

Confidential Reporting Policy (Whistleblowing)



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1. INTRODUCTION

- 1.1 The Trust (Oakwood High School, Sitwell Junior School and Thomas Rotherham College) is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees, and others that we deal with, who have serious concerns about any aspect of the Trust's work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.
- 1.2 Employees are often the first to realise that there may be something seriously wrong within the Trust and have a duty to report such matters. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Trust. They may also fear harassment or victimisation. However, employees should not simply ignore their concerns.
- 1.3 This policy document makes it clear that employees can come forward and express their concerns without fear of victimisation, subsequent discrimination or disadvantage. This Confidential Reporting policy is intended to encourage and enable employees to raise serious concerns **within** the Trust rather than overlooking a problem or "blowing the whistle" outside.
- 1.4 Managers should take in to account the translation and interpretation needs of the individual.
- 1.5 The policy applies to all employees and those contractors working for the Trust on Trust premises, for example, agency staff, builders, drivers. It also covers suppliers and those providing services under a contract with the Trust.
- 1.6 These procedures are in addition to the Trust's complaints and grievance procedures and other statutory reporting procedures, for example, safeguarding / allegations of abuse against staff.
- 1.7 This policy will be made available via our website for interested parties including relevant trade unions/professional associations.

2. AIMS AND SCOPE OF THIS POLICY

- 2.1 This policy aims to:
 - encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice
 - provide avenues for you to raise those concerns and receive feedback on 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 reprisals or victimisation if you have a reasonable belief that you have made any disclosure in good faith.
- 2.2 There are existing procedures in place to enable you to lodge a grievance relating to your own employment including any breach of the Trust's Equal Opportunities Policies or bullying and harassment. The Confidential Reporting Code is intended to cover major concerns that fall outside the scope of other procedures. These include:

- a criminal offence has been committed, is being committed or is likely to be committed (child protection issues including allegations of sexual or physical abuse of children and adults will be referred to Rotherham LADO for investigation in line with the Trusts safeguarding policy)
- a person has failed, is failing or is likely to fail to comply with any legal obligation to which he or she is subject
- disclosures relating 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 (see the Trust's policy statement on fraud)
- other unethical conduct (employees should make themselves familiar with the Trust Code of Conduct for staff)
- Data Breach (employees can routinely report Data Breaches to their Headteacher, Principal or the Director of Corporate Services, but can, where they feel it is appropriate, report breaches under this policy).

2.3 Thus, any serious concerns that you have about any aspect of service provision or the conduct of officers or members of the Trust or others acting on behalf of the Trust can be reported under the Confidential Reporting Policy. 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; or
- is against the Trust's Standing Orders and policies; or
- falls below established standards of practice; or
- amounts to improper conduct.

3. ANONYMOUS ALLEGATIONS

3.1 This policy encourages you to put your name to your allegation whenever possible.

3.2 Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Trust.

3.3 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 confirming the allegation from attributable sources.

3.4 Clearly, the Trust cannot provide a response to anonymous allegations. However, this does not mean they will not be investigated.

4. CONFIDENTIALITY

4.1 All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At the appropriate time, however, you may need to come forward as a witness.

5. SAFEGUARDS

5.1 Harassment or Victimisation

- 5.2 The Trust is committed to good practice and high standards and wants to be supportive of employees.
- 5.3 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.
- 5.4 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.
- 5.5 Any investigation into allegations of potential malpractice will not influence or be influenced by any other employment procedures that already affect you.
- 5.6 The Public Interest Disclosure Act 1998 gives legal protection to employees who disclose information, in good faith, about alleged wrongdoing.

6. UNTRUE ALLEGATIONS

- 6.1 If you make an allegation in good faith and with reasonable belief, 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.

7. HOW TO RAISE A CONCERN

- 7.1 Should staff have concerns relating to any issue as outlined in Section 2.2 of this policy you should raise your concern with the Headteacher / Head of School / Principal of your Academy. If the concern is about the Headteacher / Head of School / Principal of your Academy you need to raise your concern with the Chair of your Local Governing Body; they are as follows:

- Oakwood High School: Tracey Gammons, t.gammons@inspiretrust.uk
- Sitwell Junior School: Peter Sheldon, p.sheldon@inspiretrust.uk
- Thomas Rotherham College: David Roche, d.roche@inspiretrust.uk

If the concern is about the CEO of the Trust you need to raise your concern with the Chair of Trust: Paul Jagger: p.jagger@inspiretrust.uk

- 7.2 Please remember that this policy covers the concerns listed in section 2.2, issues relating to your employment need to be addressed via the Grievance Policy. Concerns may be raised verbally or in writing. Employees who wish to make a written report are invited to use the following format:

- please mark envelope “to be opened by addressee only”
- the background and history of the concern (giving relevant dates);

- you will need to provide details that demonstrate the grounds for your concern
- the reason why you are particularly concerned about the situation.

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

7.4 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.

7.5 You can obtain advice/guidance on how to pursue matters of concern from your line manager or any member of the Senior Leadership Team (unless your concern is about one or more of these staff).

7.6 You may wish to consider discussing your concern with a colleague or your trade union 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.

7.7 You may invite your trade union, professional association representative or a friend to be present during any meetings or interviews in connection with the concerns you have raised however, you must be able to answer any questions relating to your allegation yourself and the Trust will always address correspondence relating to your complaint to you.

8. HOW THE TRUST WILL RESPOND

8.1 The Trust will respond to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them.

8.2 Where appropriate, the matters raised may:

- be investigated by a member of the Academy senior leadership team, or Trust OEE (Operations and Education Executive); or if the issue relates to the CEO – Governors / Trustees. The issue may be referred to either the grievance or disciplinary procedures
- be investigated by Rotherham Safeguarding Unit if the issues relates to child protection
- be referred to the police or the Trusts legal advisors
- be referred to the external auditor
- be referred to the Education Funding Agency
- form the subject of an independent inquiry

8.3 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. The overriding principle which the Trust will have in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example, child protection issues) will normally be referred for consideration under those procedures.

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

- 8.5 Within ten working days of a concern being raised, the person to whom it is expressed will write to you:
- acknowledging that the concern has been received
 - indicating how we propose to deal with the matter
 - giving an estimate of how long it will take to provide a final response
 - telling you whether any initial enquiries have been made
 - supplying you with information on staff support mechanisms, and
 - telling you whether further investigations will take place and if not, why not.
- 8.6 The amount of contact between the officers 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.
- 8.7 Where any meeting is arranged, off-site if you so wish, you can be accompanied by a union or professional association representative or a friend.
- 8.8 The Trust will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal, disciplinary or other proceedings the Trust will arrange for you to receive advice about the procedure.
- 8.9 The Trust accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will keep you informed of developments every twenty-eight days and the outcome of any investigation.

9. HOW THE MATTER CAN BE TAKEN FURTHER

- 9.1 This policy is intended to provide you with an avenue within the Trust to raise concerns. The Trust hopes you will be satisfied with any action taken.
- 9.2 If you are not, then you can request that the issue is referred to the CEO for consideration.
- 9.3 If you are not satisfied at the end of the CEO review you can request that the issue is referred to a Trust Governor Panel.
- 9.4 If, having exhausted all internal processes, you feel it is necessary to take the matter outside the Trust, the following are possible contact points:
- the schools auditors (FAO Philip Allsop, Barber Harrison, 2 Rutland Park, Sheffield, S10 2PD)
 - your trade union
 - your local Citizens Advice Bureau
 - The Education Funding Agency
 - Rotherham Borough Councils Safeguarding Unit (Sherran Finney 01709 822690)
 - relevant professional bodies or regulatory organisations
 - a relevant voluntary organisation
 - the police

10.2 You are advised that disclosure to the press is not encouraged and will not normally be legally protected.

11 THE CHIEF EXECUTIVE OFFICER (CEO)

11.1 The CEO of the Trust; David Naisbitt, has overall responsibility for the maintenance and operation of this policy. The CEO maintains a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the Trust. All instances of Whistleblowing must be reported by the Academy Head to the CEO.

Policy Review Frequency	2 years
Policy to be approved by	Trust Board
Date of Review	5 March 2020
Approved by Chair	
Next Review	March 2022
Lead Professional / External Review	Eileen Whitehouse, Director of Corporate Service
Communication	Staff Handbook and policy acceptance, website
Document Location	Staff Handbook, Policy Acceptance, Every Compliance System, Website
PA/HR Officer	Leah

ANTI-FRAUD STRATEGY; STATEMENT AND PROCEDURES

The Trust is committed to the proper accountability of public funds and condemns all actions that are of a fraudulent and corrupt nature. As part of this commitment to public accountability the Trust expects that:-

1. Members, Trustees and Governors

Shall fulfil their duties in accordance with the requirements of “the Trust’s Code of Conduct”.

2. Employees

Act in accordance with the Code of Conduct and other professional standards as issued to employees at commencement of employment.

Request permission to undertake and declare to the Headteacher any other form of employment in addition to their function within the Trust. The details are to be entered in the “Register of Business and Pecuniary Interests” declared by employees, copies of which are held by the Director of Human Resources and Professional Support.

3. Accounting Officer (Chief Executive Officer)

Should ensure that all the academy trust’s property is under the control of the trustees, and measures are in place to prevent losses or misuse, including maintenance of fixed asset registers.

4. Education Funding Agency

The trust **must** notify EFA, as soon as is operationally practical based on its particular circumstances, of any instances of fraud or theft exceeding £5,000 individually, or £5,000 cumulatively in any academy financial year. Any unusual or systematic fraud, regardless of value, **must** also be reported. The following information is required:

- full details of the event(s) with dates;
- the financial value of the loss

measures taken by the trust to prevent recurrence;

- whether the matter was referred to the police (and why if not); and
- whether insurance cover or the risk protection arrangements have offset any loss.

5. Members, Trustees, Governors and Employees

Protect public interest and confidence as the over-riding factor when decisions are to be made in relation to matters that involve an element of private interest. Where doubt exists over the correct procedure, advice should be sought from the Accounting Officer.

When making decisions regarding appointments or recommending individuals for awards or benefits, both monetary and otherwise, that the decision taken is based purely on merit in accordance with defined guidelines.

Be accountable to the public for their decisions and actions including subjecting themselves to whatever scrutiny is appropriate to their office. To openly give reasons for their decisions and actions except in cases where the wider public interest requires a restriction of such

information.

Declare any private interest (including the interests of relatives and close friends who may benefit) which is relevant to their public duties by making an appropriate entry in the Register Business and Pecuniary Interests. Private interest is defined as both of a monetary and non-monetary nature, where the interest might be perceived by the public to influence the decision making process.

Make decisions solely in pursuance of the Trust's statutory functions and declared policies at the exclusion of private and personal interest.

Comply with the Financial Regulations and the Standing Orders of the Trust at all times.

Award contracts in accordance with the Trust's Financial Regulations and Standing Orders and that successful tenders are selected in accordance with defined guidelines relating to the evaluation of contracts.

Avoid placing themselves under any obligation to external individuals or organisations that may influence, or be perceived to influence them, in the performance of their duties.

Accept offers of hospitality and gifts only in cases where it can be readily justified on the basis that by accepting the offer the Trust will derive direct benefit from such actions. All offers of hospitality and gifts that are accepted must be entered in the Register of Gifts, Legacies and Hospitality.