



## Whistleblowing Policy

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## 1. Introduction

The Public Interest Disclosure Act 1998 (PIDA) protects employees who 'blow the whistle'.

Disclosures made under this procedure will be monitored for statistical purposes as required under the PIDA. The details of any disclosure remain confidential.

Any member of the local community or general public is able to 'blow the whistle'; however, the PIDA only protects employees. Section 10 includes further details on how whistleblowing affects non-employees.

*Wellspring Academy Trust has noted the requirements of the Modern Slavery Act 2015. We are committed to ensuring that there will be no modern slavery or human trafficking in our organisation. Our policies evidence our commitment to acting ethically and with integrity. Any concerns regarding this subject can be made under the protection of the Trust's Whistleblowing Policy.*

## 2. Scope

This policy will:

- Give confidence when raising concerns about conduct or practice that is potentially illegal, corrupt, improper, unsafe or unethical, which amounts to malpractice or is inconsistent with Academy standards and policies.
- Provide avenues to raise concerns.
- Ensure that whistleblowers receive a response to the concerns they have raised and feedback on any action taken.
- Offer assurance that members of staff are protected from reprisals or victimisation for whistleblowing action undertaken in good faith and within the meaning of the PIDA.

Under this policy, any of the following can raise a concern:

- Employees of the Trust or its Academies.
- Employees of contractors working for the Academy, for example, agency staff, builders and drivers.
- Employees of suppliers.
- Voluntary workers working with the Trust or its Academies.
- A trainee, such as a student teacher.
- Pupils.
- The wider community.
- Directors or governors.

With reference to the above point it is worth noting that the PIDA only protects the

Academy's employees, however, the Trust/Academy will never challenge or victimise a non-employee for raising concerns.

It is important to the Trust that any fraud, misconduct or wrongdoing by employees, governors or directors of the Trust is reported and properly dealt with.

The Trust therefore encourages all individuals to raise any concerns that they may have about the conduct of others in the Trust/Academy or the way in which it is run. This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

The Trust is committed to the highest possible standards of openness, probity and accountability.

These procedures are in addition to the Trust's complaints procedures and other statutory reporting procedures.

### **3. Qualifying disclosures**

As outlined by (PIDA) 1998, *qualifying disclosures* pertain to when any of the following take place:

- A criminal offence has been committed, is likely to be committed or is being committed.
- A person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject.
- A miscarriage of justice has occurred, is occurring or is likely to occur.
- The health or safety of any individual has been, is being or is likely to be endangered.
- The environment has been, is being or is likely to be damaged.
- Information tending to show any matter falling within any of the preceding points has been, is being or is likely to be deliberately concealed.

An employee who makes such a protected disclosure has the right not to be dismissed, subjected to any other detriment, or victimised because he/she has made a disclosure.

### **4. Good practice principles**

The Trust will implement the core whistleblowing principles, as outlined in the ['Freedom to Speak Up Review'](#), to ensure that whistleblowing procedures are fair, clear and consistent.

By providing a clear procedure for mediating and resolving cases, the Trust and its Academies will ensure that all cases are efficiently handled. This procedure includes:

- How to disclose concerns.
- How investigations will be conducted.

The Trust and its Academies will implement a culture of change by ensuring that the following principles are reflected in our ethos and values:

- A culture of safety in the Trust and each of our Academies.
- People feel confident with raising concerns.
- Free from bullying.
- Visible leadership.
- Valuing staff.
- Reflective practice.

The Trust and its Academies will implement measures to support good practice by ensuring we adhere to the following principles:

- Offering relevant training to staff.
- Providing the necessary support to staff.
- Providing support to staff who are seeking alternative employment.
- Being transparent.
- Being accountable.
- Conducting an external review of any concerns raised, where necessary.
- Undertaking regulatory action as required.

We will ensure that particular support measures are in place for vulnerable groups by adhering to the following principles:

- Ensuring non-permanent staff have access to and training on the same principles as permanent staff.
- Ensuring students and trainees are subject to all the safeguarding and whistleblowing principles.
- Ensuring staff from ethnic minorities are supported, as they may feel particularly vulnerable when raising concerns.
- Ensuring staff are empowered and protected, enabling them to raise concerns freely.

## **5. Protection of staff raising concerns**

The law gives protection to employees who raise concerns, provided that they have a reasonable belief that their disclosure is in the public interest and have reasonable grounds for believing that the information disclosed indicates the existence of one or more qualifying disclosures.

The Trust will treat as a serious disciplinary matter any example of a manager or member of staff seeking to deter an employee from raising a legitimate concern.

Employees who bring legitimate concerns to the attention of the Trust/Academy management will have the right to have the matter treated confidentially and wherever possible not to have their name disclosed to the alleged perpetrator of malpractice without their prior approval. It must be appreciated, however, that the investigation may reveal the source of the information and statements made by the employee(s) who raised the issue may be required as part of the evidence. Any information or evidence referred to in the application of this policy will be held securely.

If an employee makes an allegation in accordance with this policy which is not confirmed by subsequent investigation, no action will be taken against that individual unless it is proven to be malicious. Further action can be taken if allegations are deemed malicious and would be dealt with under the relevant policy.

The Trust/Academy has a responsibility to ensure that those staff against whom concerns are raised are treated fairly.

## **6. Disclosure (employees)**

An employee should normally raise concerns with their immediate manager or another member of the Senior Leadership Team. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. For example, if the employee believes that management is involved the matter should be escalated.

An employee should approach:

- The relevant lead manager (eg, Head of School/Principal/Executive Principal) when relating to immediate management.
- The Chief Executive Officer when relating to the lead manager.
- The Chief Executive Officer when relating to a member of the Trust's Executive Team.
- The Chair of the Trust Board (via the Clerk to the Board/Chief Governance Officer) when relating to the Chief Executive Officer.
- The Clerk to the Trust Board when relating to an individual Director (including the Chair), or to the Board of Directors, or where there are exceptional circumstances, for example where an employee feels that the raising of the concern within the Trust could lead to the destruction of evidence of criminal activity.

The matter will be handled in the strictest confidence.

Employees are encouraged to put their concerns in writing. Where concerns have not been put in writing, the manager with whom the matter is being raised will meet

or speak to the employee by telephone and will take notes which do not identify the individual raising the concern.

Employees are encouraged to set out the background and history of the concern, giving names, dates and places (where possible) and the reason(s) why they feel concerned about the situation.

If he/she wishes, the employee may be accompanied by a work colleague or trade union representative.

A member of a professional association or a legal representative can also raise a matter on their behalf.

In certain instances it may be appropriate for the individual to raise the concern with an appropriate external body prescribed by law. This list can be found in information on the [www.gov.uk](http://www.gov.uk) website.

Individuals who would like to seek professional and confidential advice should contact Protect, a registered charity that advises on whistleblowing queries. The Protect website can be contacted [here](#), or on 020 31172520.

## **7. Disclosure (non-employees)**

The PIDA and the Employment Rights Act 1996 do not protect non-employees as far as whistleblowing is concerned.

Irrespective of the statement above, the Academy/Trust will not allow challenge, dismissal or exclusion for any non-employee who raises a genuine concern.

Where an individual feels that they have been unfairly treated following blowing the whistle, they should use the Trust's Complaints Policy.

Governors are not employees and, while they are responsible for ensuring there is a whistleblowing procedure in place, they are not protected under the PIDA.

## **8. Investigation**

The manager with whom the concern has been raised will inform the relevant person (see section 6), who will initiate the matter being investigated internally. If necessary they will involve the Trust's Internal Audit service and will inform the Police should criminal activity be suspected.

The employee shall be kept informed of the progress of the investigation, particularly if this is protracted. The employee will be informed in writing within ten working days of details of the concern being received to acknowledge receipt of their concern, indicate how it is intended to deal with the matter (including potential timescales), provide details of any initial enquiries which have been made and outline any further investigations to take place and if not, why not.

The need for confidentiality may prevent specific details of the investigation or any disciplinary action taken as a result being provided to the employee. Any information about the investigation should be treated as confidential.

All allegations will be investigated promptly and the Academy/Trust will take whatever action is considered to be appropriate.

If the Trust believes that the matter warrants further action, the Trust will take whatever action it deems appropriate. The employee will be informed in writing of the outcome of the investigation as soon as practicable.

It is envisaged that this will conclude the process, though the employee has the right to raise the matter under section 8 of this policy if they are not satisfied that the matter has been dealt with properly.

## **9. Unfair treatment**

An individual can take a case to an employment tribunal if they feel that they have been treated unfairly as a result of whistleblowing.

Further information can be sought from the [Citizen's Advice Bureau](#), the whistleblowing charity [Protect](#), or from an individual's trade union.

Any claims of unfair dismissal needs be made within three months of the employment ending.

## **10. What the Trust asks of the whistleblower**

The purpose of this policy is to enable individuals to raise concerns in confidence, without any fear of reprisal. It is therefore imperative that whistleblowers:

- Do not take the concern outside the Trust unless via an appropriate external body prescribed by law.
- Declare any personal interest in the matter, as the policy is designed to be used in the interest of the public and not for individual matters.

## **11. Equality Impact Statement**

The Equality Act 2010 requires public bodies, in carrying out their functions, to have due regard to the need to:

- eliminate discrimination and other conduct that is prohibited by the Act
- advance equality of opportunity between people who share a protected characteristic and people who do not share it
- foster good relations across all characteristics - between people who share a protected characteristic and people who do not share it.



In the development of policies due regard has been given to achieving these objectives. Through regular monitoring and evaluation of our policies we shall do all we can to ensure that they do not discriminate, directly or indirectly.

We shall consider the impact on the promotion of all aspects of equality, as laid down in the Act. This will include, but not necessarily be limited to: race, gender, sexual orientation, disability, ethnicity, religion, cultural beliefs and pregnancy/maternity.