

# Les Poussins (Milton Keynes) CIC



## Whistle-blowing Policy

## **1. Introduction**

Les Poussins (MK) CIC is a supplementary school providing French language and culture to French-speaking families. This means being honest and transparent in what we do and say, and accepting responsibility for our individual and collective actions. It is expected that those working for, and representing Les Poussins shall act with integrity. Les Poussins shall be an organisation that acts with integrity and honesty.

In order for families to have confidence in our honesty and integrity, this policy aims to provide a supportive process that encourages and enables employees or volunteers to raise concerns about misconducts within Les Poussins without repercussion and will give them confidence that their concerns will be properly investigated and resolved in a timely manner.

## **2. Legal and Policy Impact**

This policy considers the following legislation:

Human Rights Act (1998)

Public Interest Disclosure Act (1998)

Employment Rights Act (1996) sections 44 and 100

Where an employee has a concern about their terms and conditions of work, their working relationship with Les Poussins, or how a concern they raised was addressed, they are encouraged to use Les Poussins's grievance procedure.

Les Poussins's website outlines its vision, mission, principles and values. All workers are expected to operate within these and where there is reasonable evidence that these are not being followed, it will be addressed by the line manager.

Similarly if an employee is found to have raised a complaint or a false allegation for malicious reasons, the employee will be disciplined, which may result in their dismissal.

## **3. Scope of the policy**

This policy applies to all employees and volunteers. Throughout the document, the term “worker” will apply to collectively define these groups.

## **4. Les Poussins's policy on whistle-blowing**

Les Poussins's policy on whistle-blowing has the following objectives:

- To provide direction to all Les Poussins workers on what is unacceptable practice within Les Poussins, and to provide a safe and secure environment to blow the whistle on unacceptable practice.
- To protect workers who raise a concern in good faith and who have a reasonable suspicion that the alleged malpractice has occurred, is occurring, or is likely to occur.
- To provide reassurance to those workers who raise concerns in good faith and with reasonable suspicion that they will not experience any repercussions for doing so.

This policy aims to make workers aware of their rights and responsibilities with regard to upholding the values and standards of practice at Les Poussins and how to raise concerns when these standards of practice are not upheld.

Whilst this is not an exhaustive list, malpractice would include the following:

- A criminal offense, including theft, fraud, or corruption.
- A failure to comply with a legal obligation (including but not limited to those under the financial regulations).
- A miscarriage of justice.
- Accepting gifts which are intended to influence decision making.
- The endangerment of an individual's health and safety, and well-being: this would include towards staff members, workers, pupils or parents at Les Poussins.
- Damage to the environment or conduct which conflicts with Les Poussins' interests. – Deliberate disregard or serious breach of Les Poussins' principles and values, including bullying and harassment, and discrimination.
- Deliberate concealment of information to any of the above.

## 5. Responsibilities

The directors are accountable for ensuring the effective implementation of this policy throughout Les Poussins and representing Les Poussins's interests/concerns in the event of publicity or litigation resulting from a whistle-blowing allegation.

Line managers (anyone with a direct report) are responsible for ensuring that the principles of this policy are communicated and understood throughout their teams. They are also responsible for putting the policy into practice. These responsibilities include:

- Ensuring that all concerns raised by workers are taken seriously where appropriate.
- Ensuring that concerns are investigated properly, objectively and in a timely manner.
- Ensuring that the worker is kept informed of progress.
- Ensuring that action is taken to resolve the concern.

The committee is responsible for providing coaching, advice and guidance to line managers on the implementation and use of the policy.

## **6. How to raise a concern**

In the event that they suspect malpractice, workers at Les Poussins have a responsibility to inform someone who is able to do something about the problem. They must provide details about the malpractice as soon as they become aware. All attempts should be made to raise the concern internally in the first instance. Please see the attached worker guidance on raising a concern.

## APPENDIX A

### 1 Determining whether to use the whistle-blowing policy

This quick question section may help you to determine whether you should use the whistle blowing procedure.

Does the malpractice fall under one of the following?

- A criminal offense, including theft, fraud or corruption.
- A failure to comply with a legal obligation, namely those under the financial regulations.
- A miscarriage of justice.
- The endangering of an individual's health and safety, and well-being: this would include towards staff members, workers, pupils or parents to Les Poussins.
- Damage to the environment or conduct, which conflicts with Les Poussins's interests. – Deliberate disregard or serious breach of Les Poussins's principles and values, including bullying, harassment and discrimination.
- Deliberate concealment of information to any of the above.

Do you have genuine reason to believe that malpractice occurred either in the past, recently, or is likely to occur in the near future?

What details do you have? Check that the details are not judgements or assumptions, but based on fact.

Do you feel vulnerable or at risk?

### 2 Letting someone know

As soon as you become aware of, or have a good reason to believe that malpractice either has occurred, is occurring or is likely to occur by an employee or volunteer within Les Poussins, raise your concern with an appropriate member of staff within Les Poussins. In the first instance, this would normally be your immediate line manager. You can make a report either orally or in writing.

If the malpractice concerns your line manager (for instance an assistant is worried about a teacher), then raise your concern with their line manager (conseillère pédagogique in that case).

If you believe the malpractice is within your line management structure, then raise your concern with a committee member, who will consider with the directors how it will be investigated.

If the malpractice is regarding health and safety, raise your concern with the H&S officer, who has delegated responsibility for health and safety matters within Les Poussins. It is also advisable to inform your line manager at this point.

If you genuinely believe that you will be subjected to detrimental treatment if you report the concern to an appropriate person within Les Poussins, or that making a disclosure to someone within Les Poussins will result in destruction or concealment of evidence relating to the concern, or you believe that your concern was not dealt with satisfactorily by Les Poussins, you may raise your concern with an external body (details can be found in the bibliography).

### 3. Providing details about your concern

As soon as you become aware of or suspect malpractice, you have a duty to inform an appropriate person of your concern. If it is later found that you were aware of malpractice and had withheld information, this may have serious consequences for you.

When reporting your concern, you will be required to give your name, your position, and details about the concern, including any evidence that you have to support the concern. This will enable the best possible investigation.

### 4. Your position

If you want to raise the matter in confidence please make this clear when you make the report so that the appropriate arrangements can be made. Alternatively, you may make a report anonymously but please note that it is much harder (and sometimes impossible) to investigate suspicions without having direct access to the individual who raised the concern. It is best to declare your identity if possible.

If you genuinely believe that malpractice has occurred, is occurring or is likely to happen, Les Poussins will ensure that you do not suffer any disadvantage in the workplace as a consequence of raising your concern.

If you raise a concern which is later found that you knew to be false and/or raise a concern out of malice, then disciplinary action will be taken and may result in your dismissal. For those who the disciplinary process does not apply (parents, contractor), steps will be taken to terminate the relationship with Les Poussins.

### 5. Next steps

The concern will be investigated by the person to whom it is raised. All workers called upon to assist the investigation will have a duty to co-operate and may request that their concerns are treated in confidence: again such wishes will be respected.

The investigation manager will provide regular information to the worker who raised the concern on the progress of the investigation up until an outcome has been reached. Please note that this does not necessarily mean that the outcome of the investigation will be divulged to the worker, especially when relating the privacy of another individual.

The investigating manager will forward all original investigation material to the secretary for further action as appropriate and/or storage.

The investigating manager will monitor and ensure that appropriate steps are taken to address the cause for concern.

Les Poussins will respect and heed any legitimate concerns about your own safety or career, and will seek not to disclose your identity without your express consent. Any attempt to victimise an employee for having raised a concern about malpractice, or to deter anyone from raising such a concern, is a serious disciplinary offense.

We will do everything possible to keep your identity secret (if you so wish) but there may be circumstances when you may be needed as a witness (for example, if your report becomes the subject of a criminal investigation). Should this be the case, we will seek to discuss the matter with you at the earliest opportunity.

## APPENDIX B

Whilst this is not an exhaustive contact list, it aims to provide the key contacts in relation to Les Poussins's business.

Chief Executive of the Criminal Cases Review Commission  
Actual or potential miscarriages of justice

Criminal Cases Review Commission  
Alpha Tower  
Suffolk Street  
Queensway  
Birmingham  
B1 1TT  
tel: 0121 633 1800 fax: 0121 633 1804

The Commissioners for Her Majesty's Revenue and Customs  
For matters concerning value added tax, insurance premium tax, excise duties and landfill tax, or the import of prohibited or restricted goods.

Income tax, corporation tax, capital gains tax, petroleum revenue tax, inheritance tax, stamp duties, national insurance contributions, statutory maternity pay, statutory sick pay, tax credits, child benefits, collection of students loans and the enforcement of national minimum wage.

Her Majesty's Revenue and Customs  
Cross Cutting Policy  
Room 1E/04  
1 Parliament Street  
London SW1A 2BQ  
free phone: 0900 595 000  
free fax: 0800523 0506  
customs.confidential@hmrc.gov.uk

Health & Safety Executive  
Matters which may affect the health and safety of any individual at work; matters which may affect the health and safety of any member of the public arising out of, or in connection with the activities of persons at work.

Health and Safety Executive  
Information Services  
Caerphilly Business Park  
Caerphilly  
South Wales  
CF38 3GG



tel: 0845 345 0055 fax: 0845 408 9566

hse.infoline@natbrit.com

#### Information Commissioner

The compliance with the requirements of legislation relating to data protection and to freedom of information.

\*Data protection legislation regulates the processing of information relating to individuals, including the obtaining, holding, use of or disclosure of such information.

\*Freedom of information applies to public authorities about disclosure of information that they hold.

#### The Office of the Information Commissioner

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

tel: 01625 545 700 fax: 01625 524 510

mail@ico.gsi.gov.uk

Recognising that employees have a lot at stake when considering whether to and how to blow the whistle can seek independent advice from Public Concern at Work: [www.pcaw.co.uk](http://www.pcaw.co.uk)

## APPENDIX C

### Whistle-blowing process flow chart

Become aware of an issue that is cause for concerns

Raise the concern with someone appropriate

The concern is investigated

Investigation is concluded

Recommendations are made

Action plan is set-up to implement recommendations

Report on progress