



CASPIAN
SCHOOL OF ACADEMICS

Procedure 7.7

GENUINE CONCERNS AND WHISTLEBLOWING POLICY & PROCEDURE

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1. Introduction

The Caspian School of Academics (CSA) is committed to honesty and openness and to achieve the highest possible ethical standards in public life.

This policy enables employees to raise concerns, in a confidential manner, about the conduct of other School staff, the treatment of staff, or other matters of concern. The concerns raised may include any malpractice or illegal acts or omissions by the School's employees or, where of continued relevance to School practice, ex-employees. The Board of Governance will have oversight of the management of concerns raised.

This policy and procedure has been written to take account of the Public Interest Disclosure Act 1998, which protects workers making disclosures about certain matters of concern, where those disclosures are made in accordance with the Act's provisions.

The Act is incorporated into the Employment Rights Act 1996 and the Employment Act 2008, which also already protects employees who take action over, or raise concerns about, health and safety at work, fair treatment and fair remuneration.

2. Responsibility and Implementation

The Chief Executive Officer (CEO) & Principal are responsible as the designated officers for ensuring there is a policy in place through which staff can raise their concerns ('whistleblow') about an issue or element of practice or broader treatment of staff and students in the School.

The CEO & the Principal receive concerns under this policy and determine further investigatory work required.

Where a whistleblowing issue concerns the CEO or the Principal, the Chair of the Board of Governance assumes the CEO and/or the Principal's duties under this policy and should be substituted as required.

If the CEO & Principal raises a whistleblowing issue, this will be presented to the Chair of the Board of Governance, who assumes the CEO & Principal's duties under this policy and should be substituted as required, unless it concerns the Chairman, in which case it is reported to the Vice Chair who assumes the CEO & Principal's duties under this policy and should be substituted as required.

This policy applies to all members of CSA staff, as well as to casual and agency staff engaged at the School.

3. Policy Details

3.1 Whistleblowing Framework

The Caspian School of Academics has a range of policies and procedures, which deal with standards of behaviour at work and include Disciplinary, Grievance and Equal Opportunities policies.

Employees are encouraged to use the provisions of these procedures when appropriate. There may be times, however, when the matter is not about the personal employment position of an individual member of staff and needs to be handled in a different way. Examples under the Public Interest Disclosure Act include:

- Malpractice or ill treatment of a student/client/customer by a member of staff;
- Repeated ill treatment of a student/client/customer, despite a complaint being made;
- A criminal offence has been committed, is being committed or is likely to be committed;
- Suspected fraud;
- Disregard for legislation, including, but not restricted to, health and safety at work;
- The environment has been, or is likely to be, damaged;
- Breach of the Financial guidance and regulations;

Showing undue favour over a contractual matter or to a job applicant;

A breach of staff or Board of Director's code of conduct;

Information on any of the above that has been, is being, or is likely to be concealed.

This list is not exhaustive.

3.2 Treatment of Whistleblowers

Whistleblowing provides a channel and process for individual employees to raise genuine and legitimate concerns. It also gives the School an opportunity to investigate these concerns and take appropriate action so that the matter is resolved effectively within the organisation.

Caspian School of Academics will not tolerate any harassment or victimisation of a whistleblower (including informal pressures), and will treat this as a serious disciplinary offence, which will be dealt with under the School's Disciplinary Procedure.

If an employee makes a disclosure on one or more of the types of matters listed above and they have a reasonable belief that the concern is real and they are acting in good faith, the employee will not suffer any detriment, even if after investigation it transpires that the concern is unfounded.

Employees are requested under this policy to identify themselves when whistleblowing so that the issue can be vigorously investigated and their identity will be protected during the investigation and proceedings. The School will not disclose an employee's identity unless required to do so in law.

If the situation arises where the School is unable to resolve the concern without revealing the employee's identity (for instance, through a witness statement in a disciplinary hearing or the employee's evidence is needed in court), the School will discuss with the individual how the matter should proceed.

3.3 Whistleblowing Procedure

A member of staff ('The Representer') wishing to raise a concern under this policy should do so in writing directly to the CEO & the Principal or their line manager. The issue will be treated in strictest confidence on receipt.

Any line manager receiving a concern under this policy from one of their direct reports must forward the matter immediately to the CEO & the Principal.

If the member of staff feels unable to approach their line manager or the CEO & the Principal directly with their concern, they may report it directly to the Company Secretary, who will take the matter forward and enquire as to why this issue could not be raised directly with the individual's line manager or the CEO & the Principal.

The Chair of the Board of Governance, who is independent of employment of the School, can also receive whistleblowing concerns under this Policy. Where whistleblowing concerns are reported directly to the Chair of the Board of Governance, he/she will first of all enquire as to why this issue could not be raised directly with the individual's line manager or the CEO & the Principal.

Under this policy, the School requests the reporting member of staff to identify themselves when raising a concern; the issue will be investigated in strict confidence and their identity only disclosed if absolutely necessary. Anonymous concerns cannot be properly investigated and the reporting member of staff will not be able to receive any feedback under this policy that the issue has been dealt with.

On receipt, the CEO & the Principal will review the issue raised by the Representer and instigate any necessary investigation.

Some issues may be able to be resolved without detailed investigation and this will be discussed with the Senior Manager to whom the incident has been referred to, if applicable. The CEO & the Principal may redirect an issue through the School's Grievance Policy and Procedure if the issue relates to an individual's grievance arising from their employment and does not constitute a whistleblowing issue as per Section 3.1 of this policy.

Any investigation under this Whistleblowing policy will normally be conducted by a nominated senior

manager as the Investigating Officer. If the issue raised relates to the nominated Investigating Officer, the CEO &/or the Principal will nominate an appropriate member of the Senior Management Team to conduct the required preliminary investigation.

When an issue raised under this policy concerns a potential issue of gross misconduct against a member of School staff, the CEO & the Principal may require to suspend a member(s) of staff under the School's Disciplinary Policy on full pay pending the outcome of the initial investigation. The investigation will be carried out in strict confidence i.e. by not informing the subject of the complaint until (or if) it becomes necessary to do so.

The initial investigation will be carried out within ten working days, during which safeguarding issues are paramount in all cases and must be expedited if safeguarding issues require it.

The Investigator will interview the member of staff raising a concern and will:

Obtain as much information as possible from the Whistleblower about the grounds for the belief of a malpractice;

Consult with the Whistleblower about further steps which could be taken;

Inform the Whistleblower of appropriate routes if it transpires the matter does not fall within the this policy;

Outline any further steps that will be taken to complete this initial investigation.

At this interview with the Investigating Officer, the Whistleblower may be accompanied by a recognised union representative or a work colleague.

The Investigating Officer may be accompanied by a note taker.

Within ten working days of the interview, the Investigating Officer will conclude the initial investigation and will recommend to the CEO & the Principal one or more of the following:

The matter be fully and formally investigated internally by the School;

The matter be investigated by the external auditors appointed by the School or a relevant external investigator;

The matter be reported to the Police and/or any other external organisation.

The grounds on which no further action is taken may include:

The Investigating Officer is satisfied that, on the balance of probabilities, there is no evidence that malpractice has occurred, is occurring or is likely to occur;

The Investigating Officer is satisfied that the Whistleblower is not acting in good faith;

The matter is already appropriately (or has been) the subject of proceedings under one of the School's other procedures or policies;

The matter concerned is already the subject of legal proceedings, or has already been referred to the police, an external auditor, or other relevant public authority.

If that there is a case to be answered by any individual, the relevant School Disciplinary Procedure will be used and any other external agencies contacted as might be required, i.e., the police, the relevant professional body, trade union representative, etc.

Where there is no case to answer, but the employee held a genuine concern and was not acting maliciously, the CEO & the Principal will ensure that the employee suffers no reprisals.

Only where false allegations are made maliciously will it be considered appropriate to act against the whistleblower under the terms of the relevant Disciplinary Procedure.

Following consideration of the initial investigation by the CEO & the Principal, the Investigating Officer will arrange a meeting with the whistleblower to give feedback on any action to be taken.

This will not include details of any disciplinary action against another member(s) of staff, which will

remain confidential to the individual(s) concerned, but will outline the nature of the steps being taken to rectify the situation.

The feedback will be provided within 10 working days of the CEO & the Principal's consideration of the initial investigation.

Should it be alleged that the CEO &/or the Principal is involved in the alleged malpractice, the Investigating Officer's recommendation will be made to the Chair of the Board of Governance.

The conclusion of any subsequent investigation will be reported by the Investigating Officer to the Whistleblower within twenty working days, or the Representer advised of any extension to this timescale that proves necessary.

The Whistleblower may at any time disclose the matter on a confidential basis to a solicitor for the purpose of taking legal advice. If the Whistleblower is not satisfied with the outcome of the investigation, Caspian School of Academics recognises the lawful rights of employees and exemployees to make disclosures to prescribed persons (such as the Health and Safety Executive, the relevant funding bodies, a relevant professional body or, where justified, elsewhere).

4. Related Documentation

Public Interest Disclosure Act 1998

Caspian School of Academics Grievance Policy