



# **ACET CONFIDENTIAL REPORTING CODE / WHISTLEBLOWING POLICY**

<b>PHASE</b>	<b>JUNIOR &amp; SECONDARY</b>
<b>POLICY LEAD</b>	<b>GEMMA SHORE (Senior HR Manager)</b>
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## **1. INTRODUCCION**

- 1.1** ACET 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 ACET'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 ACET. 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 / Whistleblowing Policy is intended to encourage and enable employees to raise serious concerns within ACET 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. This Code can be made available in other languages and formats on request.
- 1.5** The policy applies to all employees and all individuals working for ACET on ACET premises, for example, agency staff, sub-contracted kitchen/cleaning staff etc. It also covers suppliers and those providing services under a contract with ACET.
- 1.6** These procedures are in addition to ACET's complaints procedures and other statutory reporting procedures.

## **2. AIMS AND SCOPE OF THE 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 statutory 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:
  - Conduct which is an offence or a breach of the law
  - 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 (policy statement on fraud it in Appendix A)
- Sexual or physical abuse of clients, or
- Other unethical conduct.

**2.3** Thus, any serious concerns that you have about any aspect of ACET’s service provision, or the conduct or employees, governors, trustees or others acting on behalf of ACET 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 ACET subscribes to; or
- Is against Statutory or EFA 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 ACET

**3.3** In exercising this discretion, the factors to be taken into account would include:

- The seriousness of the issue raised;
- The credibility of the concern; and
- The likelihood of confirming the allegation from attributable sources.

### **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** ACET is committed to good practice and high standards and wants to be supportive of employees.

**5.2** ACET 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.

**5.3** Employees should make themselves familiar with the Code of Conduct.

**5.4** ACET 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** Named personnel for reporting concerns are:

- Gemma Shore (Senior HR Manager)
- Jane Ford (Trustee)

You can also raise concerns with:

- Rebecca Scutt (Acting Chief Executive Officer)
- John Barton (Chair of ACET)
- The Principal

Concerns may be raised verbally, via email or in writing. Employees who wish to make a written report should use the following format:

- Sealed envelope should be marked “to be opened by addressee only”
- Provide the background and history of the concern (including dates where relevant)
- The reason why you are concerned about the situation

To write to the named Trustee or Chair of the Trust, written reports should be submitted via:

The Clerk to Trustees,  
ACET House,  
66 Holderness Drive,  
Aston,  
Sheffield,  
South Yorkshire,  
S26 2BH.

- 7.2** The earlier you express your concern the easier it is to take action.
- 7.3** 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.
- 7.4** 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.
- 7.5** 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 ACET WILL RESPOND**

- 8.1** ACET will respond to your concerns. Remember that testing out your concerns is not the same as either accepting or rejecting them.

**8.2** Where appropriate, the matter raised may:

- Be investigated by managers, internal audit or through formal internal procedures (i.e. disciplinary or grievance procedures)
- Be referred to the police or other external agencies
- Be referred to an external auditor
- Form the subject of an independent enquiry

**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 ACET 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 a 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 the information on staff support mechanisms
- Telling you whether further investigations will take place and if not, why not.

**8.6** The amount of contact required between the investigating officers and you, will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, ACET 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** ACET 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 ACET will arrange for you to receive advice about the procedure.

**8.9** ACET 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. THE RESPONSIBLE OFFICER**

**9.1** The Chief Executive Officer has overall responsibility for the maintenance and operation of this policy. That officer 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 ACET Trustees. Anyone involved in dealing with concerns raised under this procedure will submit reports on these concerns and of the outcomes to the Chief Executive Officer.

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

**10.1** This policy is intended to provide you with an avenue within ACET to raise concerns. ACET hopes you will be satisfied with any action taken. If you are not, then you can request the Chief Executive Officer to refer the matter for consideration by ACET's Audit Committee. If, having exhausted all internal processes, you feel it is necessary to take the matter outside ACET, the following are possible contact points:

- Your Trade Union
- Citizens Advice Bureau
- 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.

## **ANTI-FRAUD STRATEGY – STATEMENT AND PROCEDURES**

ACET 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 ACET expects that:

### **1. Members/Trustees/Governors**

Shall fulfil their duties in accordance with the requirements of the current Academies Financial Handbook, including the requirements detailed in the handbook's identified additional sources of information such as: The Charities Commission; EFA Academies Accounts Direction.

### **2. Employees**

Act in accordance with the Code of Official Conduct as issued to employees.

Declare any other form of employment in addition to their function within ACET. The details are to be entered in the "Register of Business Interests Declared by Employees", copies of which are held centrally.

### **3. Directors 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 an appropriate source.

When making decisions regarding public 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 which is relevant to their public duties by making an appropriate entry in the Register of Business 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 ACET'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 Education Funding Agency at all times.

Award contracts in accordance with ACET's and The Education Funding Agency's Financial Regulations and Standing Orders and that successful tenderers 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 ACET will derive direct benefit from such actions.