

## WHISTLE BLOWING POLICY AND PROCEDURE

### **Policy statement**

This procedure is designed to encourage a free and open culture at CMN's dealings between volunteers, employees and all people who engage in our business and legal relations.

The policy aims to provide guidance to all those who work with, parents of or other partners of the Setting who may from time to time think that they need to raise certain issues relating to the setting with someone in confidence.

This policy is separate from the grievance procedure. Employees with complaints about their own personal circumstances should use the normal grievance procedure. If employees have concerns about malpractice within the organisation then they should use the procedure outlined in the policy.

### **Principles**

In almost all cases, raising issues internally will be the most appropriate course of action for employees to take.

This policy is not a general protection for whistle blowers which apply in all circumstances. It applies to employees who follow the procedure laid down in this document in disclosing specific categories of malpractice.

By knowing about malpractice at an early stage, the Setting has a good chance of taking necessary steps to safeguard the interests of staff and protect the organisation.

### **Procedure**

What to disclose:

This policy will apply in cases where an employee genuinely and in good faith believes that one of the following sets of circumstances is occurring, has occurred or may occur within the setting:

- That a criminal offence has been committed, is being committed or is likely to be committed;
- That a person has failed, is failing or is likely to fail to comply with any legal obligation to which he or she is subject;
- That a miscarriage of justice has occurred, is occurring, or is likely to occur;
- That the health and safety of any individual has been, is being or is likely to be endangered;
- That the working environment has been, is being or is likely to be damaged; or

- That information tending to show any matter falling within any one of the preceding paragraphs has been or is likely to be deliberately concealed.

It is not necessary that employees prove the malpractice or misconduct which they allege; rather they must raise a reasonable suspicion. However, they will not be protected from the consequences of making such a disclosure if, by doing so, they commit a criminal offence.

### **How to raise concerns**

If an employee wishes to raise or discuss any issues which might fall under the above category they should normally raise the issue with their manager  
Employees who are unable to raise the issue with their manager should raise it with their manager's manager.

### **Response to concerns**

After a complaint has been raised, the Setting will decide how to respond in a reasonable and appropriate manner. This will normally involve making internal enquiries first, but it may be necessary to carry out an investigation at a later stage.

We hope that such disclosures will never be necessary, but we also recognise that we may find circumstances which are new to us. Each case will be treated on its own facts.

### **Managers' responsibilities**

Managers notified of concerns under this policy will normally:

- Ensure that concerns raised are taken seriously;
- Treat the matter in confidence, within the parameters of the case;
- Where appropriate, should investigate properly and make an objective assessment of the concern;
- Keep the employee advised of progress, without breaching confidentiality;
- Have a responsibility to ensure that the action necessary to resolve a concern is taken;
- Ensures that details of concerns raised under this policy are sent to the committee or proprietors of the organisation;
- Take appropriate steps to ensure that the employee's working environment and/or relationship is/are not prejudiced by the fact of disclosure.

### **Employees' responsibilities**

- Employees may be required to attend a disciplinary or investigative hearing as a witness.
- Employees are expected to raise concerns internally where possible before raising these externally.

- Employees should be aware that the policy will apply where a disclosure is made in good faith and where they reasonably believe that the information disclosed and any allegation contained in it are substantially true.
- If any disclosure is made in bad faith (for instance in order to cause disruption within the Setting), or indeed if the disclosure is made for personal gain, then such a disclosure will constitute a disciplinary offence for the purposes of the organisation's disciplinary Policy and Procedures and may constitute gross misconduct for which summary dismissal is the sanction.