

Supporting you to do the right thing

CONFIDENTIAL REPORTING CODE

(Whistleblowing Policy)

July 2024 v 12



Sandwell

Children's Trust

Document Control

Revisions and approvals	Date
Revised Sandwell MBC Policy	March 2021
Draft presented to PIB	23 April 2021
Draft presented to EMT and approved with minor amendments	5 May 2021
Draft presented to ARC 22 June 2021 agreed to recommend to Board for approval with minor amendments	22 June 2021
Draft presented to Trust Board 27 July 2021 which contained amendments suggested by the ARC	27 July 2021
Trust Board approval received on 27 July 2021	27 July 2021
Unions sent a copy of the policy– deadline for feedback 6 August 2021	3 August 2021
Appendix 1 added to the document which includes contact details	6 August 2021
Annual review was undertaken by ARC on 23 June 2022. Policy was approved subject to minor amendments	July 2022
Trust Board approved the policy 27 September 2022	Sept 2022
Minor amends made - Annual review undertaken by ARC on 22 June 2023	June 2023
Trust Board approved the policy 25 July 2023	July 2023
Annual review to be considered by ARC on 19 June 2024	June 2024
Trust Board approved the policy 23 July 2024	July 2024

PREAMBLE

- 1.1. The policy applies to all permanent and short-term employees of the Trust. It also applies to secondees, external consultants, contractors and agency personnel working for the Trust. It also covers suppliers and those providing services under a contract with the Trust. It can also be used by members of the public wishing to raise concerns with the Trust.
- 1.2. If you are working with or assisting Sandwell schools, a specific Schools Confidential Reporting Code exists for you because of the special relationship that exists regarding Governing Bodies.
- 1.3. 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 victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 1.4. The Trust is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we would welcome and 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 anticipated that where possible cases will proceed on a confidential basis.
- 1.5. This policy document makes it clear that you can raise concerns without fear of victimisation, subsequent discrimination or disadvantage. This Confidential Reporting Code is intended to encourage and enable employees to raise serious concerns within the Trust rather than overlooking a problem.
- 1.6. These procedures are in addition to the Trust's complaints procedures and other statutory reporting procedures applying to some services. All employees are responsible for making service users aware of the existence of these procedures.

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. This Code is not intended to be used where other, more appropriate, procedures are available. If you are aggrieved about your personal position you will be directed to other policies. The Trust's Grievance Policy covers both individual and collective grievances relating to complaints about an action or actions taken or contemplated to be taken by the employer in relation to the employee/s and covers any discrimination, harassment or bullying allegations raised by employees. Policies are located on the Trust's Intranet Pages. If you are unable to locate a policy, please contact HRqueries_Childrenstrust@sandwell.gov.uk.

2.3. This Code covers complaints of misconduct against Board Members. If you wish to discuss allegations of this nature, please contact the Director of Resources (Company Secretary)

2.4. Whilst complaints of the nature described in 2.2 and 2.3 may be initially received under the Confidential Reporting Code, they are very likely to be progressed under other more suitable procedures as indicated above.

2.5. The Confidential Reporting 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 e.g. *negligence in service delivery or breach of contractual requirements such as those in the employee code of conduct*;

- Disclosures related to miscarriages of justice
e.g. false reporting or perjury;
- Health and safety risks, including risks to the public as well as other employees
e.g. failure to carry out risk assessments
- The unauthorised use of Trust funds
e.g. Private use of Trust vehicles;
- Possible fraud and corruption
e.g. false claims for overtime payments;
- Sexual or physical abuse of clients
e.g. violence; or
- Other unethical conduct
e.g. inappropriate receipts of gifts and hospitalities.

2.6. Thus, any serious concerns that you have about any aspect of service provision or the conduct of officers 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 financial regulations and policies; or
- Falls below established standards of practice; or
- Amounts to improper conduct.
- Breaches Trust procedures.
- Is in the Public interest.

2.7. This policy does not replace the corporate complaints procedure.

3. **SAFEGUARDS**

3.1. The Trust is committed to good practice and high standards and wants to be supportive of employees.

3.2. The Trust acknowledges that the decision to report a concern can be a difficult one to make. The Trust recognises the importance of reporting concerns, so you will be supported through the process. Please remember that you will be doing your duty to your employer and those for whom you are providing a service by reporting your concern.

- 3.3. 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.
- 3.4. Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you.

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. ANONYMOUS ALLEGATIONS

- 5.1. This policy encourages you to put your name to your allegation whenever possible but accepts that at times you may make the decision not to include your name.
- 5.2. Concerns expressed anonymously will be considered by the Trust.

6. UNTRUE ALLEGATIONS

- 6.1. If you make an allegation in the public interest, 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 As a first step, you should normally raise concerns with your immediate manager or their superior. Not every concern raised with managers will be treated as a confidential disclosure under this Code. Some concerns will be investigated and dealt with by managers under alternative policies and procedures e.g. disciplinary matters will be dealt with under the disciplinary procedure. If an allegation is reported to a manager and treated as a confidential report under this Code, that manager should report

details of the same to the Director of Resources. A decision will then be taken as to who will investigate the complaint and, where the manager carries out such investigation, information will be provided to the Director of Resources of any action undertaken.

7.2 Where matters are reported depends on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that a manager is involved you should approach the Director of Resources or in their absence the Head of HR to outline the concern. Some issues which arise in relation to performance of day-to-day duties may not be covered by the Code. However, where such concerns amount to substantive malpractice and/or inaction or “cover-up” by supervisors or managers, they will qualify for consideration under the Code. If the allegation relates to the Director of Resources either the Chief Executive or the Chair of the Trust Board should be contacted.

7.3 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.

You should also, as far as possible, provide evidence to support your concern.

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

7.5 Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that the disclosure was made in the reasonable belief that it was in the public interest

7.6 Advice and guidance on how matters of concern may be pursued can be obtained from the Director of Resources or the Head of HR,

7.7 If you feel unable or do not wish to discuss your concerns with a Trust Officer, you can contact Stephen Rimmer, Independent Non-Executive Director of Sandwell Children’s Trust Board. Alternatively, there is also a charity called “Public Concern at Work” which can provide free confidential advice on how an issue

should be dealt with. Their telephone number is 0207 404 6609. You may also wish to speak to your Trade Union representative.

- 7.8 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.
- 7.9 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.

8. HOW THE TRUST WILL RESPOND

- 8.1 All allegations of Whistleblowing are taken seriously. 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, upon receipt of a Whistleblowing complaint the Director of Resources / Head of HR may appoint an Investigatory Officer to investigate the matters raised, this may take the form of any of the following:
- Be investigated by a manager, internal audit, the Director of Resources or through existing Trust procedures such as the disciplinary process;
 - Be referred to the external auditor;
 - Form the subject of an independent inquiry.
- 8.3 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 or discrimination 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 may be taken before any investigation is conducted.

- 8.5 Within 10 working days of a concern being raised, your manager, the investigator or the Director of Resources 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. However, the investigating officer will be expected to keep you, an appropriate line manager and the Director of Resources informed of the progress of the matter on a monthly basis. If it is necessary to seek further information from you the investigating officer will do so without delay.
- 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 that you may experience because 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.
- 8.9 At the end of the investigatory process the Investigatory Officer will report their findings and recommendations to the Director of Resources (or alternative Accountable Officer). The Director of Resources will then make a decision based on the information available to them.
- 8.10 The Trust accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints and duties of confidentiality, we will inform you of the broad outcome of any investigation.

- 8.11 At the end of the investigation process you will be asked for feedback on the process the information you provide will be used to inform future revisions of the policy. A relevant manager will also be asked for such feedback.

9 THE RESPONSIBLE OFFICER

- 9.1 The Director of Resources has overall strategic responsibility for the maintenance and operation of this policy. That officer maintains a record of concerns raised and the outcomes. The record is maintained in a form, which does not endanger the confidentiality of the person raising the concern or indeed that of any person against whom action is taken as a result of the concern being raised or relevant regulators. The Director of Resources will report as necessary to the Trust in accordance with these principles on confidentiality.

10. HOW THE MATTER CAN BE TAKEN FURTHER

- 10.1 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. If you are not, and if you feel it is right to take the matter outside the Trust, the following are possible contact points:

- Sandwell MBC
- The designated independent organisation (Public Concern at Work – for details see paragraph 7.7 above);
- The external auditor;
- Your trade union;
- Your local Citizens Advice Bureau;
- Relevant professional bodies or regulatory organisations;
- A relevant voluntary organisation;
- The Police.

- 10.2 Employees who are concerned about wrongdoing or failures can make disclosures to a person or body, which has been prescribed by the Secretary of State for the purpose of receiving disclosures about the matters concerned. An employee making such a disclosure should ensure that he or she:

- is able to show that the disclosure was made in the reasonable belief that it was in the public interest;
- reasonably believes that the information, and any allegation it contains, are substantially true; and
- reasonably believes that the matter falls within the description of matters for which the person or body has been prescribed (for example, breaches of health and safety regulations can be brought to the attention of the Health and Safety Executive or appropriate local authority, or environmental dangers can be notified to the Environment Agency). Again, Public Concern at Work will be able to assist with details of the prescribed organisations and provide appropriate advice.

10.3 An employee who makes a disclosure about a relevant failure which is exceptionally serious will be protected if the employee:

- is able to show that the disclosure was made in the reasonable belief that it is in the public interest;
- reasonably believes that the information disclosed, and any allegation contained in it, are substantially true; and
- does not act for personal gain.

It must be reasonable for the employee to make the disclosure in view of all the circumstances, having regard in particular to the identity of the person to whom the disclosure is made.

Before making disclosures externally the employee must reasonably believe that the information shows one or more of the following matters is either happening now, took place in the past, or is likely to happen in the future:

- “• a criminal offence;
- the breach of a legal obligation;
- a miscarriage of justice;
- a danger to the health or safety of any individual;

- damage to the environment;
- deliberate covering up of information tending to show any of the above five matters.”

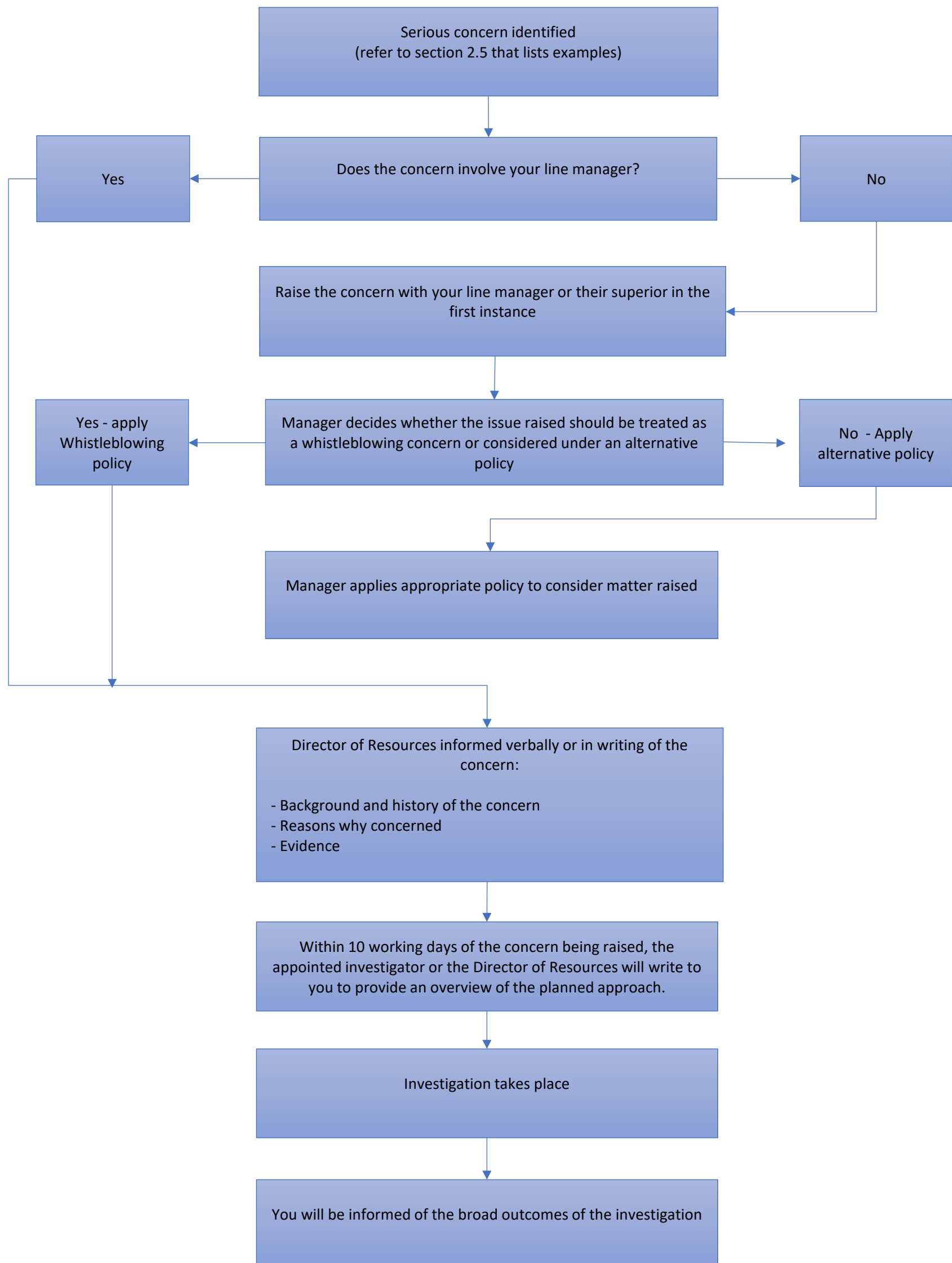
10.4 If you do take the matter outside the Trust, you should ensure that you do not disclose confidential information. If necessary, seek advice on this aspect.

Appendix 1 – Key Contacts

Position	Name	Contact Details
Director of Resources (Company Secretary)	Tara Malik	tara_malik@sandwellchildrenstrust.org
Head of HR	Chris Kent	chris_kent@sandwellchildrenstrust.org
Independent Non Executive Director	Stephen Rimmer	stephen_rimmer@sandwellchildrenstrust.org

Whistleblowing Overview

Appendix 2



*please note if the matter involves a Board Member the Director of Resources will inform the Chair of the Board and the Chair will lead the investigation