



International School of Cape Town: Whistleblowing Policy

Introduction

The International School of Cape Town (“the School”) is committed to the highest standards of openness, integrity and accountability and expects employees who have serious concerns about any aspect of the School’s work to come forward and voice these concerns.

The School is committed to developing a culture where it is safe and acceptable for all employees and stakeholders to raise concerns about any protected disclosures which include unacceptable practice and misconduct. The purpose of this policy is to assist employees who believe they have discovered malpractice or impropriety in making a disclosure.

Background

Overarching protections for whistleblowers in South Africa are contained in The Constitution, while the main legislation relevant to whistleblowing is [The Protected Disclosures Act of 2000](#). The Act protects employees and workers in several ways e.g.

- *Protection from dismissal because they have made a protected disclosure. If a dismissal takes place, it will be treated as “unfair”*
- *Protection from being subjected to any ‘detrimental treatment’ by employers on the grounds that they have made a protected disclosure*

The International School of Cape Town encourages employees and all persons associated with the company who discover information which is believed to show malpractice or wrongdoing within the organisation, to disclose such information as soon as possible. The company recognises that making disclosures can take a lot of courage and confidence and is committed to supporting employees and all persons associated with the company throughout this process.

Scope

This policy applies to everyone working for the International School of Cape Town. It includes:

1. **Employees at all levels** within the International School of Cape Town.
2. **The International School of Cape Town partners:** these include volunteers, consultants, contractors and employees or representatives of partner organisations working for or with the International School of Cape Town.

For the purposes of this document, the term “**employee**” refers to all persons who are covered by the International School of Cape Town’s Whistleblowing Policy as clarified within the scope.

What is a qualifying disclosure?

Qualifying disclosures are disclosures in which you reasonably believe that one or more of the following matters is either happening now, took place in the past, or is likely to happen in the future. The Act provides protection for workers who raise legitimate concerns (“qualifying disclosures”) about specified matters e.g.

The protected disclosures, in relation to the school, are:

- committing a criminal offence pertaining to the School;
- failure to comply with any legal obligation as an officer or employee of the School;
- miscarriage of justice, concerning School affairs;
- endangering of the health or safety of an individual, to whom the person owes a duty at the School;
- damaging the environment;
- unfair discrimination in his or her capacity as an officer of the School, as contemplated in the PEPUA; or
- the deliberate concealment of any of the above.

A qualifying disclosure will be 'protected' provided you:

- make the disclosure in good faith
- reasonably believe that the information disclosed and any allegation contained within the disclosure is substantially true.

Employees are encouraged to use this policy rather than to air concerns outside the organisation unless the employee is of the belief that the School has not dealt with the concern satisfactorily. In such cases, the employee should contact Education Development Trust or one of the prescribed bodies mentioned in Part 1, section 3 of the PDA, such as a legal advisor with the purpose of obtaining legal advice or the South African Police Service.

The Whistleblowing Policy is not designed for the questioning of financial or business decisions taken within the School; nor will it apply to personal grievances concerning an employee's terms and conditions of employment, or any other aspects of the working relationship i.e. complaints relating to bullying, harassment, or disciplinary matters. Such complaints will be dealt with under the existing appropriate policies and procedures such as ISCT's Grievance Policy.

School Assurance and Support

- The School is committed to good practice and high standards and is supportive of its employees.
- The School recognises that a decision to report a concern can be a difficult one to make. If you believe that what you are saying is true then you should have no concerns in raising because you will be doing your duty to your employer and those for whom you are providing a service.
- You will be given full support from senior management throughout the process and be taken seriously. The investigation will not prevent you from having support because your involvement will be confidential.
- The School will not tolerate any harassment or victimisation, including informal pressures, and will take appropriate action to protect you when you raise a concern wherever possible. Employees suffering harassment or victimisation should inform their line manager or the individual with whom they raised their initial concern.
- Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that may already affect an employee.

Confidentiality

All concerns will be treated in confidence and every effort will be made, subject to legal constraints, not to reveal your identity, if you so wish. If it does become necessary to reveal your identity you will be consulted before this action is taken. This may apply in cases where the allegations are so serious that it may be necessary to take protective action and/or refer the matter to the police.

Whilst it may be possible to raise concerns anonymously, this policy encourages you to put your name to your concern wherever possible. Concerns expressed anonymously are much less powerful but will be considered at the discretion of the company, taking into account factors such

as the seriousness of the issues raised, the credibility of the concern and the likelihood of confirming the allegation from other attributable sources.

Concerns about Children or Vulnerable Adults

The International School of Cape Town is committed to providing excellent service to the children and adults we work with and safeguarding their interests is of paramount importance. However, as a school we recognise that concerns may arise in respect of employees conduct towards children or adults at risk. If you need to raise a concern relating to a safeguarding situation, please refer to local safeguarding contact procedures and/or the Safeguarding Policy which are available at the school.

Unsubstantiated Allegations

It is important to raise all concerns that fall within the protected disclosures list. However, if you raise a concern or make an allegation in good faith that is then not confirmed by the investigation, the case will be closed and the disclosure will remain protected. However, if you make an allegation frivolously, maliciously or for personal gain, it will result in appropriate action being taken against you including disciplinary action.

Roles and Responsibilities

The Discloser is required to:

- Read and adhere to the contents of this policy and procedure
- Lodge the disclosure through the most preferable route:
 - line manager at school or
 - the confidential email address of the Board of Governors: whistleblower@isct.co.za
- Attend meetings relating to the whistleblowing case where required

Line Manager and Senior Managers are required to

- Read and adhere to the contents of the policy and procedure
- Inform the senior manager for the business area of the disclosure upon receipt of concern if appropriate
- Where appropriate provide guidance and support to discloser or any witnesses
- Conduct or attend investigation hearings or meetings where required

Procedures

How to Raise a Concern

Concerns may be raised verbally or preferably in writing to your line manager, a trusted senior manager or via the confidential email. When raising concerns, you will be required to provide information relating to;

- the background and history of the concern, giving relevant dates;
- the reason why you are particularly concerned about the situation;
- the extent to which you have personally witnessed or experienced the problem, providing documentary evidence where possible.
- You may choose to use the disclosure form (Appendix A) as a guide.

As a first step, employees should normally raise concerns with their immediate line manager, or they may prefer to make the disclosure independently of line management to a trusted senior manager. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of malpractice. If you feel the departmental route is inappropriate you can raise your concerns via the confidential email which is monitored by the Chair of the Board of Governors: whistleblower@isct.co.za

2. How will the School respond?

Where appropriate, the matters raised may:

- be investigated by management, or through the disciplinary process;
- be referred to SAPS by either the School or the Governors;
- be referred to an external agency
- form the subject of an independent enquiry.

Initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

Where practicable, within 5 working days of a concern being raised, you will receive an acknowledgement that your concern has been received. The amount of contact between you and the people considering the issues will depend on the nature of the matters raised, the potential difficulties involved and the clarity of information provided. If necessary, the School will seek further information from you.

Where any meeting is arranged, this may take place off-site at a mutually agreed location if you wish. You are entitled to be accompanied by a work colleague at the meeting. The School accepts that you need to be assured that the matter has been properly addressed. Thus, subject to any legal constraints, we will inform you of the outcome of any investigation.

How the Matter Can Be Taken Further

Raising your concern

The main purpose of this policy is to give you the opportunity and protection you need to raise your concerns internally. It is anticipated that all cases can be dealt with via this internal whistleblowing policy. However, the law recognises that in some circumstances it may be appropriate for employees to report their concerns to an external body such as a regulator.

If you do decide to take the matter outside the School you should ensure that you do not disclose confidential information which is not relevant to the serious concerns that you are raising.

List of Related Policies

1. **Child Protection Policy** – this will provide clarity on which policy process should be used and how the matter should be raised
2. **Disciplinary procedures** - this will be referred to if the complainant becomes a witness in the disciplinary process or is a recipient of disciplinary sanctions if a malicious allegation is made
3. **Code of Conduct** - this provides an overview of all the other policies, linkages and areas for consideration that might form part of a whistleblowing activity
4. **Health and Safety** – this will involve information and process for areas of high HSE failure including corporate manslaughter
5. **IT acceptable usage policy** – this provides information on the acceptable and non-acceptable use of IT equipment, access and dissemination of School information.
6. **Data Privacy and Information Security (POPI)** - provides clarity on processes and procedures for dealing with data subject requests and how these should be responded to

Version Control

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Due to the changing nature of employment legislation and for reasons of best practice, policies and procedures may change. All policies and procedures are version controlled and the most up to date versions are all available on The International School of Cape Town's website.

Whistleblowing - Making a public interest disclosure

This form is intended for use by all employees working for The International School of Cape Town as outlined in the Scope section.

This form should be used to report or as a guide for reporting any wrongdoing within the organisation (for example, financial irregularities or health and safety concerns), rather than to raise a personal grievance (for example, if you would like to make an allegation of bullying or harassment or are complaining that your contract of employment has been breached).

If you are unsure about whether your concerns are best dealt with under the organisation's whistleblowing policy or grievance procedure, please re-read the whistleblowing policy, which provides examples of the issues that should be reported using this form. If having read the whistleblowing policy you remain unsure, contact Hilary Isham, Head of Global HR for further advice.

Once you have submitted this form, the whistleblowing procedure will be invoked. This will result in an investigation, which will not involve anyone (for example, your line manager) you may have implicated below.

Where possible, the International School of Cape Town will respect a request for anonymity, but cannot guarantee that it will be able to do so as an accused has the right to face their accuser.

This form should be completed and delivered and should be sent as an email attachment with "confidential" in the subject line via whistleblower@isct.co.za

Whistleblowing - Formal public interest disclosure	
Name of employee:	
Job title:	
Department:	
Date of disclosure:	
Does your public interest disclosure relate to your line manager? Yes/No	
SUMMARY OF DISCLOSURE	
<p>Please set out the details of the issue that you wish to raise, providing examples where possible, particularly dates, times, locations and the identities of those involved. You may attach additional sheets if required.</p>	
INDIVIDUALS INVOLVED	
<p>Please provide the names and contact details of any people involved in your concerns, including witnesses.</p>	

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OUTCOME REQUESTED

Please set out how you would like to see the issue dealt with, and why and how you believe that this will resolve the issue.
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DECLARATION

I confirm that the above statements are true to the best of my knowledge, information and belief. I understand that, if I knowingly make false allegations, this may result in the organisation taking disciplinary action against me.
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Form completed by:

Name (Employee)	Signature	Date:
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School Name	
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Date form received

Recipient	Name and Job Title	Date
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Disclosure escalated to:		Status:
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