

## DUDLEY ACADEMIESTRUST

### Whistleblowing Policy (Confidential Reporting)

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Responsible:	Compliance & Safeguarding Officer
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## Introduction

This policy applies to all employees and those contractors working for Dudley Academies Trust such as agency staff, builders, drivers. It also covers members of the public, suppliers and those providing a service under a contract with the Trust in their own premises.

The definition of 'whistleblowing' is the reporting by employees or ex-employees, contractors, volunteers or outside agencies of serious wrongdoing, such as fraud, malpractice, mismanagement, breach of health and safety law, or any other illegal or unethical act on the part of either the Trust, management, the Local Advisory Board or fellow employees.

Dudley Academies Trust is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, we expect employees, and others that deal with the Trust, who have serious concerns about any aspect of the work of the Trust and its Academies within the Trust to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.

Employees are often the first to realise that there may be something seriously wrong within the Trust. They may not; however, 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 reprimand, getting it wrong or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice

This policy document makes it clear that employees can do so without fear of victimisation, subsequent discrimination or disadvantage. This confidential reporting policy is intended to encourage and enable employees to raise serious concerns within Dudley Academies Trust rather than overlooking a problem or "blowing the whistle" outside of the Trust.

These procedures are in addition to Dudley Academies Trust complaints procedures and other statutory reporting procedures. All employees are responsible for making service users aware of the existence of these procedures.

All concerns will be listened to and taken seriously by the Trust. If you are in any doubt as to whether a concern is valid, you should report it, and the Trust can decide to what extent it needs to be investigated.

## Aims and Scope of This Policy

This policy aims to

- encourage employees and contractors to feel confident in raising serious concerns and to question and act upon concerns about practice
- provide avenues for employees and contractors to raise those concerns and receive feedback on any action taken
- ensure that a response is received to any concerns raised and that they are aware of how to pursue them if they are not satisfied
- reassure all employees and contractors that they will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made any disclosure in good faith

There are existing procedures in place to enable a grievance to be lodged relating to your own employment and or if you have concerns about another member of staff. There will be specific HR policies and procedures that will need to be referred to.

Protect (formerly Public Concern at Work) has:

- [Further guidance](#) on the difference between a whistle-blowing concern and a grievance that staff may find useful if unsure.
- A free and confidential [advice line](#).

This Whistleblowing policy is intended to cover major concerns that fall outside the scope of other procedures. These include:

- 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, or
- other unethical conduct

Thus, any serious concerns that you have about any aspect of service provision or the conduct of officers or members of Dudley Academies Trust or others acting on behalf of the Trust can be reported under the Whistleblowing policy. This may be about something that:

- makes you feel uncomfortable in terms of known standards, your experience or the standards you believe Dudley Academies Trust subscribes to; or
- is against Dudley Academies Trust's, financial regulations and policies; or
- Falls below established standards of practice; or
- Amounts to improper conduct.
- Amounts to a failure to comply with the Department for Education regulations
- Amounts to a failure to comply with the Trust and individual academies funding agreements

This policy does not replace Dudley Academies Trust complaints procedure.

## Legislation

The requirement to have clear whistle-blowing procedures in place is set out in the [Academies Financial Handbook](#).

This policy has been written in line with the above document, as well as [government guidance on whistle-blowing](#). We also take into account the [Public Interest Disclosure Act 1998](#).

This policy complies with our funding agreement and articles of association.

## **Safeguards**

Dudley Academies Trust is committed to good practice and high standards and wants to be supportive of employees and contractors

Dudley Academies Trust recognises that the decision to report a concern can be a difficult one to make. If what you are saying is true, or if you have reasonable grounds for believing that it 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.

Dudley Academies 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.

Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that may already affect you.

## **Confidentiality**

All concerns will be treated in confidence, and the Trust is committed to protecting the identity of whistle-blowers as far as is possible. However, in some circumstances it may not be possible to do this, for example: if it will prevent a thorough investigation taking place; if there is reason to reveal the name by law; if the whistle-blower has to give evidence at any hearings.

In cases where identities are revealed for whatever reason, Dudley Academies Trust will do its best to support all parties involved and protect them from discrimination and victimisation.

Confidentiality is a priority throughout any investigation, and continues to be once the investigation is over, and we urge staff to closely follow all guidelines relating to confidentiality. Any member of staff that has acted knowingly against this, or revealed confidential information unnecessarily or for vexatious reasons, may face disciplinary action.

## **Anonymous Allegations**

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

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

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

## **Malicious or Vexatious 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.

## How to Raise a Concern

As a first step, you should normally raise concerns with your immediate Line Manager or Principal. 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 management is involved, you should approach the HR Officer or CEO of the Trust.

Concerns may be raised verbally or in writing. Employees and contractors who wish to make a written report are invited to provide the following information:

- the background and history of the concern (giving relevant dates);
- the reason why you are particularly concerned about the situation
- You should also, as far as possible, provide evidence to support your concern.

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.

Not all concerns about the Trust count as whistle-blowing. For example, personal staff grievances such as bullying or harassment do not usually count as whistle-blowing. If something affects a staff member as an individual, or relates to an individual employment contract, this is likely a grievance. Employees are expected to have used any relevant HR policies where they are deemed appropriate.

Advice and guidance on how matters of concern may be pursued can be obtained from either the CEO of the Trust or the HR Officer as detailed below. Alternative communication can be made to the Trust's Internal or External Auditors or the Education and Skills Funding Agency. There is also a charity called "[Protect](#)" which can provide free confidential advice on how an issue should be dealt with. Their telephone number is 0203 117 2520.

Dudley Council has no legal power to investigate a disclosure made in respect of Academies and will contact the whistle-blower to discuss whether to refer or not the disclosure to the Education and Skills Funding Agency.

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, professional association representative or a friend to be present during any meetings or interviews in connection with the concerns you have raised.

## How Dudley Academies Trust Will Respond

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

Where appropriate, the matters raised may be subject to one of the following;

- an investigation by managers, internal audit, or through the disciplinary process.
- an investigation under other procedures such as child/adult protection.

- an investigation under procedures designed to deal with allegations made against professionals.
- a referral to the police.
- a referral to the external auditor or other external investigation.
- an investigation under other forms of prosecution and inspection such as the protection of public health and safety.
- a referral to an independent investigator.

Any concerns that fall under specific procedures will be followed up as described in their specific policy, e.g., child protection and safeguarding issues will be followed up as described in the academy's safeguarding policy.

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 Dudley Academies Trust will have in mind, is the public interest. 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 agreed 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 raised, the Officer responsible 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.

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, Dudley Academies Trust will seek further information from you.

Where any meeting is arranged, on or off-site if you so wish, you can be accompanied by a union or professional association representative or a friend.

Dudley Academies 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 or disciplinary proceedings Dudley Academies Trust will arrange for you to receive advice about the procedure.

Dudley Academies Trust accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform you of the outcome of any investigation.

## **The Responsible Body and Officer**

The Board of Trustees has overall responsibility for the maintenance and operation of this policy.

The Head of Human Resources, on behalf of the Trustees will retain a record of concerns raised and the outcomes (but in a form which does not endanger confidentiality) and will report as necessary.

The person who receives the report, whether it is the Trust Board, CEO or other senior member of staff, must act on the concern fully. If there is a good reason not to, this will be explained at the next Trust meeting and reported back to the whistle-blower.

The CEO or Chairperson of the Trust will decide whether any external authorities need to be reported to on the matter, or whether it is a case for internal investigation.

The decision and progress of the case will be reported back to the leadership member involved, and they will report this to the whistle-blower.

## **Escalating Concerns Beyond the Trust**

This policy is intended to provide you with an avenue within Dudley Academies Trust to raise concerns. Dudley Academies 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 beyond the Trust, the following are possible contact points:

- The designated independent organisation ‘Protect’ (formerly Public Concern at Work);
- The external auditor;
- your trade union;
- your local Citizens Advice Bureau;
- relevant professional bodies or regulatory organisation;
- a relevant voluntary organisation;
- the Police.

A list of prescribed bodies to whom staff can raise concerns with is included [here](#).

If you do feel the need to report concerns to an external body, you should ensure that you do not disclose confidential information. If you are unsure about what information is confidential then please seek advice from the Compliance and Safeguarding Officer within the Trust or the Information Commissioner’s office.

## **Main Points of Access**

### **Contacts Within the Trust**

#### **Trust Head Office**

CEO: Jo Higgins

Email: [Jo.Higgins@dudleycol.ac.uk](mailto:Jo.Higgins@dudleycol.ac.uk)

Telephone: 01384 363140

### **Head of Human Resources**

Kathryn Jones

Email: [kathryn.jones@dudleycol.ac.uk](mailto:kathryn.jones@dudleycol.ac.uk)

Telephone: 01384 363062

### **Compliance & Safeguarding Officer**

Rebecca Meacham

Email: [Rebecca.meacham@dudleycol.ac.uk](mailto:Rebecca.meacham@dudleycol.ac.uk)

Telephone: 01384 363158

## **External Contacts**

### **Acas**

Telephone: 0300 123 1100

### **Protect**

Telephone:

Protect Advice Line: 020 3117 2520 (\*option 1)

Business Support: 020 3117 2520 (\*option 2)

Email:

Protect Advice Line: [whistle@protect-advice.org.uk](mailto:whistle@protect-advice.org.uk)

Media enquiries: [press@protect-advice.org.uk](mailto:press@protect-advice.org.uk)

Business support services: [business@protect-advice.org.uk](mailto:business@protect-advice.org.uk)

### **Education and Skills Funding Agency**

Ministerial and Public Communications Division

Department for Education

Piccadilly Gate

Store Street

Manchester

M1 2WD

### **National Audit Office**

Telephone:

Whistleblowing enquiries: 020 7798 7999

General Fraud and Corruption enquiries: 020 7798 7264

Or write to:

The Comptroller and Auditor General

National Audit Office

157-197 Buckingham Palace Road

London SW1W 9SP

### **External Auditors**

#### **Crowe UK LLP**

Black Country House

Rounds Green Round

Oldbury  
West Midlands  
B69 2DG

**Internal Auditors**

**Haines Watts**

Sterling House  
97 Lichfield Street  
Tamworth  
Staffordshire