



MANCHESTER LEARNING ACADEMY

WHILSTEBLOWING POLICY

REVIEW DATES:

15/01/2014
15/01/2015

Manchester Learning Academy - Whistleblowing Policy

This Policy is to be read in conjunction with the Financial Regulation on Whistleblowing and with related formal procedures, including the Fraud Policy.

1 Introduction

The College is committed to the highest standards of openness, probity and accountability. It seeks to conduct its affairs in a responsible manner.

The College aims to foster a culture of responsiveness to constructive criticism, and therefore a climate in which problems can to a large extent be addressed informally. However, it recognises that this is not always possible, and that its members and others also have the right to pursue their concerns by formal means.

The Public Interest Disclosure Act gives legal protection to workers against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns. It is an implied term of every person's contract of employment that he or she will faithfully serve his or her employer and not disclose information about the employer's confidential affairs. However, where an individual discovers information which he or she believes shows malpractice/wrongdoing within the organisation then it should be disclosed without fear of reprisal, and this may be done independently of line management. Employees in other territories will be treated by the College as if such legislation applied to them.

This Policy is intended to assist individuals who believe they have discovered malpractice or impropriety. It is not designed as a means of questioning financial or business decisions taken by the College; nor may it be used to reconsider any matters which have already been addressed under grievance, harassment, complaints or disciplinary procedures.

2 Scope of Policy

This Policy is designed to allow all members of the College and others associated with its affairs by an employment or other business contract to raise concerns and disclose information at a high level about any perceived malpractice.

Other policies relevant to the scope of the Whistleblowing Policy are

Fraud Policy

Grievance procedures (under Statutes)

Disciplinary procedures (under Statutes)

Conflict of Interests Policy

The present Policy is intended to cover concerns which are in the public interest and may (at least initially) be investigated separately but might then lead to the invocation of such procedures. These might include:

- financial malpractice or impropriety or fraud

- failure to comply with a legal obligation or with the Statutes, Ordinances, Regulations or published Policies of the institution
- dangers to health and safety or the environment
- criminal activity
- academic malpractice
- improper conduct or unethical behaviour
- miscarriage of justice
- attempts to conceal any of the above

3 Safeguards

3.1 Protection

This Policy is designed to offer protection to those identified in paragraph 2 who disclose such concerns provided the disclosure is made:

(i) in good faith, and

(ii) in the reasonable belief of the individual making the disclosure that it tends to show malpractice.

The individual will also be protected if he or she makes the disclosure to an appropriate person/body (see section 4).

3.2 Confidentiality

The identity of the individual making the allegation may be kept confidential to those dealing with the case only, so long as this does not hinder or frustrate any investigation, or the capacity of the College to fulfil its legal obligations. However, the investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the evidence required.

In the event of a request for information from a Third Party which would reveal the identity of a whistleblower, the provisions of the Third Party Disclosure section of the Data Protection Policy will govern the procedures for dealing with the request.

3.3 Anonymous Allegations

This Policy encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the College. In exercising this discretion, the factors to be taken into account will include:

- the seriousness of the issues raised;
- the credibility of the concern;
- any supporting evidence received; and
- the likelihood of confirming the allegation from alternative credible sources.

3.4 Untrue Allegations

If an individual makes an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against that individual. If, however, an individual makes malicious or vexatious allegations, and particularly if he or she persists with making them, disciplinary action may be taken against the individual concerned.

4 Procedures for Making a Disclosure

4.1 Initial Step

In the first instance disclosure should be made to the centre head. If they themselves are in some way seen to be implicated in the issue being disclosed, then the disclosure should be made to the first in the following list to whom disclosure is indeed appropriate:

Centre Head

Director

This should be, marked "Personal and Confidential: please forward".

4.2 Process

The person receiving the initial disclosure will consider the information made available and should determine whether there is a *prima facie* case to answer, whether an investigation should take place, and if so what form it should take. Investigations may involve:

- the application of a standard institutional procedure (eg that specified by the Fraud Policy);
- an internal investigation set up according to *ad hoc* procedures;
- an external investigation (by a person who is not a member of the College);
- referral to an external body before or after an internal investigation has taken place.

Investigations will not be carried out by any person who will have to reach a decision on the matter. This means, in particular, who may later be involved in an appeal (see below), should never be asked to conduct an initial investigation.

Using the information received concerning any investigation conducted, the person receiving the initial disclosure will decide if there is a case to answer and what procedure to follow. This may be an *ad hoc* procedure, or the standard application of one of the standard College Policies not already invoked as part of the investigation itself.

4.3 Feedback

The person receiving the initial disclosure will inform the individual making the disclosure, in outline, of the action already taken in response and what further action, if any, is to be taken.

Where a disclosure is made the person or persons against whom the disclosure is made will be told of it, and the evidence supporting it, and will be allowed to respond before any investigation, or further action, is concluded. This will apply unless to do so could, in the

opinion of the person receiving the initial disclosure, be likely to compromise the outcome of a police or other external enforcement authority investigation. (See also section on *Confidentiality*, above.)

There will be an equivalent feedback process following an appeal under 4.5 below.

4.4 Reporting of Outcomes

A brief written report of all disclosures, not identifying individuals, and any subsequent actions taken will be made to Audit Committee by the person to whom the initial disclosure has been made.

4.5 Appeals

If dissatisfied with the outcome of the initial disclosure, the person who made it shall have right of appeal. An appellant may request external review.