



*Together Everyone
Achieves More*

Reporting Malpractice (Whistleblowing Policy)

St Patrick's Primary School Portlusk

Policy No:	04		
Date Ratified:	Sept 2018		
Review Date:	Term 1 2021	Person responsible for review	Principal

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Who is this Policy for?

1. This policy is for the entire school community including staff, volunteers, parents/carers.

What is this Policy for?

2. If you see something within the workplace that you believe is negligent, improper or illegal, then you should report the matter immediately in accordance with this policy.
3. **If the issue relates to a child protection matter it *may* be appropriate to raise your concern in accordance with the procedures of the Safeguarding Children Policy.**
4. The purpose of this policy is to outline the procedures for reporting and investigating Disclosures about potential wrongdoing which might be taking place within the School.
5. Its purpose is to reassure staff/volunteers that they can raise genuine allegations or concerns about potential wrongdoing in confidence, without putting their position at risk; and provide guidance on how to deal with disclosures received from the school community or third parties who may have concerns of this nature.
6. The school management and Board of Governors are committed to the highest possible standards of openness and accountability. It is also committed to tackling any reports or concerns of impropriety or malpractice should they arise.

What does this Policy Cover?

7. This policy relates to disclosures about serious malpractice, abuse, neglect or wrongdoing, notably when the interests of the pupils, others or the school are at risk. Concerns of this nature are likely to involve matters such as unlawful conduct, child protection concerns, serious safety/security deficiencies, breaches of confidence or danger to the public/environment.
8. These can include:-
 - Any unlawful act, whether criminal (e.g. theft) or a breach of the civil law (e.g. slander or libel);
 - Child protection concerns;
 - Failure to comply with legal obligation;
 - Misadministration (e.g. unjustified delay, incompetence, negligent advice);
 - Health & Safety risks, including risks to the pupils, public as well as other staff/volunteers;
 - Damage to the environment (e.g. pollution);
 - The unauthorised use of public funds (e.g. expenditure for improper purpose);
 - Failing to safeguard personal and/or sensitive information (data protection);
 - Abuse of power;
 - Poor value for money;
 - Other unethical conduct;
 - Fraud & corruption; and
 - Deliberate concealment of information tending to show any of the above.
9. This is not a comprehensive list but is intended to illustrate the sort of issues that may be raised under this policy.

What is the difference between Whistleblowing and making a complaint?

10. A simple way to establish whether an individual raising a disclosure is a “whistleblower” or a “complainant” is to consider the nature of the concern:
 - Does the disclosure refer to “others” e.g. the organisation, other staff, pupils, the wider public. This is likely whistleblowing.
 - Does the disclosure refer to an individual (self) e.g. a personal grievance about terms of employment, pay, unfair treatment? This is likely a complainant

11. Generally a whistleblower has no self interest in the issue being raised.
12. The Public Interest Disclosure (NI) Order 1998, does not extend or provide protection to “external” whistleblowers, a whistleblower as defined in the Order is someone inside the school. However, for the purposes of this guidance, disclosures (oral/written) made by Third Parties should be dealt with under these same whistleblowing arrangements.
13. When staff or third parties “blow the whistle” they are raising a disclosure about danger, wrongdoing or illegality that affects others (e.g. unrelated pupils, taxpayers, members of the public, or their employer). The individual whistleblower is usually not directly, personally affected by the danger, wrongdoing or illegality. Consequently the whistleblower rarely has a personal interest in the outcome of the investigation into their disclosure/concern – they are simply trying to alert others. For this reason, the whistleblower is not expected to prove the malpractice. He/she is a messenger raising a concern so that the school or relevant authorities (such as the Education Authority or CCMS) can investigate and address the matter.
14. This is different from an internal or external complaint these will be dealt with in accordance with the schools or relevant authority’s complaints and employment procedures.
15. When an individual raises a disclosure with a manager, they should first consider whether it is a qualifying whistleblowing issue or whether the matter is a personal employment issue which should be dealt with in accordance with the policies of the relevant employing authority.

Procedures

How to raise a concern

16. If the issue relates to a child protection matter it may be appropriate to raise your concern in accordance with the Safeguarding Children Policy.
17. As a first step staff/volunteers should raise concerns with their principal or chair of the Board of Governors. This may be done either orally or in writing. If the report is made orally it should be followed up in writing.

18. If a staff/volunteer feels unable to raise a concern with the principal or chair the matter should be reported by confidential telephone or in writing to the Education Authority's Human Resources Manager who will investigate the matter or have the matter investigated. HR Managers: 028 37512416 or 028 37512220 (Confidential Telephone Numbers). You may be directed to another appropriate body such as the CCMS or Information Commissioner, however the Education Authority will advise in this instance.
19. The staff/volunteer will have the opportunity to decide whether or not they wish to remain anonymous.
20. After following this procedure and the staff/volunteer still has concerns, the matter should be reported to the Education Authority Chief Executive.
21. If corresponding in writing at any stage, your correspondence should be marked 'Private and Confidential' and clearly addressed to the appropriate individual.
22. If a staff/volunteer receives a whistleblowing complaint from a member of the school community, public or a third party, they should raise it with the principal. If the complaint involves the Principal the chair of the Board of Governors should be contacted. If it is inappropriate to raise the complaint within the school management or governance, the relevant authorities should be contacted (e.g. Education Authority/CCMS).

Oral Reports

23. It is preferable that all complaints are made in writing and signed. However, it is recognised that some staff/volunteers may wish only to report the matter orally. In this case, the person receiving the oral report should write it down immediately and record the date and time and sign it. It should, if possible, be read back to the complainant to confirm its accuracy.
24. Action should be taken to have the complaint investigated as soon as practicable.

Our Assurances to You

Fair Treatment

25. The School is committed to taking 'whistleblowing' seriously. If you are a staff/volunteer and raise a genuine concern under these arrangements, you will be protected by the Public Interest Disclosure (NI) Order 1998 and will not be at risk of losing your job or suffering any form of retribution. Provided you are acting in good faith, it does not matter if you are mistaken.
26. This assurance does not extend to someone who makes an allegation purely for malicious intent or personal gain. Making allegations of this nature which are found to have no foundation will be regarded as a serious disciplinary offence.

Confidentiality

27. The school will not tolerate the harassment or victimisation of anyone who raises a genuine concern, and, given these assurances, it is hoped that concerns are raised openly. However, it is recognised that there may be circumstances when it is initially preferred to speak to someone in confidence. If this is the case, this should be stated at the outset. If the school is asked not to disclose the complainant's identity it will not do so without consent, unless required by law.
28. There may be times when it is not possible to resolve a concern without revealing the identity of a complainant, for example where their personal evidence is essential. In cases where an investigation leads to criminal proceedings, for example, there may be an expectation for a complainant, to give evidence in a court of law.

Undertaking an Investigation

29. For child protection matters the Safeguarding Children Policy will, in most instances, provide the procedures that should be followed.

30. If there is any confusion and/or disagreement on how to handle a whistleblowing complaint the advice of the relevant authority (e.g. CCMS/Education Authority) should be sought at the earliest opportunity.

Guiding Principles for an Initial/Preliminary Investigation

31. The guiding principles for handling enquiries and investigations in Whistleblowing are:

- The key to a good investigation is planning;
- Investigations should be undertaken as quickly as possible and without any undue delay;
- All actions relating to the investigation must be documented;
- The investigation should examine all the allegations;
- The investigation should be of adequate scope and consider all potentially relevant sources of evidence;
- Persons carrying out the investigations should be of appropriate seniority, and should have proportionate knowledge and skills; and
- Independence and objectivity are of paramount importance.

Conflict of Interest

32. Independence and the perception of independence in the conduct of all investigations is paramount. There should be no reasonable link (e.g. conflict of interest) between the investigating person(s) and the potential wrongdoing case. The independence and integrity of the investigation and the investigating personnel must be kept under review throughout the process.

33. The persons undertaking an investigation must complete a Conflict of Interest Declaration (Annex A) form before commencing any formal investigation.

Initial Enquiry / Fact Finding and Investigations

34. Cases of whistleblowing and wrongdoing can be complex and multifaceted. In some instances it may be necessary to conduct an initial enquiry to gather the facts and confirm a suspicion of wrongdoing. It may also be necessary to conduct a more fulsome investigation.
35. Investigations, depending on their nature, will normally be conducted by the principal and/or a Board of Governor(s).
36. The Board of Governors when conducting investigations should ensure that sufficient members remain independent of the investigation so that they may participate in other procedures and appeals (such as disciplinary procedures).
37. The Board of Governors may appoint an external investigator taking account of the nature or complexity of the case, such as in cases of financial wrongdoing.

Taking Independent Advice

38. The following can provide advice at any stage:

- The Education Authority / CCMS
- Trade Unions;
- The NI Information Commissioner (for data protection concerns).
The Information Commissioner's Office – Northern Ireland
3rd Floor
Cromac Place,
Belfast, BT7 2JB
Telephone: 028 9027 8757 / 0303 123 1114
Email: ni@ico.org.uk
Telephone 0207 404 6609
- Health and Safety Executive for Northern Ireland
83 Ladas Drive
Belfast, BT6 9FR
Telephone: 0800 0320 121
Email: mail@hseni.gov.uk
- The Northern Ireland Environment Agency (for environmental concerns)
Klondyke Building
Cromac Avenue
Gasworks Business Park
Lower Ormeau Road

Belfast, BT7 2JA

Phone: 0845 302 0008

Email: nieainfo@daera-ni.gov.uk

- The Police Service of Northern Ireland
Phone: 101
- Northern Ireland Public Services Ombudsman
Progressive House
33 Wellington Place,
Belfast, BT1 6HN
Phone: 02890 233821
Email: nipso@nipso.org.uk
- Northern Ireland Audit Office
The Comptroller and Auditor General
Northern Ireland Audit Office
106 University Street
Belfast, BT7 1EU
Telephone: (028) 9025 1062
Email: whistleblowing@niauditoffice.gov.uk

39. **‘Public Concern at Work’** is an independent charity that advises individuals with whistleblowing dilemmas at work. Phone 020 7404 6609

Staff Welfare

40. Knowing about potential wrongdoing and whistleblowing can be a stressful and upsetting experience. **Inspire** provides teaching and non-teaching staff a counselling service through a 24 hour confidential helpline and face-to-face sessions with an Inspire professional counsellor, all of whom are experienced in a wide range of issues. You can contact **Inspire on 028 9032 8474**. You can also call if you just want to chat about any difficulties you are experiencing. You can also e-mail hello@inspirewellbeing.org

<https://www.inspirewellbeing.org/our-services/inspire-workplaces>



Policy Monitoring and Evaluation

41. This policy will be reviewed bi-annually.

Policy Accessibility Statement

42. The following steps have been taken to make the document accessible. We have:

- used clear and direct language wherever possible;
- used correct tagging, formatting, numbering and use of headings for e-readers; and
- followed [government guidance](#) on document accessibility.

43. If you need this document in another form, such as large print or you have any suggests as to how we could improve the accessibility please contact the school office.

Policy Record and Review Date

Staff Consulted	28 August 2018
Policy Adopted by Board of Governors	In principle 27 August 2018
Policy Review Date	

Annex A - Whistleblowing and Wrongdoing Conflict of Interest

Declaration

Independence and the perception of independence in the conduct of initial enquiries and investigations are of paramount importance. While the initial enquiry and investigation may be conducted by staff/volunteers within the affected business area, there should be no reasonable link (i.e. a conflict of interest) between investigating personnel and the wrongdoing case.

The independence and integrity of the initial enquiry / investigation and the investigating personnel must be kept under review throughout the process.

CONFLICT OF INTEREST DECLARATION:

I have reviewed the nature of the allegation and investigative requirements of the case, and declare that there are at present ****no known conflict of interest / conflict of interest (outlined below)*** which could impair or be perceived to impair my independence and objectivity.

If any such ****conflict/ further conflict*** should arise during the course of the year, due to changing circumstances or reassigned responsibilities, I will bring this to the immediate attention of an appropriate person, such as the Principal, Chair of the Board of Governors or appropriate authority (such as the Education Authority/CCMS).

Name: _____

Signature: _____ **Date:** _____

* delete as appropriate

If appropriate, provide details of any conflict of interest below:

continue on a separate page of necessary
