

WHISTLE-BLOWING POLICY FOR DEALING WITH MALPRACTICE IN THE WORKPLACE

1. INTRODUCTION

1.1 The Council for Catholic Maintained Schools (CCMS) is committed to adopting high standards in the delivery of its services and will treat any malpractice as a serious matter. Despite this commitment, concerns about impropriety or malpractice may still arise.

1.2 Employees are often the first to suspect or realise that there may be something wrong in their area of work but may not express concerns because of feelings of disloyalty to colleagues or fears of harassment and victimisation.

1.3 In line with its commitment to openness, probity and accountability, all employees and others with serious concerns about any aspect of the CCMS's work are encouraged to report them, and if necessary, in certain circumstances on a confidential basis. CCMS is committed to tackling any issue raised, such as malpractice, abuse or wrongdoing, as a concern

1.4 The benefits to CCMS of encouraging individuals to report concerns include:

- enabling CCMS to identify wrongdoing as early as possible.
- exposing weak or flawed processes or procedures which make the delivery of services by CCMS vulnerable to loss, criticism or legal action.
- ensuring that critical information gets to the right people who can deal with the concerns.
- avoiding financial loss and inefficiency.
- maintaining a positive reputation.
- improving accountability; and
- deterring employees from engaging in improper conduct.

1.5 This policy is intended to encourage and enable individuals to raise concerns / make a disclosure about such malpractice, abuse or wrongdoing at an early stage and in the right way. Issues which can be disclosed may include.

- Commission of an unlawful act.
- Misadministration.
- Health and Safety risks.
- Unauthorised use of public funds.

- Breach of data protection.
- Abuse of power.
- Fraud and corruption.

This is not a comprehensive list but is intended to illustrate the sort of issues which may be raised under this policy.

1.6 A disclosure can be made without fear of victimisation, raise concerns rather than to overlook a problem. Reporting a matter promptly can reduce the potential for reputational damage, stop an abuse of position and in some instances avoid financial loss.

1.7 The policy should reassure individuals that they can raise genuine allegations or concerns about potential wrongdoing in confidence, through a clear internal reporting process, without putting themselves at risk.

2. THE PUBLIC INTEREST DISCLOSURE (NORTHERN IRELAND) ORDER 1988

2.1 The Public Interest Disclosure (Northern Ireland) Order, also known as the 'Whistleblowing Act' provides protection for employees who disclose information which may be regarded as confidential and which tends to show one or more of the following:

- A criminal offence has been, is being, or is about to be committed.
- The employer is failing to comply with his legal obligations.
- A miscarriage of justice has happened or is likely to happen.
- An individual's health and safety are being jeopardised.
- The environment is or is likely to be damaged.
- Information falling into any one of the above categories which has been, is being, or is likely to be, deliberately concealed.

2.2 The individual raising the concern must have a reasonable belief that an employee has acted inappropriately, or a crime has or may be committed.

2.3 In deciding whether an employee has acted reasonably, all circumstances will be taken into consideration, in particular:

- The identity of the person about whom the disclosure is made.
- The seriousness of the relevant 'offence'.

- Whether the 'offence' is continuing or is likely to occur in the future.
- Whether the disclosure is made in breach of a duty of confidentiality owed by the employer or any other person.
- Any action the employer or prescribed person might reasonably be expected to take as a result of a previous disclosure.
- Whether in making the disclosure to the employer, the individual complied with procedures applied by the employer.

2.4 This policy is intended to reassure individuals that concerns can be raised internally. There may be circumstances when an individual feels it is right to report a concern to an outside body. The Protection referred to at 2.1 above, applies where the 'external' disclosures are made to such bodies as, for example, the police. In such instances the CCMS would expect to be satisfied that internal sources had been advised first or that the individual believed they would have been victimised or evidence would have been concealed or destroyed. External disclosures must be made in good faith in the belief that allegations are substantially true and there should be no motive for personal gain.

3. APPLICATION OF THIS POLICY

- 3.1 This policy applies to all employees of CCMS both full and part-time, permanent or temporary, and other individuals who wish to raise a concern. The policy aims to provide individuals with an avenue to raise concerns and receive feedback on any actions taken. Individuals may take the matter further if they are dissatisfied with the response.
- 3.2 CCMS is committed to this policy. If an employee raises a concern in good faith, CCMS will protect them against harassment or victimisation and will, if necessary, apply disciplinary procedures in order to protect employees.
- 3.3 If an employee raises a genuine concern under this policy, he/she will not be at risk of losing their job or suffering retribution as a result.
- 3.4 In accordance with the Public Interest Disclosures (Northern Ireland) Order 1988 an employee cannot be dismissed or selected for redundancy as a result of making a disclosure in good faith.
- 3.5 Employees who already are the subject of disciplinary, grievance or redundancy procedures will not have those procedures stopped or suspended as a result of their whistleblowing.

4. CONFIDENTIALITY

- 4.1 CCMS recognises that individuals may want to raise concerns in confidence under this policy.
- 4.2 If an individual requests that their identities be protected, CCMS will endeavour to honour this request.
- 4.3 If a situation arises where a concern cannot be resolved without revealing the identity of the individual who has made the disclosure, CCMS will discuss with the individual whether and how progress can be made. It may be that evidence, either written or verbal, is required in court proceedings.

5. ANONYMOUS REPORTS

- 5.1 CCMS encourages all individuals to put their names to allegations. Concerns expressed anonymously are much less powerful, are more difficult to investigate and present challenges in providing a response to the concerns. Nevertheless, all concerns raised shall be investigated with details of findings and actions recorded.

6. INDEPENDENT ADVICE

- 6.1 If an individual is unsure whether or how to raise a concern or wants confidential advice at any stage, they may contact an appropriate organisation e.g. a Trade union. They may also contact the independent charity [Protect](https://protect-advice.org.uk) (formerly Public Concern at Work) Tel: 020 3117 2550, website: <https://protect-advice.org.uk> Their legal team can explain options to be taken and provide advice on how to raise a concern about malpractice in the workplace.

7. PROCEDURES FOR EXPRESSING CONCERNS

- 7.1 It is important for individuals to understand that firm evidence of malpractice/wrongdoing is not required before raising a concern. The earlier a concern is expressed the easier it will be to act. So, if in doubt, raise the concern.
- 7.2 If a CCMS employee is raising the concern, their Line Manager, unless the Line Manager is the individual against whom the allegation is being made, should be the first point of contact when it comes to raising concerns of

malpractice/wrongdoing at work. Concerns can be raised either orally or in writing. For the matter to be dealt with appropriately, the information or circumstances which have given rise to a concern or concerns should be explained as fully as possible.

- 7.3 If someone other than an employee of CCMS is raising the concern, the first point of contact should be the Chief Executive. If the Chief Executive is the subject of the allegation, then the first point of contact should be the Chair of the Council.
- 7.4 The person to whom the concern has been brought should handle the matter in line with agreed procedures (see section 8 below).
- 7.5 If an individual feels that raising concerns with a Line Manager or another person is not appropriate or has not worked then the matter should be brought to the Chief Executive or the Chair of Council in writing and marked as Private and Confidential. Contact details are provided below.

Mr Eamonn Broderick Chief Executive
Council for Catholic Maintained Schools
Linen Hill House, 23 Linenhall Street, Lisburn, BT28 1FJ
Tel: 028 9201 3014

Email: please visit our website and send the Chief Executive an email via the links provided within the contact details (<http://onlineccms.com/>)

- 7.6 If the individual raising the concern still believes that the matter has not been dealt with, having reported it to the Chief Executive, the individual may choose to bring the matter to the attention of the Chairperson of the Council's Audit and Risk Assurance Committee. This should be in writing and marked as Private and Confidential. Contact details are provided below.

Chair of Council Audit and Risk Assurance Committee.
C/O Chief Executive Office
Council for Catholic Maintained Schools
Linen Hill House, 23 Linenhall Street, Lisburn, BT28 1FJ
Tel: 028 9201 3014
www.onlineccms.com

- 7.7 This policy is intended to provide individuals with an avenue to raise concerns within CCMS. If they are not satisfied and feel it is right to take the matter further, the list below shows possible contact points:
- The Chairperson of CCMS.
 - Head of Internal Audit, Department of Education.

- A Solicitor.
- The Police Service of Northern Ireland (PSNI)
- The Northern Ireland Public Services Ombudsman. <https://nipso.org.uk>

7.8 Those referred to in 7.7 above are Prescribed persons who are responsible for investigating allegations that fall under their prescribed role and for protecting the whistle-blower and their interests whilst conducting an investigation. The role of a prescribed person is to provide individuals with a mechanism to make their public interest disclosure to an independent body where the individual does not feel able to disclose directly to the employer.

8. HOW CCMS WILL HANDLE THE MATTER.

8.1 Once a concern has been raised, the matter will be assessed initially by the person to whom the disclosure has been made, and a determination made on what action should be taken. This may involve an informal review, an internal inquiry, or a more formal investigation. Where it is decided that a formal investigation is necessary the overall responsibility for the investigation will lie with a nominated 'investigation officer', appointed by the Chief Executive. The guiding principles for handling initial enquiries and investigations are.

- effective planning.
- speedy investigation without any undue delay.
- documenting of all actions relating to the investigation.
- the examination of all the allegations.
- consideration of all potentially relevant sources of evidence.
- appropriate seniority of staff carrying out the investigations.
- independence and objectivity.

A flowchart in appendix 1 outlines the steps to be taken when a concern is raised by an individual under this policy.

8.2 The individual who raises the concern will be notified by CCMS of who is dealing with the matter, how they may be contacted and whether further assistance may be needed such as a meeting to fully discuss the issue. If requested by the individual raising the concern, CCMS will provide in writing a summary of the concern and how it is proposed to deal with it.

- 8.3 CCMS will write to the individual raising the concern to inform them of the outcome of any investigation.
- 8.4 The individual against whom an allegation of wrongdoing has been made will be informed when the allegation is made and at the relevant stages of the investigation process.
- 8.5 At the conclusion of an investigation, the decision may be taken to refer the matter to the PSNI, if the suspicion is that a criminal act has taken place.

Alternatively, the outcome may be that disciplinary action is taken against the individual in accordance with CCMS Disciplinary Procedures. A decision to refer the matter to the PSNI does not prevent CCMS from taking disciplinary action simultaneously against an employee.

9. ABUSE OF THIS PROCEDURE

- 9.1 It is expected that individuals will use these procedures with integrity. However, use of these procedures by a CCMS employee to:
- Make cynical, frivolous, mischievous vexatious allegations.
 - Distract from other issues.
 - Divert attention from action in the application of other procedures.
 - Defame or perpetrate malicious falsehoods.

is likely to constitute misconduct and render the complainant subject to investigation and disciplinary action.

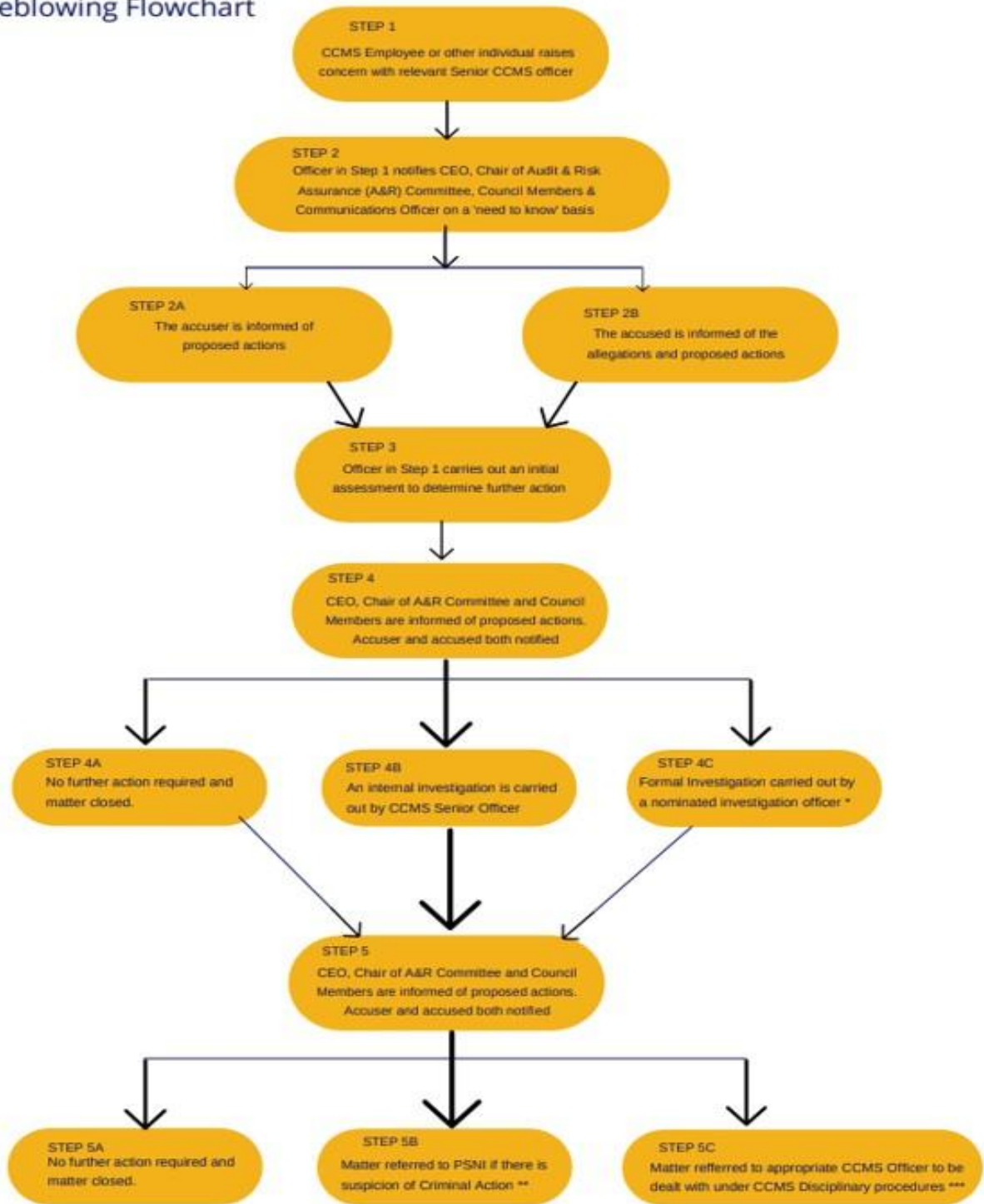
If the individual raising the concern is not an employee of CCMS, advice will be sought by CCMS on how to respond to inappropriate use of this policy.

10. CONCLUSION

- 10.1 Whilst CCMS cannot guarantee that it will respond to all matters in the way that the person raising the matter might wish, CCMS will strive to handle the matter fairly and properly. By using the whistleblowing arrangements, individuals can help achieve this.
- 10.2 This policy will be informally reviewed following each occasion when it is implemented. A formal review of the policy will be undertaken by the appropriate CCMS Officer annually.

APPENDIX 1.0

Whistleblowing Flowchart





NOTES FOR FLOWCHART:

*Investigation Officer is nominated by the Chief Executive Officer or Chair of the Audit and Risk Assurance Committee.

**If referred to PSNI then their decision may determine future action. It may be acceptable for CCMS to refer the matter to a disciplinary committee while awaiting a PSNI decision on the matter.

***At this stage, the application of the Whistleblowing Policy response concludes. A determination by a Disciplinary Committee may be open to appeal by the accused in line with the Disciplinary Policy/Procedures.

It is important that all relevant parties are kept informed of developments at the appropriate stage of any investigation, informal or otherwise.