

Whistle Blowing Policy

Introduction

1. MTC Learning believes that good communication between students, staff and volunteers at all levels throughout the organisation promote better work practice. MTC Learning seeks to conduct itself honestly and with integrity at all times. However, we acknowledge that all organisations face the risk of their activities going wrong from time to time, or of unknowingly harbouring malpractice. We believe we have duty to respond appropriately to identify such situations and attempt to remedy them. On this basis, students, staff and volunteers are encouraged to raise genuine concerns about malpractice in the school/workplace without fear of reprisals and MTC Learning will protect them from victimisation and dismissal.
2. MTC Learning undertakes to act in accordance with UK legislation on disclosure of malpractice in the school/ workplace and to take steps to protect to its students and workers from detrimental treatment or dismissal if they raise concerns in good faith.

Authority for Whistle blowing Policy

3. Overall authority for this policy sits with the Executive Director and the board of trustees. Managers have a specific responsibility to facilitate the operation of this policy and to ensure that students, staff and volunteers feel able to raise concerns, without fear of reprisals, in accordance with the procedure set down below. To facilitate this process, managers will be given training on the relevant legal and operational framework and best practice. All students, staff and volunteers are responsible for the success of this policy and should ensure that they take steps to disclose any wrongdoing or malpractice of which they become aware.

Scope

4. This policy applies to all MTC Learning students, employees and volunteers. The legal scope of the Public Interest Disclosure Act, on which this policy is based, covers UK staff. MTC Learning has introduced these procedures to enable students, employees and volunteers to raise or disclose concerns about malpractice in the workplace at an early stage and in the right way, and they apply in all cases where there are genuine concerns, regardless of where this may be and whether the information involved is confidential or not.

5. The term 'malpractice' includes but is not exhaustive of:
- Criminal offences;
 - Breaches of legal obligations (including negligence, breach of contract, breach of administrative law);
 - Miscarriages of justice;
 - Health and safety
 - Damage to the environment;
 - The concealment of any of the above
6. If an individual raises a genuine concern and is acting in good faith, even if it is later discovered that they are mistaken, under this policy they will not be at risk of losing their job or suffering any form of retribution as a result. This assurance will not be extended to an individual who maliciously raises a matter they know to be untrue or who is involved in any way in the malpractice.

Procedure for Raising a Concern

7. If you believe that the actions of anyone (or a group of people) studying, working or volunteering for MTC Learning do or could constitute malpractice you should raise the matter with your centre manager/line manager. Where this is not appropriate because the line manager is involved in the alleged malpractice in some way, the matter should be raised with the line manager's manager. You may raise your concern verbally or in writing and should include full details and, if possible, supporting evidence. You must state that you are using the Whistle blowing Policy, specifying whether you wish your identity to be kept confidential. In exceptional circumstances where it would be inappropriate to approach either your centre manager/line manager or their manager, you may raise the matter directly with the board of directors.

Confidentiality

8. Every effort will be made to keep your identity confidential, at least until any formal investigation is under way. In order not to jeopardise the investigation into the alleged malpractice, you will also be expected to keep the fact that you have raised a concern, the nature of the concern and the identity of those involved confidential. There may be circumstances in which, because of the nature of the investigation or disclosure, it will be necessary to disclose your identity. This may occur in connection with associated disciplinary or legal investigations or proceedings. If in our view such circumstances exist, we will make efforts to inform you that your identity is likely to be disclosed. If it is necessary for you to participate in an investigation, the fact that you made the original disclosure will, so far as is reasonably practicable,

be kept confidential and all reasonable steps will be taken to protect you from any victimisation or detriment as a result of having made a disclosure. It is possible, however, that your role as the whistle-blower could still become apparent to third parties during the course of an investigation. Equally, should an investigation lead to a criminal prosecution, it may become necessary for you to provide evidence or be interviewed by the Police. In these circumstances, again, the implications for confidentiality will be discussed with you.

Anonymous Reporting

9. Anonymous disclosures are very difficult to act upon, as there may be little or no corroborated evidence to substantiate the allegations. Proper investigation may prove impossible if the investigator cannot obtain further information from you, give you feedback or ascertain whether your disclosure was made in good faith. MTC Learning does not encourage anonymous reporting as it feels it is more appropriate for individuals to come forward with their concerns.

Support for Whistle-blowers

10. Once a disclosure is made, a member of the management team will be allocated as your key contact to keep you up to date with the matter and provide any specific support that you may need. No student, member of staff or volunteer who raises genuinely held concerns in good faith under this procedure will be dismissed or subjected to any detriment as a result of such action, even if the concerns turn out to be unfounded. Detriment includes unwarranted disciplinary action and victimisation.
11. If you believe that you are being subjected to a detriment within the workplace as a result of raising concerns under this procedure, you should inform your allocated member of the management team immediately. Students or workers who victimise or retaliate against those who have raised concerns under this policy will be subject to disciplinary action.

How a disclosure will be handled

12. All disclosures will be taken seriously and the following procedure will be used.

- If you have any personal interest in the matter you have raised you must disclose this at the outset. This procedure is not intended to replace the Grievance Procedure, which continues to be the appropriate way to raise personal issues relating to your specific job or employment.
- Your disclosure under this policy will be acknowledged in writing confirming that the matter will be investigated and that MTC Learning will get back to you in due course.
- A suitable person will be identified to manage the disclosure. This will be someone who is in a position to take any necessary action as an outcome.
- A suitable individual will be instructed to conduct an investigation into the allegation (they will have had no previous involvement in the matter). We aim to start the investigation within two weeks of the disclosure. The length and scope of the investigation will depend on the subject matter of the disclosure. In most instances, there will be an initial assessment of the disclosure to determine whether there are grounds for a more detailed investigation to take place or whether the disclosure is, for example, based on erroneous information.
- You may be asked to provide more information during the course of the investigation.
- The investigation report will be reviewed by the person managing the disclosure.
- Appropriate action will be taken-this could involve initiating a disciplinary process, or informing external authorities if a criminal action has been committed e.g. Fraud or theft. We will endeavour to inform you if a referral to an external authority is about to or has taken place, although we may need to make such a referral without your knowledge or consent if we consider it appropriate.
- If it is found that there is not sufficient evidence of malpractice, or the actions of the individual(s) are not serious enough to warrant disciplinary action, it may be more appropriate for the manager to take a more informal approach to dealing with the matter.
- You will receive written notification of the outcome of the investigation, though not all the details or a copy of the report.
- Possible outcomes of the investigation could be that:
 - the allegation could not be substantiated;
 - action has been taken to ensure that the problem does not arise again.

- You will not, however, be given details about the action taken as this could breach the human rights of the person(s) involved.
- If you are not satisfied with the response you have received you should raise the matter with the board of trustees outlining your reasons.
- If you have asked to remain anonymous, care will be taken to respect this request (see section on confidentiality above).

Corrective Action and Compliance

- 13.** As part of the investigation into disclosures made under this policy, recommendations for change will be invited from the investigator to enable MTC Learning to minimise the risk of the recurrence of any malpractice or impropriety, which has been uncovered. The Executive Director will be responsible for reviewing and implementing these recommendations in the future and for reporting on any changes required to the main board.

False Disclosures

- 14.** MTC Learning will treat all disclosures of malpractice seriously and protect staff who raise concerns in good faith. However, appropriate disciplinary action will be taken in accordance with the Disciplinary Procedure against any student, employee or volunteer who is found to have made a disclosure maliciously that they know to be untrue, or without reasonable grounds for believing that the information supplied was accurate. This may result in dismissal.