Trust is committed to good practice and high standards and wants to be supportive of employees.
- The Trust recognises that the decision to report a concern can be a difficult one to make. If what you are saying is true, you should have nothing to fear because you will be doing your duty to your employer and those for whom you are providing a service.
- The Trust will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith.

### **CONFIDENTIALITY**

A concern reported under this Code will be treated confidentially. Unless you agree, your identity will not be disclosed by the Trust in dealing with your concern within this Code. In the event of a concern disclosing alleged criminal activity, you may be asked to help the police or other appropriate enforcement agency. In the event of disciplinary action taken by the Trust you may be asked to give evidence under the disciplinary procedure.

### **ANONYMOUS ALLEGATIONS**

This Code encourages you to put your name to your allegations whenever possible.

Concerns expressed anonymously will be considered at the discretion of the Trust.

In exercising this discretion the factors to be taken into account include:

- The seriousness of the issues raised.
- The credibility of the concern.
- The likelihood of confirming the allegation from attributable sources.

### **UNTRUE ALLEGATIONS**

If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

### **HOW TO RAISE A CONCERN**

As a first step, you should normally raise concerns with your immediate manager or their supervisor. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that senior management are involved, you should approach the Headteacher (Trust CEO) or the Operations and Finance Director. If you would prefer to raise the

concern with a Director of the company that is not also a member of the school staff you should contact the Trust's Responsible Officer.

Concerns may be raised verbally or in writing. Staff who wish to make a written report are invited to use the following format:

- The background and history of the concern (giving relevant dates).
- The reason why you are particularly concerned about the situation.

The earlier you express the concern the easier it is to take action.

Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.

Advice/guidance on how to pursue matters of concern may be obtained from any of the people listed in Appendix A.

You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.

You may invite your trade union representative, or a work colleague, to be present during any meetings or interviews in connection with the concerns you have raised.

### **HOW THE TRUST WILL RESPOND**

Initially all concerns raised under this Code will be referred to the Headteacher (Chief Executive of the Trust), who will determine in conjunction with the Trust's Responsible Officer whether the matters raised should:

- Be investigated by management, the Trust's internal audit function, or through the disciplinary process.
- Be referred to the police.
- Be referred to the Trust's external auditor.
- Form the subject of an independent inquiry.

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

Some concerns may be resolved by Trust action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

Within ten working days of a concern being referred to the Headteacher (CEO) or Responsible Officer, s/he will write to you:

- Acknowledging that the concern has been received.
- Indicating how the matter is to be dealt with.
- Giving an estimate of how long it will take to provide a final response, telling you whether any initial enquiries have been made.

- Telling you whether further investigations will take place and if not, why not.

The amount of contact between the staff considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Trust will seek further information from you.

Where any meeting is arranged, off-site if you so wish, your trade union representative or a work colleague can accompany you.

The Trust will take steps to minimise any difficulties that you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings the Trust will arrange for you to receive advice about the procedure.

The Trust accepts that you need to be assured that the matter has been properly addressed. The Headteacher (CEO) or Responsible Officer, subject to any legal constraints, will inform you of the outcome of any investigation.

### **THE RESPONSIBLE OFFICER**

The Responsible Officer, has overall responsibility for the implementation of this Code. That officer maintains a record of concerns raised and the outcome and will report to the Audit Committee of the Trust on the operation of this Code.

### **HOW THE MATTER CAN BE TAKEN FURTHER**

This Code is intended to provide you with a way within the Trust to raise concerns. The Trust hopes you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside the Trust, the following are possible contact points:

- Education Funding Agency (Responsible for monitoring Academy Trust financial probity for the Government)
- The Audit Commission (confidential reporting for suspected fraud)
- Your trade union
- Your local Citizens Advice Bureau
- Relevant professional bodies or regulatory organisations
- A relevant voluntary organisation
- The police

If you do take the matter outside the trust, you should ensure that you do not disclose confidential information to any person who is not authorised to receive it.

An untrue allegation that a person has committed a criminal offence may be defamatory. Concerns raised within the Trust under this Code will normally be protected by qualified privilege as a defence to defamation proceedings unless made maliciously.