Date: May 2024
Review Date: August 2026
Responsibility: Deputy Head (Students)

EPSOM COLLEGE MALAYSIA

WHISTLEBLOWING POLICY

Introduction

This policy document sets out the means by which the College enables and supports members of staff to raise genuine concerns relating to activities encountered through their work that are dangerous, illegal or otherwise improper.

It complies with requirements of Keeping children safe in education Sept 2019 Par One, and *The Public Interest Disclosure Act* (1998) and the Malaysian equivalent *The Whistleblower Protection Act* (2010), both of which encourage employees to raise concerns about malpractice in the workplace — action referred to as 'whistleblowing' — and ensures that organisations respond by dealing with the message rather than the messenger and resist the temptation to cover up serious malpractice. The Act promotes the public interest by protecting from dismissal and victimisation those who in good faith inform on those engaged in illicit activity, and applies whether or not the information is confidential.

It is not possible to list all illicit activities to which this policy relates, but included would be criminal offences, financial irregularities, bribery, risks to health and safety, potential environmental problems, failure to comply with legal obligations, miscarriages of justice, acting contrary to the staff code of ethics and the cover-up of any of these. Further details can be found in the College's Anti-Corruption & Bribery Policy. In the College, as in every school setting, the welfare of children is always of paramount importance: the highest level of support will be offered to a member of staff who brings to the attention of senior colleagues any deficiency in the care of pupils in general or a concern for a particular pupil who is thought to be at risk.

Those who raise genuine concerns — whistleblowers — are to be regarded as loyal and public-spirited employees who provide an early warning system that can alert colleagues to danger or illicit activity before it is too late. Their actions can save jobs, money, reputations and even lives.

General principles

The College seeks to enable members of staff to raise concerns internally in a confidential manner. Members of staff who have a reasonable suspicion that malpractice has occurred, is occurring or is likely to occur should, in the first instance, disclose their concerns to a senior manager/leader, who in all probability would be the Head of Department. However, if circumstances dictate, the disclosure would be made to the Deputy Head (Academic or Pastoral), Headmaster or the Bursar. Guidance is offered later in the document to cover circumstances where a disclosure might first be made to an outside organisation.

Underpinning all the guidance set out in this document the College acknowledges its responsibility to ensure that:

- it will not tolerate malpractice;
- it will provide a clear and simple procedure for raising concerns, which is accessible to all employees;
- it will respect the confidentiality of employees who raise concerns, and will make every effort to maintain confidentiality without compromising any investigation into the concerns;
- it will not take action against, or allow harassment or victimisation of, any employee who, in good faith and following the procedures set out in this document, raises a genuine and legitimate concern, even if that concern proves later to have been unfounded;
- it recognises an employee's right to raise concerns beyond the normal line management structure, should this be appropriate;
- it may invoke its disciplinary procedure against any employee found to have knowingly made a false, malicious, vexatious or frivolous allegation.

Each individual employee has a responsibility for raising concerns about unacceptable practice or behaviour. Compelling reasons for making a disclosure include:

- preventing a problem from worsening or widening;
- protecting others, e.g. by reducing risks;
- self-preservation: intervening where there is a possibility of the whistleblower him/herself becoming implicated.

However, it is recognised that a potential whistleblower will almost certainly have reservations about making a disclosure, especially if a friend or close colleague is implicated. Those to whom the disclosure should be made will endeavour to reassure the potential whistleblower and help him or her overcome any fear of:

- having misinterpreted the actions of others;
- not being believed;
- starting a chain of events that escalates;
- disrupting a particular project or piece of work at a critical stage;
- damaging careers;
- creating any other serious repercussions.

Whistleblowing is very different from making a complaint. More often than not a whistleblower is someone who raises a concern about a malpractice that affects others. He or she is not directly or personally affected by the malpractice and is unlikely, therefore, to have a personal interest in the outcome of any investigation of the concern that is raised. The whistleblower is not obliged to provide evidence of the malpractice; he or she need do no more than convey the message.

Someone who complains — either informally, or formally via the College's grievance procedure — is seeking redress or justice for him/herself in relation to alleged poor treatment (e.g. bullying or a breach of employment rights). The complainant has a vested interest in the outcome of any investigation and would therefore be expected to be able to provide evidence to substantiate the complaint. Members of staff should not use the whistleblowing procedure to raise grievances that relate to their own employment.

Procedure

A member of staff who wishes to raise a genuine concern should voice that concern, suspicion or unease as soon as he/she feels able to do so: the earlier a concern is raised the easier and sooner action can be taken.

Any disclosure should in the first instance (that is, unless exceptional circumstances dictate otherwise) be made internally: to the Deputy Head (Academic or Pastoral), Headmaster, Bursar or other senior manager.

The member of staff raising the concern should be prepared to:

- specify exactly what practice is causing concern and why;
- demonstrate sufficient grounds for concern without necessarily proving the truth of any allegation; and
- set down the concern on paper, outlining the background and history, and giving names, dates and places where possible.

Having made a disclosure, the informant can expect to be kept informed of the nature and progress of any enquiries.

Child Protection

All members of staff must acknowledge their individual responsibility to bring matters of concern that affect the welfare of children to the attention of those who have been appointed and trained to deal with child protection matters. A member of staff may be the first to recognize that something is wrong but may not feel able to express concerns out of a feeling of embarrassment or because to do so would be regarded as an act of disloyalty to colleagues. These feelings, however natural, must never result in a child or young person continuing to be unnecessarily at risk. It is often the most vulnerable children or young persons who are targeted. All children must be able to rely on all College staff including volunteers to safeguard their welfare.
If a pupil makes an allegation against a member of staff or volunteer, whoever receives the allegation, whether directly from the pupil or via a third party, will immediately inform the Headmaster, who, in consultation with the Designated Safeguarding Lead DSL (formerly known in the UK as the Child Protection Liaison Officer or CPLO), will decide who else should be informed. If the allegation concerns the Headmaster the person receiving the allegation will immediately inform the DSL, who will in turn inform the Chairman of Governors. If the DSL is absent the College's Deputy DSL will act on his/her behalf.

There may be occasions where a member of staff has a personal difficulty — perhaps a physical or mental health problem — which he/she knows may be impinging on his/her professional competence. He/she has a responsibility to discuss such a situation with the Head of Department so that professional and personal support can be offered. Whilst in most instances such discussions can and will remain confidential, this cannot be guaranteed where personal difficulties raise concerns about the welfare or safety of children.

External disclosures

A member of staff who wishes to raise a genuine concern should in the first instance consider making a disclosure internally; that is to either the Head of Department, the Deputy Head (Students), Headmaster or the Bursar. However, it is acknowledged that there are circumstances where it would be appropriate for a member of staff to raise a concern directly with an appropriate external authority. This would apply when the member of staff has good reason to believe that:

- the circumstances are exceptionally serious;
- he/she will be victimised by the College;
- someone acting on behalf of the College intends to conceal or destroy relevant evidence; and
- no action had been taken by the College after a reasonable length of time had passed since the concern had first been raised internally.

In the UK a member of staff making a disclosure to an external authority for any of these reasons is protected by *The Public Interest Disclosure Act* (1998), provided the disclosure is being made in good faith and is not being made for personal gain. The equivalent in Malaysia is *The Whistleblower Protection Act* (2010).

The *Malaysian Anti-Corruption Commission* (Helpline 03-8886-7000) is available for staff who do not feel able to raise concerns internally. Of further external assistance is the *Ministry of Women, Family and Community Development.* They have a Helpline (formerly *Child-Line Malaysia*) called *Talian Kasih 15999.* This is a crisis helpline for people being abused as well as a number to ring if you want to report a case of abuse.