



Introduction

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

Community Inclusive Trust (CIT) is committed to the highest possible standards of conduct, openness, honesty and accountability. In line with that commitment, CIT will encourage anyone with serious concerns about any aspect of the organisations work to come forward and voice those concerns. In return CIT will provide a structure, which is safe and acceptable, recognising that certain cases will have to proceed on a confidential basis.

This Confidential Reporting Code has been agreed to maintain and improve standards across the CIT as a corporate organisation. It is an overarching document for other procedures on complaints, grievances and standards across the CIT.

This policy document is intended to encourage and enable anyone who works for or on behalf of CIT to raise serious concerns within CIT rather than overlooking a problem and to make it clear that reporting will happen without fear of reprisal.

This Policy provides for the following stakeholders to raise concerns arising from reasonable suspicion of malpractice within or relating to CIT:

- Employees, school governors, trustees, members, partners and those contractors working for the CIT on CIT premises, e.g. agency staff, builders, and drivers. It also covers suppliers and those providing services under a contract with CIT.

CIT encourages its partners and contractors to operate within their own ethical framework, which would be expected to be comparable to that of CIT.

Aims and scope of this code

This Code aims to:

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- encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice
- provide avenues for you to raise concerns and receive feedback on any action taken
- allow you to take the matter further if you are dissatisfied with CIT's response; and
- reassure you that CIT will seek to protect you from reprisals, or victimisation for raising concerns in good faith.

Examples of issues which might be raised, would include:

- conduct which is an offence or a breach of law
- disclosures related to miscarriage 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 or corruption
- sexual or physical abuse of clients
- unethical conduct

Or it may be something that:

- makes you feel uncomfortable in terms of known standards
- is against CIT's Standing Orders or policies
- is unlawful
- amounts to improper conduct

The Code will come into immediate effect regardless of the date when any reported incident occurred.

This policy is not intended to replace other established policies. The key policy that interrelates to the confidential reporting policy is the Grievance Policy.

The Grievance Policy enables concerns to be raised by employees about their work, working environment or working relationships. Some common areas that may give rise to a grievance involve terms and conditions of employment, relationships at work (including any type of harassment and bullying), new working practices, organisational change and fair treatment.

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The harassment procedure defines harassment in the following way:

Harassment is when someone considers that they have been treated in a way that is detrimental to their dignity at work. Essentially it is treatment that someone finds unreasonable and unwelcome and which causes intimidation and offence. Although it may involve overt abuse of power, bullying, coercion or violence, it can also appear in more subtle forms and can be unintentional.

Safeguards

It is understandable that whistle-blowers are sometimes worried about possible repercussions. CIT aims to encourage openness and will support staff who raise genuine concerns under this policy, even if they turn out to be mistaken.

Staff must not suffer any detrimental treatment as a result of raising a concern. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If a member of staff believes that he or she has suffered any such treatment, he or she should inform the Senior Leader immediately. If the matter is not remedied the member of staff should raise it formally using the Grievance Policy and Procedure.

Staff must not threaten or retaliate against whistle-blowers in any way. Anyone involved in such conduct will be subject to disciplinary action.

Employee Support and Counselling

CIT will retain counselling support if this is deemed necessary.

Confidentiality

All concerns will be treated in confidence and every effort will be made not to reveal the whistle-blowers identity should they so wish. At an appropriate time however the whistle-blower may need to come forward as a witness and this will be fully discussed throughout the process. In very exceptional circumstances, for instance where life is threatened or ongoing child abuse is disclosed, appropriate disclosure will be made to the regulatory authorities.

Anonymous Allegations

This Code encourages complainants to put their name to their allegation, as it can be hard to obtain additional information if concerns are expressed anonymously. However, the absence of a name will not prevent an investigation taking place into the concern. The level of the investigation will be dependent on the seriousness of the issue raised, but it may be hindered if it is difficult to follow up the allegation or obtain more details.

Untrue Allegations

If an allegation is made in good faith, but it is not confirmed by the investigation, no action will be taken against the complainant. If, however, malicious or vexatious allegations or are motivated by personal gain, disciplinary action may be taken against the complainant.

How to raise a concern

As a first step, you should normally raise concerns with your immediate line manager or their superior. This depends, however, on the nature, seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. For example, if you believe that senior management is involved, you should approach the CEO, or where there is a belief that resources have been misused contact the Chair of the Trust Board.

Concerns are better raised in writing. You are invited to set out the background and history of the concern giving names, dates and places where possible, and the reason why you are particularly concerned about the situation.

If you do not feel able to put your concern in writing, or wish to talk to someone then please arrange an appointment with your line manager/Chair of the Local Governing Body/CEO/Chair of Trust Board.

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

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 invite your trade union to raise a matter on your behalf.

If you feel you need to take advice before raising the concern you may contact the independent charity, Public Concern at Work. They provide free confidential legal advice on whistleblowing matters.

How will CIT respond?

The action taken by CIT will depend on the nature of the concern. The matters raised may be:

- investigated internally by management through the investigation process
- referred to the Police
- referred to the external auditor

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In order to protect individuals and CIT, 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 agreed action without the need for investigation.

Within 15 working days of a concern being received, CIT will contact you in writing or via email:

- 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 you whether any initial enquiries have been made and
- telling you whether further investigations will take place, and if not, why not.

The amount of contact between the managers 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, 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 union representative or a friend who is not involved in the area of work to which the concern relates.

CIT 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, CIT will advise you about the procedure.

CIT accepts that you need to be assured that the matter has been properly addressed and will aim to keep you informed of the progress of the investigation and likely timescale.

Where a case is investigated the detailed course of action will be determined by the investigator as appropriate in line with the steps set out above. They will decide whether to publish any details of the concern and any action plan. If details are published they will discuss this with you and seek to address any concerns you have about anonymity.

If you are not satisfied with the outcomes of the investigation then based on the detail of the concern you will be advised of further channels that you can use to raise your concern.

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In the case of allegations against the CEO/Senior Leadership, the Chair of Trust Board will determine the initial course of action. In the case of relevant allegations against elected members, the procedure will follow as documented within this policy.

Published: September 2018

Review Date: September 2019

