



St Mary's Primary School, Aughnacloy

Raising Concerns at Work Whistleblowing Policy



DRAFTED- 01/09/2024

Date Ratified by Board of Governors: 16/10/24

Background

In St Mary's Primary School we aim to provide a caring, supportive and safe environment, where each child is valued for his or her unique talents and abilities, and in which all our young people are empowered to fulfil their potential. Through our shared school ethos, we encourage our children to protect what is good, to change that which requires changing and to appreciate the beauty in our world. Respect for ALL life is paramount and lies at the core of our efforts to develop an appreciation of and belief in God's love. The three core values underpinning our school ethos are:

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- Respect for Ourselves
- Respect for Others
- Respect for the Environment

In St Mary's Primary School we are committed to the highest standards of openness, probity and accountability. Whilst we have a wide range of policies, rules, regulations, procedures and codes of practice in place, malpractice may unfortunately still occur.

The Board of Governors of St Mary's PS does not tolerate any such malpractice and encourages anyone who has any knowledge of such to raise their concerns.

The aim of this policy is to:

- ensure that all employees feel supported in speaking up in confidence and reporting matters they suspect may involve anything improper, unethical and inappropriate;
 - provide clear procedures for the reporting of such matters;
 - manage all disclosures in a timely, consistent and professional manner;
- and

- provide assurance that all disclosures will be taken seriously, treated as confidential and managed without fear of victimisation.

The Public Interest Disclosure (Northern Ireland) Order 1988

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 legal obligations;
- A miscarriage of justice has happened or is likely to happen;
- An individual's health and safety is 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.

An employee must have a reasonable belief that a crime has or may be committed. An employee tribunal will decide whether such a belief was reasonable.

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

- The identity of the person to 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 employee complied with procedures applied by the employer.

Protection applies where the 'external' disclosures are made to such bodies as the police. In such instances the Board of Governors would expect to be satisfied that internal sources had been advised first or that the employee 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.

Malpractice, Abuse and Wrongdoing

Malpractice, abuse and wrongdoing can include a variety of issues, some of which are listed below:

- any unlawful act, whether criminal (e.g. theft, bribery) or a breach of the civil law (e.g. slander or libel);
- maladministration (e.g. unjustified delay, incompetence, negligent advice);
- failure to safeguard personal and/or sensitive information and/or subsequent misuse of such information;
- health and safety risks, including risks to the public as well other employees (e.g. faulty equipment);
- abuse of children and vulnerable adults (e.g. through physical, sexual, psychological or financial abuse, exploitation or neglect);

- the unauthorised use of public funds (e.g. expenditure for improper purpose);
- fraud (e.g. concealing theft of public funds through teeming and lading);
- bribery (e.g. to solicit or receive any gift / reward as a bribe);
- breach of the Board member or employee Code of Conduct;
- abuse of power (e.g. bullying / harassment); and
- deliberate concealment of information tending to show any of the above.

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

Protection of Employees

The BOG is committed to this policy. If any employee raises a concern in good faith, the BOG will protect them against harassment or victimisation and will, if necessary, apply disciplinary procedures. 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. 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. 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.

Confidentiality

The BOG recognises that employees may want to raise concerns in confidence under this policy. If an employee requests that their identities be protected, the BOG will endeavour to honour this request. If a situation arises where a concern cannot be resolved without revealing the employee's identity, the BOG

will discuss with the employee whether and how progress can be made. It may be that evidence, either written or verbal, is required in court proceedings.

Anonymous Reports

Employees are encouraged to put their names to allegations because concerns expressed anonymously are much less powerful, however, they shall be investigated with details of finding and actions recorded.

Raising Concerns at Work (Whistleblowing) or Complaint

If the concern raised is about a risk, malpractice or wrongdoing that affects others and could be something which adversely affects other employees, the organisation itself and / or the public, it will be considered under this policy. A grievance is a personal complaint about someone's own employment situation.

Therefore, generally, the person raising the concern has no self-interest in the issue being raised. However, this distinction may not always be clear cut. If you have any personal interest in the matter, we do ask that you tell us at the outset. If your concern falls more properly within the Complaints or Grievance Procedure, we shall tell you.

Raising a Complaint

If you have a concern about malpractice, we hope you will feel able to raise it first with your line manager. This may be done orally or in writing. Those who wish to make a written statement should set out the background and history of the concern (giving relevant dates) and the reasons why they are particularly concerned about the situation. The earlier a concern is expressed the easier it will be to take action.

The BOG will not expect an individual to prove their concern is true, but it will be necessary to demonstrate to the person contacted that there are reasonable grounds for the issue to be raised.

It is reasonable for an individual to discuss concerns with a colleague as it may be helpful to raise the matter if there are two (or more) individuals present who have the same experience or concerns.

Normally concerns about malpractice, abuse or wrongdoing should be raised firstly with line managers. However, if an individual feels unable to raise the matter with their line manager, then the Principal is the next point of contact. If the above channels have been followed / considered and:

- an individual still has concerns; or
- reasonably believe that they will be victimised if they raise the matter internally; or
- believe that disclosure will result in the destruction of evidence; or
- they feel that the matter is so serious that they cannot discuss it with their line manager or Principal; or
- they consider that it is not appropriate;

the individual should contact the Chair or Vice Chair of the Board of Governors. Contact details are available in the Staff Drive in the BOG folder.

How the BOG will Handle the Matter

Once you have told us of your concern, we will assess initially 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'. In any event, we will tell you within 7 working days who is dealing with the matter, how you can contact that person, and whether your further assistance may be needed. If you request, we will write to you summarising your concern and setting out how we propose to handle it.

In circumstances where you have raised a concern and are dissatisfied with the outcome of the internal investigation, you may refer the matter of concern to an external agency, for example, the Police Service of Northern Ireland (PSNI), the Northern Ireland Audit Office (NIAO) the Department of Education (DE) or CCMS.

How to Raise the Concern Externally

This policy is intended to provide an appropriate avenue within the school to raise concerns. However, it is also possible to raise a matter externally. External notifications can be made to the EA's Head of Internal Audit and Assurance, CCMS's Chief Executive, DE's Head of Internal Audit or the Comptroller and Auditor General of the Northern Ireland Audit Office. Contact details can be found on the respective websites of these organisations.

Independent Advice

If you are unsure whether to use this procedure or you want independent advice at any stage, you may contact your union or the independent charity, Public Concern at Work.

Public Concern at Work

3rd Floor, Bank Chambers
6 - 10 Borough High Street
London
SE1 9QQ
Telephone 020 7404 6609
Email: whistle@pcaw.co.uk

Their lawyers can give you free confidential advice at any stage about how to raise a concern about serious malpractice at work. For more information, you can visit their website at www.pcaw.co.uk.

Abuse of this Procedure

It is expected that employees will use these procedures with integrity.

However, use of these procedures to:

- Make cynical, frivolous, mischievous vexatious allegations;
- Distract from other issues;
- Divert attention from or 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 penalty.

Conclusion

Whilst we cannot guarantee that we will respond to all matters in the way that you might wish, we will strive to handle the matter fairly and properly. By using the whistleblowing arrangements you can help us achieve this.

