

Whistleblowing Policy and Procedure

1. Introduction

- 1.1 Promoting Equality in African Schools (PEAS) is committed to achieving the highest possible service and ethical standards, in line with our organisational values.
- 1.2 ‘Whistle-blowing’ is the reporting by past or present employees, students, volunteers, contractors and suppliers of suspected wrongdoing such as fraud, malpractice, misconduct, mismanagement, breach of health and safety law or any other illegal or unethical act on the part of any PEAS worker at any level.
- 1.3 To enable workers and students to raise issues of concern in an appropriate manner, this policy has been introduced in line with the following relevant national legislation:
 - **UK:** The Public Interest Disclosure Act 1998 (which you can consult at <http://www.opsi.gov.uk/acts/acts1998>)
 - **Uganda:** The Whistle Blowers’ Protection Act 2010 (which you can consult at http://igg.go.ug/static/files/publications/Whistle_blowers_Act.pdfabout:blank)
 - **Zambia:** The Public Interest Disclosure Act (Protection of Whistleblowers) Act, 2010 (which you can consult at <http://www.acc.gov.zm/wp-content/uploads/2011/10/WHISLEBLOWERS-ACT.pdf>)
- 1.4 PEAS has a dedicated e-mail address for reporting: reporting@peas.org.uk

2. Purpose

- 2.1. This policy aims to:
 - Encourage workers and students to feel confident in raising concerns in an appropriate manner and in good faith
 - Establish a fair and impartial investigative procedure
 - Provide avenues for workers and students to raise concerns and receive appropriate feedback
 - Ensure that workers and students receive a response to concerns and are aware of how to pursue them if they are not satisfied
 - Ensure that workers and students will be protected from any reprisals or victimisation by other members of staff
 - Establish that all cases of whistleblowing should be made in good faith

3. Scope

- 3.1. This policy may be used by all workers within PEAS (UK, Africa country offices, regional offices and PEAS schools) and students within PEAS or partner schools, to raise concerns where the well-being of others or PEAS itself is at risk.
- 3.2. The term ‘worker’ broadly includes employees, volunteers, school staff, contractors, suppliers and any other third parties acting on behalf of, or in partnership with, PEAS.

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- 3.3. The term 'student' broadly includes any current student or alumni from a PEAS or PEAS partner school.
- 3.4. The term 'manager' can be interpreted to mean the following:
- a) **Schools:** School Director
 - b) **Country Office:** Country Director/Managing Director
 - c) **Global Office:** Chief of Staff and/or Chief Operations Officer and/or Chief Executive Officer
- 3.5. The Whistle blowing policy is designed to sit alongside other PEAS policies, such as the global Child Protection policy and country Human Resource policies/procedures, and to be reverted to in cases where the Representer does not feel confident that the incident will be handed adequately through such policy channels. As a guideline, concerns, which should be raised through these routes, are as follows:
- Child Protection incidents should be reported through the PEAS Child Protection reporting procedures for each Country office;
 - Employment related issues should be raised through the standard PEAS Country office HR channels and processes;

4. Equal Opportunities

- 4.1. The whistle blowing procedure must always be applied fairly and in accordance with relevant Country employment law and PEAS' values.

5. Responsibilities

- 5.1. PEAS is responsible for maintaining fair, consistent and objective procedures for matters relating to whistle blowing.
- 5.2. The Chief Executive Officer has overall responsibility for the internal organisation, control and management of PEAS.
- 5.3. Country Directors have overall responsibility for the internal organisation and management of PEAS Country offices.

6. Timing

- 6.1. The whistle blowing procedure should normally be conducted within the timescales laid down in this document. However, if there is a valid reason to do so, timescales can be varied. If this is initiated by management, the employee should be given an explanation if this occurs and informed when a response or meeting can be expected. Delays should not normally exceed 10 working days.

7. What to raise concerns about

- 7.1. **UK:** 7.1 The Public Interest Disclosure Act 1998 lists matters about which concerns can be raised, which are as follows:
- a) That a crime has been committed, is being committed, or is likely to be committed

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- b) That a person has failed, is failing, or is likely to fail to comply with any legal obligation to which they are subject, for example a breach of contract.
- c) That a miscarriage of justice has occurred, is occurring, or is likely to occur
- d) That the health and safety of an individual has been, is being, or is likely to be endangered
- e) That the environment has been, is being or likely to be damaged
- f) That information tending to show any of a) to e) above has been concealed or is likely to be deliberately concealed.

7.2. **Uganda:** The Whistle Blowers' Protection Act 2010 lists matters about which concerns can be raised, as follows:

- i. A person may make a disclosure of information where that person reasonably believes that the information tends to show-
 - a) that a corrupt, criminal or other unlawful act has been committed, is being committed or is likely to be committed;
 - b) that a public officer or employee has failed, refused or neglected to comply with any legal obligation to which that officer or employee is subject;
 - c) that a miscarriage of justice has occurred, is occurring or is likely to occur;
 - d) that any matter referred to in paragraphs (a) to (c) has been, is being or is likely to be deliberately concealed.

7.3. **Zambia:** According to The Public Interest Disclosure (Protection of Whistleblowers) Act, disclosable conduct in relation to any person or a public officer, means:

- a) conduct of the person, whether or not a public officer, that adversely affects, or could adversely affect, either directly or indirectly, the honest or impartial performance of official functions by the person, public officer or agency;
- b) conduct of the public officer which amounts to the performance of any of the public officer's functions dishonestly or with partiality;
- c) conduct of the public officer, a former public officer or a government agency that amounts to a breach of public trust;
- d) conduct of the public officer, a former public officer or a government agency that amounts to the misuse of information or material acquired in the course of the performance of the public officer functions, whether for the benefit of that person or agency or otherwise;
- e) conduct of the public officer that amounts to maladministration which is action or inaction of a serious nature that is-
 - i. contrary to any law;
 - ii. unreasonable, unjust, oppressive or discriminatory; or
 - iii. based wholly or partly on improper motives;

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- f) conduct of the person or public officer that would, if proven, constitute
 - i. a criminal offence;
 - ii. a disciplinary offence;
 - iii. serious and substantial public wastage or abuse of financial or other public resources or assets; or
 - iv. reasonable grounds for dismissing or dispensing with, or otherwise terminating, the services of the person or public officer who is engaged in it; or
- g) a conspiracy or attempt to engage in conduct referred to in paragraphs (a) to (e) inclusive.

8. PEAS assurances to workers and students

8.1. *To ensure workers and students have the right to disclose a concern*

- a) Workers and students have the right to disclose a concern/issue if they feel it falls within the scope of Section 7 of this policy. However, the duty of fidelity is implied by the law in every contract of employment and prohibits employees from disclosing employers' confidential information externally, unless it is in the public interest that information is disclosed or unless PEAS fails to properly consider or deal with the issue.

8.2. *To protect workers and students*

- a) If a worker makes a disclosure on one or more of the matters listed above and they have a reasonable belief that the concern is real and they are acting in good faith, the worker and student will not suffer any detriment, even if after investigation it transpires that the concern is unfounded. PEAS will not tolerate the harassment or victimisation of any worker or students raising a genuine concern, in line with our values, and also in accordance with the relevant national legislation as follows:
 - **UK:** Part IV, Section 47B of the Public Interest Disclosure Act 1998
 - **Uganda:** Part V, Section 9 of the Whistle Blowers' Protection Act 2010
 - **Zambia:** Part II, Section 10 of the Public Interest Disclosure (Protection of Whistleblowers) Act 2010
- b) If a worker or student requests that their identity is protected, PEAS will not disclose it unless required to do so in law. If the situation arises where PEAS is unable to resolve the concern without revealing the worker or student's identity (for instance because the worker's evidence is needed in court), PEAS will discuss with the worker or student how the matter should proceed. However, it must also be stated that if a worker or student chooses not to disclose their identity it will be much more difficult for PEAS to look into the matter or to protect their position or to give them feedback. Accordingly, while PEAS will consider anonymous reports, it will not be possible to apply all aspects of this policy for concerns raised anonymously.

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9. Internal procedure

9.1. In the following

9.2. Stage one – notification

- a) The employee, student, volunteer, contractor or supplier (the **Representer**) raising the concern should do so orally or in writing to their manager or (in the case of non-employees) their most appropriate point of contact within PEAS (who should then pass the concern to their manager). The Representer has the right to have the matter treated confidentially.
- b) The manager should contact their relevant supervisor (i.e. School Directors contact PEAS Country Director/Managing Director; PEAS Country Directors/Managing Director contact Chief of Staff and/or Chief Operations Officer and/or Chief Executive Officer; the Chief Executive Officer contact the Chair of the Board of Trustees). Together these two managers will determine whether it is appropriate to follow the whistleblowing procedure, or take any other necessary action (which must be appropriately recorded and filed).
- c) The key conclusion will be to appoint an **Assessor**. This assessor may well be the manager, but it could also be another appropriately qualified member of PEAS' staff (e.g. internal audit for a fraud allegation).
- d) If the Representer feels unable to raise their concern with their manager in the first instance, they should follow the procedures below. If this occurs, the Representer will be asked to justify why they feel unable to raise the concern with their manager.
 - i. **Schools:** workers should contact the relevant central office staff member (Regional Programme Managers or Country Director/Managing Director)
 - ii. **Country offices:** workers should contact the relevant member of PEAS global management (Chief of Staff and/or Chief Operations Officer and/or Chief Executive Officer).

9.3. Stage two – the meeting

- a) The Assessor will interview the Representer within ten working days, in confidence, or earlier if there is an immediate danger to loss of life or serious injury and will:
 - i. Obtain as much information as possible from the Representer about the grounds for the belief of malpractice
 - ii. Consult with the Representer about further steps which could be taken;
 - iii. Inform the Representer of appropriate routes if the matter does not fall within the PEAS Whistle blowing Procedure;
 - iv. Report all matters raised under this procedure to the relevant supervising manager above them
- b) At the interview with the Assessor, the Representer may be accompanied by a work colleague. The Assessor may be accompanied by a note taker.

9.4. Stage three – the outcome

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Next Review Date – June 2024

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- a) Within ten working days of the interview, the Assessor will recommend one or more of the following:
 - i. The matter be investigated internally by PEAS
 - ii. The matter be investigated by the external auditors appointed by PEAS
 - iii. The matter be reported to the relevant national government bodies (e.g. Education Ministries)
 - iv. The matter be reported to the Police
 - v. No further action be taken
- b) The grounds on which no further action is taken may include:
 - i. The Assessor is satisfied that, on the balance of probabilities, there is no evidence that malpractice has occurred, is occurring or is likely to occur
 - ii. The Assessor is satisfied that the Representer is not acting in good faith;
 - iii. The matter is already (or has been) the subject of proceedings under one of PEAS' other procedures or policies;
 - iv. The matter concerned is already the subject of legal proceedings, or has already been referred to the police, the external auditors, the relevant national government authority or other public authority.
- c) Should it be alleged that the Manager is involved in the alleged malpractice, the Assessor's recommendation will be made to the other relevant and responsible member of the PEAS Management Team (at either Global or Country Office levels)
- d) The recipient of the recommendation will ensure that it is implemented unless there is good reason for not doing so in whole or in part. Such a reason must be reported to and approved by the relevant manager
- e) The conclusion of any agreed investigation will be reported by the Assessor to the Representer in writing within twenty-eight days of the conclusion of the investigation
- f) If the Representer has not had a response within the above time limits, he or she may appeal to supervising manager (Country Director/Managing or Chief of Staff), but will inform the Assessor before doing so.
- g) The Representer may at any time disclose the matter on a confidential basis to a solicitor for the purpose of taking legal advice.

10. External contacts

- 10.1. Whistle blowing to an external body without first going through the internal procedure is inadvisable, unless there are compelling reasons to do so. In particular, this means being careful about what is said to the media. Compelling reasons could be the involvement of the organisation's most senior managers at both Country and Global office level, serious health and safety issues that appears to be putting any PEAS stakeholders at risk of loss of life or serious injury or possible discrimination that leads the Representer reasonably believe that

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their concern is not being, or will not be, addressed in accordance with this policy. The external bodies which could be used are:

- a) Local law enforcement authorities
 - b) Relevant national or local government authorities
- 10.2 If you do not feel able to raise your concern in the ways outlined above, you should consult the relevant national legislation for information about other routes by which a disclosure may be made.

11. Malicious Accusations

- 11.1. Every effort will be made to investigate all allegations and protect whistleblowers. However, allegations made by a Representer that are found to be deliberately false or malicious will be considered a serious breach of trust and will be dealt with under the PEAS disciplinary procedure or through criminal proceedings if relevant.
- 11.2. PEAS will ensure the Representer is protected from any form of victimization or discrimination, in line with the pertinent clauses in the relevant national legislation.

12. Review

- 12.1. This policy will be reviewed every 2 years in conjunction with the relevant legislation, PEAS' decision making processes and the recognised authorities.

This PEAS Whistleblowing Policy & Procedure has been reviewed and approved by the PEAS board, 14th June 2022.

Next Review Date: June 2024