

MANCHESTER HEALTH ACADEMY

WHISTLEBLOWING POLICY

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Approval History

Approved By:	Date of Approval	Version Approved	Comments
Board of Governors	10/07/09	V1	Base Document
Board of Governors	27/11/14	V2	
Audit Committee	24/09/2015	V3	Review
Finance and Audit Committee	28/09/2017	V4	

Revision History

Revision Date	Previous Revision Date	Rev	Summary of Changes	Changes Marked	Owner/Editor
Nov 2014		V2	Policy re-written and put into standard policy format	No	TEM
Sept 2015		V3	Review of Policy	No	LMS
Sept 2017		V4	Minor amendments to points 2.1, 2.2 and 2.3	No	LMS

1. Purpose

- 1.1 Manchester Health Academy expects the highest standards from all employees and will treat seriously any concern that an employee may have about illegal or improper conduct. This policy therefore sets out guidelines on how to raise a concern without fear of reprisals and is intended to encourage and enable staff to raise serious concerns within the Academy; rather than overlooking or publicly disclosing the matter.
- 1.2 We are committed to the highest possible standards of openness, probity and accountability. This policy and procedure supports this commitment.
- 1.3 The purpose of this policy is to provide you with the help and support you need to raise concerns and be confident that you can do so safely. We will take your concerns seriously and ensure that they are dealt with promptly and fairly.

2. Scope

- 2.1 This policy applies to all employees, casual workers and agency staff working for the Academy.
- 2.2 The policy generally covers concerns of malpractice or wrongdoing that fall outside the scope of other procedures and should be used only where concerns are about the consequences for the students of the Academy, the public or other employees. It is not intended to cover personal issues relating to an employee's own employment, for which other policies and procedures are in place such as the grievance procedure, capability or disciplinary procedure, unless the personal grievance is in the public interest. Concerns which fall within the scope of specific procedures, e.g child protection or financial irregularities will normally be referred for consideration under those procedures.
- 2.3 The overriding concern should be that the employee has a reasonable belief that it would be in the public interest for the malpractice to be corrected and, if appropriate, for sanctions to be applied. Examples of concerns covered by this policy are:
 - Conduct that is a criminal offence e.g. fraud
 - Failing to comply with a legal obligation
 - A miscarriage of justice
 - A danger to the health and safety of any individual
 - Damage to the environment
 - A deliberate attempt to conceal any of the above

3. Responsibility

The Governing Body is responsible for ensuring a procedure for 'whistleblowing' is in place. The Principal then has overall responsibility for the maintenance and operation of this policy and for ensuring the Academy acts lawfully. The Principal and all members of management within the Academy must ensure that any concerns raised are treated seriously and dealt with appropriately. All employees have a responsibility to act appropriately, abiding by relevant legislation, standards and Academy policies in their day to day work. They are therefore encouraged to raise any concern of illegal or improper conduct at as early a stage as possible, and in the right way, as detailed in this policy, so that the matter can be investigated and any appropriate remedial action can be taken by the Academy.

4. Our Approach

The Academy is committed to the highest standards of openness, probity and accountability. In line with that commitment it encourages employees with serious concerns about any aspect of the Academy's work to come forward and voice those concerns. All concerns raised will be treated seriously and will be thoroughly and appropriately investigated in order to bring the issue to a satisfactory conclusion under the appropriate procedure. Employees can be reassured that they can raise such matters in the knowledge that they will be treated as confidential and that no action will be taken against them as a result of raising a disclosure, providing they do so in the appropriate manner.

5. Definitions

- 5.1 Whistleblowing is when an employee reports suspected wrongdoing at work. Officially this is called 'making a disclosure in the public interest.'
- 5.2 Statutory protection for employees who 'whistleblow' is provided by the Public Interest Disclosure Act 1998 (PIDA), which is incorporated into the Employment Rights Act 1996. This legislation protects employees against detriment and unfair dismissal if they make a disclosure which satisfies the requirements of the legislation and speak out about concerns about conduct or practice within the Academy which is potentially illegal, corrupt, improper, unsafe or unethical or which amounts to malpractice.

6. Procedure

- 6.1 The most appropriate person to contact about a concern will depend on the seriousness or sensitivity of the issues involved and who is thought to be involved in the malpractice. As a first step, an employee should generally raise the issue with their line manager or if this is felt inappropriate, then the relevant member of the Senior Leadership Team. If, however, the concern involved the Principal, the Chair of Governors would be the most appropriate person to contact. In the case of concerns being raised verbally with individual governors, governors should make the individual aware of the policy and procedure and ensure the individual follows this, and encourage the member of staff to disclose any concerns in writing. Where, for any reason, the individual does not feel confident in putting their concerns in writing, the governor should write an account of the individual's concerns, ensure that it represents their concerns accurately by the complainant signing the account, and pass it to the appropriate person for investigation, in line with the procedure.
- 6.2 Although concerns may be raised orally, they are better put in writing. Employees who wish to make a written report should use the following format:
 - The background and history of the concern (giving relevant dates, names and places where possible)
 - The reason why they are particularly concerned about the situation
- 6.3 Managers notified of a concern have a responsibility to ensure that concerns raised are taken seriously. The action then taken by the Academy will depend on the nature of the concern. Generally initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take including whether this should be done internally or referred to another agency. Concerns or allegations, which fall within the

scope of specific procedures (for example child protection or capability issues), will normally be referred for consideration under these procedures. Alternatively some concerns may be resolved by agreed action without the need for investigation.

- 6.4 Usually within 5 working days of a concern being raised under this procedure the manager considering the issues will write to the complainant:
- Acknowledging that the concern has been received;
 - Indicating how it is proposed to deal with the matter;
 - Giving an estimate (so far as is reasonably practicable) of how long it will take to provide a final response;
 - Advising whether any initial enquiries have been made; and
 - Advising whether further investigations will take place and if not, why not.
- 6.5 Subject to any legal constraints, the relevant employee will normally be informed of the final outcome of any investigation.

7. Independent advice

If an employee is unsure whether to use this approach or if they want independent advice at any stage of the process, they may wish to contact:

- If applicable, their relevant trade union; or
- The independent charity, Public Concern at Work on 0207 404 6609 www.pcaw.co.uk

8. Taking the matter further

Employees who are not satisfied with the action taken by the Academy and feels it right to question the matter further, may consider the following possible contact points:

- The Academy's independent auditors
- The employee's Trade Union
- The Citizen's Advice Bureau and/or law centre/firm
- Relevant professional bodies or regulatory organisations
- The Information Commissioner
- A relevant voluntary organisation
- The Police and/or Health and Safety Executive

9. General Principles

- 9.1 The Academy recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The Academy will therefore take appropriate action to protect employees if they raise a concern.
- 9.2 Wherever possible the Academy will do its best to protect those who do not want their names to be disclosed. However it is important to note that it is easier to follow up and verify complaints, if complainants are prepared to give their names. Additionally in certain circumstances complete confidentiality may be difficult to maintain, such as if the matter leads to a legal procedure and evidence is required in court, or if another Academy procedure (such as a disciplinary procedure) is invoked requiring the

whistleblower to provide a signed statement as part of the evidence, thus revealing their identity.

- 9.3** If an individual raises malicious and/or vexatious allegations or the allegations are made for personal gain or to make mischief, this will be taken seriously and may constitute a disciplinary offence.

10. Related Documents

Other policies available are:

- Disciplinary Policy
- Capability Policy
- Grievance Procedure
- Child Protection/Safeguarding Policy