

WHISTLE-BLOWING POLICY

Preamble

Since July 2016 the “Wet Huis voor klokkenluiders” is in force in the Netherlands. It enables employees/members to confidentially raise problems or concerns within an organisation. The English term for ‘Klokkenluider’ is whistle-blower. Whistle-blowing is not “leaking” information but refers to matters of impropriety e.g. a breach of law, working procedures or ethics. Nor is whistle-blowing the raising of a grievance within AMI headquarters (which would be dealt with under the grievance procedures).

Introduction

AMI staff and management seek to run all business with full regard for high standards of conduct and integrity. If members, staff or management at large become aware of activities which give cause for concern, the Association Montessori Internationale has this whistle-blowing policy; this acts as a framework to allow concerns to be raised confidentially and provides for a thorough and appropriate investigation of the matter to bring it to a satisfactory conclusion, under AMI’s disciplinary procedure.

AMI is committed to tackling fraud and other forms of malpractice and treats these issues seriously. AMI recognises that some concerns may be extremely sensitive and has therefore developed a system which allows for the confidential raising of concerns within the working environment but also has recourse to a committee that can be convened and will be made up of Board members and others from outside the particular working environment concerned should it be deemed necessary.

When might the whistle-blowing policy apply?

Individuals are encouraged to come forward in good faith with genuine concerns knowing they will be taken seriously. A whistle-blower should ask a few questions before acting:

- Is it, or do you believe it to be, illegal?
- Is it, or do you believe it to be, against codes of practice issued by AMI, regulatory authorities or a professional body?
- Does it contradict what the employee has been taught, or should have been taught?
- Is it about an individual’s behaviour or is it about general working practices?
- Has the whistle-blower witnessed the incident?

If any individual raises malicious unfounded concerns or attempts to make mischief, this will also be taken seriously and may constitute a disciplinary offence or require some other form of penalty appropriate to the circumstances. All allegations should be capable of being dealt with through the disciplinary procedure and will be considered appropriately.

Where the alleged activity or behaviour cannot be dealt with under the scope of other procedures then consideration should be given to using this whistle-blowing policy, for example:

- manipulation of accounting records and finances
- inappropriate use of AMI assets or funds
- decision-making for personal gain

- any criminal activity
- damage to the environment of the office
- dangerous practices
- abuse of position
- fraud and deceit or corrupt practices
- serious breaches of procedures which may advantage a particular party (for example tampering with tender documentation, failure to register a personal interest)
- sexual or physical abuse of staff or others
- other unethical conduct.

Anonymous allegations will only be considered if the issues raised are:

- Very serious
- The credibility of the allegation is considered to be high
- The likelihood of confirming the allegation is high

Procedure

The whistle-blowing procedure is similar, in the first instance, to the grievance procedure. AMI encourages the whistle-blower to raise the matter internally in the first instance with the Chief of Staff (or the Executive Director if the Chief of Staff is under suspicion or the President of the Board if the Executive Director is under suspicion). This will allow the alleged wrongdoer to explain the behaviour or activity. Alternatively, the whistle-blower may request a private and confidential meeting in the first instance with the person who is causing concern. She/he may be accompanied by a work colleague of their choice if they so wish.

All matters will be treated in strict confidence and anonymity will be respected wherever possible. Written, dated and signed supporting evidence and statements should always be taken to any meetings if possible. Alternatively, if the whistle-blower considers the matter too serious or sensitive to raise within the internal environment of the organisation, the matter should be directed in the first instance to the Chairman of the AMI Board.

How will the matter be progressed?

The individual(s) in receipt of the information or allegation (the investigating officer(s)) will carry out a preliminary investigation. This will seek to establish the facts of the matter and assess whether the concern has foundation and can or should be resolved internally. The initial assessment may identify the need to involve third parties to provide further information, advice or assistance, for example involvement of other members of staff, external auditors, legal or personnel advisors, the police or the regulatory bodies.

Records will be kept of work undertaken and actions taken throughout the investigation. The investigating officer(s), possibly in conjunction with the President of the AMI Board or Executive Director will consider how best to report the findings and what corrective action needs to be considered. This may include some form of disciplinary action and/or third-party referral such as the police.

Depending on the nature of the concern or allegation and whether or not the investigating officer considers there to be a case to answer, the disciplinary procedure may be applied.

In such cases any disciplinary action will be considered by the dismissal committee and if appropriate the dismissal appeals committee of the AMI Board. Where a case is proven on the balance of probability the matter will be reported to the full AMI Board of Directors and regulatory authorities.

If the whistle-blower is dissatisfied with the conduct of the investigation or resolution of the matter or has genuine concerns that the matter has not been handled appropriately, the concerns may be raised with the President of the AMI board. If that fails to resolve matters, then the employee may seek the assistance

of Huis voor Klokkenluiders t.a.v. Afdeling Onderzoek Postbus 10088 3505 AB Utrecht. For any concerns taken outside of AMI this policy will not apply and any employee raising issues on a wider basis, e.g. with the press, without following the procedure in this policy may be liable to disciplinary action.

Respecting confidentiality

Wherever possible AMI seeks to respect the confidentiality and anonymity of the whistle-blower and will as far as possible protect him/her from reprisals. AMI will not tolerate any attempt to harass or victimise the whistle-blower, or attempts to prevent concerns being raised, and will consider any necessary disciplinary or corrective action appropriate to the circumstances.

Conclusion

Existing good practice within AMI in terms of its systems of internal control, both financial and non-financial, and the external regulatory environment in which AMI operates, ensures that cases of suspected fraud or impropriety rarely occur. This whistle-blowing policy is provided as a reference document to establish a framework within which issues can be raised confidentially internally and if necessary outside the management structure of the Association with the AMI Board. This document is a public commitment that concerns are taken seriously and will be actioned. Any actions arising from allegations/investigation must be in accordance with AMI disciplinary procedure, which should cover all of the potential areas of concern.

ANNUAL REVIEW

We are committed to reviewing our policies and good practice annually.

This policy was last reviewed on 17 November 2020.

Update: 11 November 2021. It is noted that government regulations on this topic are expected to be published in the coming months, so the annual review has been postponed until after this process.



Lynne Lawrence
Executive Director
Association Montessori Internationale