

Wellspring Academy Trust
Whistleblowing Policy
February 2017

Date Approved by Board:	May 2017
Date of Review:	
Responsible Department:	Wellspring Head Office
Policy Applies to:	Accounting Officer / Clerk to Board / Central Support Team / Academy Staff / Governors

1. Introduction

Wellspring Academy Trust's ("the Trust") Board of Directors is committed to the highest standards of openness, probity and public accountability. It seeks to conduct its affairs in a responsible manner taking into account the requirements of relevant funding bodies and the recommendations of the Nolan (now Neill) Committee on Standards in Public Life. In formulating this policy and procedure at the outset, reference was made to the Whistleblowing Arrangement Code of Practice (BSI).

The Board is committed to the prevention and detection of fraud, corruption and malpractice and has adopted this policy with the purpose of encouraging staff to raise any concerns that they may have in such matters. Concerns must usually be brought to the attention of Management in the first instance. Nevertheless, the policy also sets out how staff may raise their concerns with the Board, or, as a last resort, outside the organisation should they feel that this is warranted after the matter has been dealt with internally by the Academy/Trust.

The Public Interest Disclosure Act 1998 (PIDA) gives legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing certain concerns. Employees are subject to an implied contractual term of confidence and trust, which seeks to **prevent them from disclosing their employer's confidential information**. There may also be within the Contract of Employment a specific confidentiality clause. However, where an individual discovers information which they believe shows malpractice or impropriety within the organisation, this information should be disclosed without fear of reprisal and, if appropriate, such a disclosure may be made independently of Line Management.

It should be emphasised that this policy and procedure is intended to assist individuals who believe that they have discovered malpractice or impropriety. It is not designed to question financial or business decisions taken by the Academy or Trust, and it is not a mechanism for employees to raise private grievances or grievances about their employment situation.

At all stages within this policy and procedure, and in accordance with the Equality Act 2010, provision will be made for any reasonable adjustments to accommodate the needs of individuals wishing to raise a concern under this policy.

2. Scope of this Policy

This policy is intended to cover the disclosure by an employee of confidential information which relates to some danger, fraud or other illegal or unethical conduct connected with the workplace, be it of the employer or of his or her fellow employees. The policy and procedure may also be used by Agency staff and contractors working at the Academy/Trust. Examples of issues that might be raised are:

- Financial malpractice, impropriety or fraud
- Bribery, corruption, improper conduct or unethical behaviour
- Dishonesty including criminal activities
- Failure to comply with a legal obligation
- Miscarriage of justice
- Academic or professional malpractice
- Dangers to health, safety or the environment
- Attempts to conceal any of the above

3. 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 of the following:

- That a criminal offence has been committed, or is likely to be committed
- That a person has failed, is failing or is likely to fail to comply with any legal obligation to which he/she is subject
- That a miscarriage of justice has occurred, is occurring or is likely to occur
- That the health and safety of any individual has been, is being or is likely to be damaged
- That information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed.

The Trust will treat as 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 Academy/Trust 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 and procedure which is not confirmed by subsequent investigation, no action will be taken against that individual unless it is proven to be malicious.

4. Accountability of Staff Raising Concerns

The Trust has a responsibility to ensure that those staff against which concerns are raised are treated fairly and it is important that staff should realise that an allegation made under the policy is a serious matter. Concerns should be raised only if disclosure is in the public interest. It is an abuse of the policy to deliberately bring a false, malicious accusation. Therefore, it must be understood that falsely or maliciously raising unfounded allegations that are not reasonably believed to be in the public interest will be treated as a serious disciplinary offence and, in the case of making such an allegation externally, could involve the offence of bringing the Academy/Trust into disrepute.

5. Raising a Concern

Employees wishing to raise a concern should do so in accordance with the procedure set out below. It is acknowledged that anyone wishing to raise a concern may wish to seek advice and support from their trade union at any stage of the procedure.

6. Stage 1 – Disclosure

Where an employee wishes to raise a concern, he/she should ordinarily discuss this with their Line Manager. However, in circumstances where these concerns relate to their Line Manager, or where the employee so chooses, the matter may be escalated. Under these circumstances, employees of Academies should contact the Chair of Governors or CEO via the Cluster Co-ordinator. Employees of the Trust centrally should contact the Clerk to the Board on 01226 720742 or via their e-mail address as published on the Trust website. Alternatively, private and confidential mail **marked “Addressee only” is delivered unopened to Central Management Team** members to Digital Media Centre, County Way, Barnsley, S20 2JW.

An employee may contact the Clerk to the Board if their concerns:

- Relate to a member of the Central Management Team, or
- Relate to an individual Director 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 Clerk will deal with such matters under Stage 2.

An employee may contact the Chair of Governors or CEO, via the Cluster Co-ordinator, if their concerns:

- Relate to the Principal or Executive Principal at the academy
- Relate to the Chair of Governors
- Where the whistleblower believes there are exceptional circumstances that would impede an impartial investigation.

An employee raising a concern should first make an appointment with the Manager with whom they wish to discuss the matter and, at the same time, advise him/her that the matter is one to be dealt with under this policy and procedure. If he/she wishes, the employee may be accompanied by a work colleague or trade union representative.

The matter will be handled in the strictest confidence. The person raising the concern will not be required to put their concern in writing although they may do so if they wish. The Manager with whom the matter is being raised will meet the employee and will take notes that do not identify the individual raising the concern.

An employee has the right to make a disclosure outside of the organisation where there are reasonable grounds to do so and in accordance with the law. The employee must make the disclosure to an appropriate external body prescribed by law; this list can be found in information on the www.gov.uk website. Employees may also make disclosures on a confidential basis to a practising Solicitor or Barrister.

This policy and procedure has been developed to allow employees to raise disclosures internally in the first instance. Any employee seeking outside advice must ensure they do not break **confidentiality obligations or damage the Trust's reputation.**

7. Stage 2 – Investigation

The Manager with whom the concern has been raised will inform the Principal / CEO / Accounting **Officer who will cause the matter to be investigated, if necessary using the Trust's Internal Audit Service** or by informing the Police should criminal activity be suspected.

The employee shall be kept informed of the progress of the investigation, particularly if this protracted. The employee will be informed in writing within ten working days of the concern being received, to acknowledge receipt of their concern, indicate how they propose 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. However, sometimes 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 disclosure does not have sufficient merit to warrant further action, the Trust will take the action it deems appropriate. Possible actions may include internal investigation, **referral to the Trust's Internal Audit Service, referral**

to external bodies, for example Ofsted, Health & Safety Executive, National Audit Office, Public Concern at Work – telephone number 020 7404 6609, Member of Parliament, or the Police should criminal activity be suspected.

The employee will be informed of the final outcome of the investigation as soon as practicable. The employee shall have the right to raise the matter under Stage 3 of this procedure if they are not satisfied that the matter is being dealt with properly.

8. Stage 3

Should the employee regard the matter as unresolved and wish to raise the issue with the Board, he/she should contact the Clerk to the Board on 01226 720742 who will arrange to interview the employee and will gather all of the evidence available. If he/she wishes, the employee may be accompanied at such an interview by a work colleague or trade union representative. The Clerk will then arrange for the matter to be brought to the attention of the Chair of the Audit Committee. If the disclosure has been made direct to the Clerk and is of a criminal nature he/she will also notify the Police.

The Chair of the Audit Committee will review the action taken by management in relation to the concern raised and decide whether further investigation or action is required. In doing so, the Chair may interview the employee and any persons previously involved in dealing with the matter. If he/she wishes, the employee may be accompanied at such an interview by a work colleague or trade union representative. The Chair may commission such further investigation as he/she considers is warranted and may refer the matter to the Chair of the Board of Directors or to the Audit Committee for further action if appropriate.

If the concern reported to the Clerk is one which affects the whole Board of Directors, the Clerk may seek advice from the Education Funding Agency as to the steps to be taken to deal with the matter. In this eventuality, the Clerk must inform the Chair of the Board and the Accounting Officer that this has been done.

The Clerk will advise the employee, in writing to their home address, of the outcome of the Chair's review and any further action taken to resolve the issue.

9. Monitoring

It will be the responsibility of the Accounting Officer to monitor the effectiveness of this policy by:

- Assessing the nature and frequency of complaints or cases and identifying any patterns which need to be addressed
- Monitoring individual complaints or cases to ensure that they are effectively resolved and that no victimisation occurs.

As part of the process, the Accounting Officer will consult with the trade unions on changes to this policy and procedure.

While this policy is to be followed by all employees of the Trust, it does not form part of an **employee's contract of employment**.

10. Linked Policies

Grievance Procedure

Code of Conduct

Anti-Fraud Policy

Anti-Bribery Policy

Fraud Response Plan