Minerva Virtual Academy

WHISTLE BLOWING POLICY

Minerva Virtual Academy

KEY CONTACTS

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1. PURPOSE

1.1 To set out Minerva's Virtual Academy policy and procedure for dealing with concerns raised by employees.

2. Background

2.1 As employees are often the first to realise that there may be something wrong within a school, it is important that they feel able to express their concerns without fear of harassment or victimisation.

Otherwise they may find it easier to ignore the concern rather than report it. The Public Interest Disclosure Act (in force since January 1999) recognises this fact and is designed to protect employees, who make certain disclosures of information in 'the public interest', from detriment and/or dismissal.

MVA is committed to the highest possible standard of operation, probity and accountability. In line with that commitment, employees and others with serious concerns about any aspect of the work of the school are encouraged to come forward and voice those concerns. This policy document makes it clear that employees can do so without fear of reprisals; it is intended to encourage and enable employees to raise serious concerns within the organisation rather than overlooking a problem or blowing the whistle outside in an inappropriate way. It is recognised that cases may have to proceed on a confidential basis.

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3. Aims and Scope of the Policy

3.1 This policy aims to:

- provide avenues for employees to raise concerns internally as a matter of course, and receive feedback on any action taken;
- provide for matters to be dealt with quickly and appropriately; and ensure that concerns are taken seriously;
- reassure employees that they will be protected from reprisals or victimisation for whistle-blowing in good faith;
- allow employees to take the matter further if they are dissatisfied with MVA's response.

3.2 This policy describes how any employee can raise any concerns s/he may have about working practices and who should be informed about the concerns. It may be that issues raised via this policy will be addressed via other procedures, e.g. anti-fraud and corruption, grievance, disciplinary, harassment and child protection procedures.

3.3 Concerns which fall within the scope of the whistleblowing procedure may be about something that is unlawful; or is against the policies of MVA; or falls below established standards or practice; or amounts to improper conduct.

3.4 Before initiating the procedure employees should consider the following:

- the responsibility for expressing concerns about unacceptable practice or behaviour rests with all employees;
- employees should use line manager or team meetings and other opportunities to raise questions and seek clarification on issues which are of day-to-day concern;
- whilst it can be difficult to raise concerns about the practice or behaviour of a colleague, employees must act to prevent an escalation of the problem and to prevent themselves being potentially implicated.

3.5 All employees have the right to raise concerns, which could be about the actions of other employees, private contractors, governors or volunteers.

3.6 Concerns raised by employees about their own conditions of service, should be addressed via MVA's Grievance Procedure.

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4. Safeguards

4.1 Harassment or Victimisation

4.1.1 MVA 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. MVA will not tolerate harassment or victimisation and will take action to protect employees when they raise a concern in good faith.

4.1.2 This does not mean that if an employee is already the subject of internal procedures such as disciplinary or redundancy, that those procedures will be halted as a result of that employee raising a concern under the Whistle-Blowing Policy.

4.2 Confidentiality

4.2.1 MVA will do its best to protect an employee's identity if confidentiality is requested. However, it must be understood that should the concern raised need to be addressed through another procedure, e.g. disciplinary procedures, the employee may be asked to provide a signed statement as part of the evidence, thus revealing identity. Failure to provide such a statement may mean that further action cannot be taken by MVA to address the concern and in some circumstances, MVA may have to disclose the identity of the employee without their consent, although this will be discussed with the employee first.

4.3 Anonymous Allegations

4.3.1 Employees are encouraged to put their name to an allegation. Allegations expressed anonymously are much less powerful and more difficult to address, but they will be considered at the discretion of the CEO of MVA. In exercising this discretion, the factors to be taken into account would include:

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

4.4 Untrue Allegations

4.4.1 If an employee makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against that employee. If, however, there is clear evidence that an employee has made malicious or vexatious allegations, disciplinary action may be taken against that employee.

4.5 Unfounded Allegations

4.5.1 Following investigation, allegations may be confirmed as unfounded. This outcome will be notified to the employee who raised the concern, who will be informed that the school deems the matter to be concluded and that it should not be raised again unless new evidence becomes available.

4.6 Support to Employees

4.6.1 It is recognised that raising concerns can be difficult and stressful. Advice and support will be made available, as appropriate, to both the employee(s) raising the concerns and the employee(s) subject to investigation.

5 How to raise a Concern

5.1 As a first step, an employee should normally raise concerns with their immediate manager or their manager's superior. This depends, however, on the seriousness and sensitivity of the issues and who is involved. For example, if an employee believes that their immediate manager or their manager's superior is involved, s/he should approach the Principal or CEO. Where a concern is related to a safeguarding issue the Local Designated Officer (LADO) will be contacted as part of the process.

Employees can by-pass the direct management line and Principal if s/he feels the overall management is engaged in an improper course of action. In this case please refer to section 7 below.

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5.2 Concerns are better raised in writing. The employee should set out the background and history of the concerns, giving names, dates and places where possible, and the reasons why s/he is particularly concerned about the situation. If an employee does not feel able to put the concern in writing, s/he should telephone or meet the appropriate person. It is important that, however the concern is raised, the employee makes it clear that s/he is raising the issue via the whistle-blowing procedure.

5.3 The earlier an employee expresses the concern, the easier it is to take action.

5.4 Although an employee is not expected to prove the truth of an allegation, s/he will need to demonstrate to the person contacted that there are sufficient grounds for the concern.

5.5 In some instances it may be appropriate for an employee to ask the trade union to raise a matter on the employee's behalf.

6 The Role of Senior Managers

6.1 A senior leader may be informed by an employee about concern(s) and that s/he is "blowing the whistle" within the procedure in person; or in writing or over the phone.

6.2 The senior leader should respond immediately by arranging to meet with the employee to discuss the concern(s) as soon as possible.

6.3 Stage One:

6.3.1 At the initial meeting the senior leader should establish that:

- there is genuine cause and sufficient grounds for the concern; and
- the concern has been appropriately raised via the Whistle-Blowing Policy.

6.3.2 The senior leader should ask the employee, to put their concern(s) in writing, if s/he has not already done so. The senior leader should make notes of the discussions with the employee. The employee's letter and/or senior manager's notes should make it clear that the employee is raising the issue via the whistle-blowing procedure and provide:

- the background and history of the concerns; and
- names, dates and places (where possible); and
- the reasons why the employee is particularly concerned about the situation.

6.3.3 The employee should be asked to date and sign their letter and/or the notes of any discussion. The senior manager should positively encourage the employee to do this, as a concern expressed anonymously is much less powerful and much more difficult to address, especially if the letter/notes become evidence in other proceedings, e.g. an internal disciplinary hearing.

6.3.4 The senior manager should follow the policy as set out above and in particular explain to the employee:

- what steps s/he intends to take to address the concern;
- how s/he will communicate with the employee during and at the end of the process; and
- that a written response will be sent out within ten working days.

- that their identity will be protected as far as possible, but should the investigation into the concern require the employee to be named as the source of the information, that this will be discussed with the employee before their name is disclosed;

- that MVA will do all that it can to protect the employee from discrimination and/or victimisation
- that the matter will be taken seriously and investigated immediately; and
- that if the employee's concern, though raised in good faith, is not confirmed by the investigation, no punitive action will be taken against them.

6.3.5 The senior leader should explain to the employee, as a matter of fact, that:

- if clear evidence is uncovered during the investigation that s/he has made a malicious or vexatious allegation, disciplinary action may be taken against them; and
- the investigation may confirm their allegations to be unfounded in which case the Principal will deem the matter to be concluded and s/he will be expected not to raise the concern again, unless new evidence becomes available.

6.4 Stage Two:

6.4.1 Following the initial meeting with the employee, the senior leader should consult with the Principal or CEO to determine whether an investigation is appropriate and, if so, what form it should take. A record should be made of the decisions and/or agreed actions.

6.4.2 It may be necessary, with anonymous allegations, to consider whether it is possible to take any further action. When making this decision, senior leaders should take the following factors into account:

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

6.4.3 In some cases, it may be possible to resolve the concern(s) simply, by agreed action or an explanation regarding the concern(s), without the need for further investigation. However, depending on the nature of the concern(s) it may be necessary for the concern(s) to:

- be investigated internally;
- be referred to the police;
- be referred to the LADO;
- be referred to the external auditor;

- form the subject of an independent inquiry.

6.4.4 The senior leader should have a working knowledge and understanding of other MVA policies and procedures, e.g. disciplinary, harassment, child protection procedures, to ensure that concerns raised by employees are addressed via the appropriate procedure/process. Advice is available from MVA's Human Resources Team.

6.5 Stage Three

6.5.1 Within ten working days of a concern being received, the leader receiving the concern must write to the employee:

- acknowledging that the concern has been received;
- indicating how they propose to deal with the matter;
- giving an estimate of how long it will take to provide a final response; and/or
- telling the employee whether any initial enquiries have been made; and
- telling the employee whether further investigations will take place, and if not why not; and/or
- letting the employee know when s/he will receive further details if the situation is not yet resolved; and
- providing the employee with details of whom to contact should s/he be dissatisfied with this response

(see 7.1 below).

7. Raising Concerns outside MVA

7.1 The Whistle-Blowing Policy is intended to provide employees with a procedure for raising concerns and resolving these within the organisation.

If staff and volunteers feel unable to raise an issue with the School or feel that their genuine concerns are not being addressed, they may report their concerns to other whistleblowing channels, such as:

- 'Public Concern at Work' http://www.pcaw.co.uk tel no 020 7404 6609; email whistle@pcaw.co.uk;
- The NSPCC whistleblowing helpline (tel: 0800 028 0285 or email: help@nspcc.org.uk)
- social care and/or LADO (if a safeguarding concern)

7.2 The leader should stress to the employee that if s/he chooses to take a concern outside MVA, it is the employee's responsibility to ensure that confidential information is not disclosed, i.e. confidential information, in whatever format, is not handed over to a third party.

* Public Concern at Work is a registered charity that employees can contact for advice to assist them in raising concerns about poor practice at work. The charity also provides advice to employers as to the possible ways to address these concerns.

8. Monitoring and Review

8.1 The Principal will be responsible for monitoring the implementation and effectiveness of this policy/procedure. The policy/procedure will be reviewed by the Senior Leadership Team as necessary.

POLICY DEVELOPMENT AND REVIEW

This procedure is designed to set good practice standards. However, the School recognises that best practice develops over time and, as such, will update it regularly in the light of experience and as a result of changes in legislation or its internal organisation and policies. The procedure will be subject to a comprehensive review on an annual basis.

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