

CREAVERY PRIMARY SCHOOL

POLICIES & PROCEDURES

Whistle Blowing Policy





Whistleblowing Policy

This policy takes into account the EA's Raising Concerns at Work (Whistleblowing) Policy (see Appendix 1)

Mission Statement

Creavery Primary School aims to develop independent individuals who are equipped to meet the challenges facing lifelong learners

Introduction

- 1.1 Creavery Primary School is committed to adopting high standards in public administration and will treat malpractice as a serious matter.
- 1.2 The Policy applies to all staff employed in the school, both full and part-time, permanent and substitutes. References to 'employees' within the Policy covers all of these categories.
- 1.3 The Policy aims to provide an avenue for employees to raise concerns and receive feedback on any action taken. Employees may take matters further if they are dissatisfied with responses received.
- 1.4 This policy is intended to cover concerns which fall outside the scope of other procedures which already are included in or covered by other Policies e.g. allegations of abuse against staff, complaints procedure, etc.
- 1.5 Employees are often the first to suspect or realise that there may be something wrong in their place of work but may not express concerns because of feelings of disloyalty to colleagues or fears of harassment and victimisation.
- 1.6 In line with the Creavery Primary School's commitment to openness, probity and accountability, employees and others with serious concerns about any aspect of the school's work are encouraged to report them, if necessary in certain instances, on a confidential basis.

The Public Interest Disclosure (Northern Ireland) Order 1998

- 2.1 The Public Interest Disclosure (Northern Ireland) Order 1998, (see www.legislation.hmsso.gov.uk/si/si1998/19981763.htm) also known as the 'Whistleblowers Act' provides protection for employees who disclose information which in the reasonable belief of the worker making the disclosure, tends to show one or more of the following -
 - 2.1.1 that a criminal offence has been committed, is being committed or is likely to be committed;
 - 2.1.2 that a person has failed, is failing or is likely to fail to comply with any legal obligations to which (s)he is subject;
 - 2.1.3 that a miscarriage of justice has occurred, is occurring or is likely to occur;
 - 2.1.4 that the health or safety of any individual has been, is being or is likely to be endangered;
 - 2.1.5 that the environment has been, is being or is likely to be damaged; or
 - 2.1.6 that information tending to show any matter falling within any one of the preceding subparagraphs has been, is being or is likely to be deliberately concealed.

Protection of Staff

3.1 The Board of Governors is committed to this Policy. If an employee raises a concern in good faith, the Governors will protect them against harassment or victimisation and will if necessary apply the relevant EA procedures.

3.2 In accordance with the Public Interest Disclosure (Northern Ireland) Order 1998, an employee cannot be dismissed or selected for redundancy as a result of making a disclosure in good faith.

3.3 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.

3.4 An employee must have a reasonable belief that a crime or risk as described in paragraph 2.1 has occurred or may occur in the future.

3.5 In deciding whether or not an employee has acted reasonably, all circumstances will be taken into consideration but in particular;

3.5.1 the identity of the person to whom the disclosure is made;

3.5.2 the seriousness of the relevant 'offence';

3.5.3 whether the 'offence' is continuing or is likely to occur in the future;

3.5.4 whether the disclosure is made in breach of a duty of confidentiality owed by the employer to any other person;

3.5.5 any action the employer might reasonably be expected to take as a result of a previous disclosure; and

3.5.6 whether in making the disclosure to the employer the employee complied with procedures approved by the employer.

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

Confidentiality

4.1 The Governors recognise that employees may want to raise concerns in confidence under this policy.

4.2 If employees request that their identities be protected, the Governors will where possible, endeavour to honour that request.

4.3 If a situation arises where a concern cannot be resolved without revealing the employee's identity, then the Governors 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

5.1 The Governors encourage employees to put their names to allegations because concerns expressed anonymously are much less powerful. Although the Governors will consider anonymous reports, this policy is not appropriate for concerns raised anonymously.

The Procedure for Expressing Concerns

6.1 As a first step, employees should raise concerns with the principal. This may be done either orally or in writing.

6.2 If an employee feels unable to raise a concern with the principal, then the matter should be reported to the Chair of the Board of Governors who will investigate the matter or have the matter investigated.

- 6.3 The employee will have the opportunity to decide whether or not he/she wishes to remain anonymous.
- 6.4 If an employee still has concerns then the matter should be reported to the EA, Caroline Woods (link officer)
- 6.5 All correspondence should be marked 'Private and Confidential'

Independent Advice

- 7.1 If you are unsure which procedure to use or if you want independent advice at any stage you may wish to contact:

Your Trade Union/Professional organisation;
or
The independent charity 'Public Concern at Work'
www.pcaw.co.uk
Telephone 0171 404 6609

External Contacts

- 8.1 This Policy is intended to provide you with an avenue to raise concerns with the Board of Governors. If you are not satisfied, and if you feel it is right to take the matter further, the list below shows possible contact points:
- Relevant Trade Unions
 - Department of Education
 - Department of Employment and Learning
 - Your Solicitor
 - The Police Service of Northern Ireland
 - Northern Ireland Ombudsman
 - Northern Ireland Audit Office (NIAO)
- 8.2 The Controller and Auditor General, NIAO, has been prescribed as a person to whom protected disclosures can be made under the Order. He is prescribed as having a role in relation to the proper conduct of public business, value for money, fraud and corruption in relation to the provision of centrally funded public services.
- 8.3 Prescribed persons are responsible for investigating allegations that fall under their prescribed role and for protecting the whistleblower and their interests whilst conducting an investigation.
- 8.4 The NIAO Whistleblower's telephone number is 028 90251023 or you can write to:
- The Comptroller and Auditor General
Northern Ireland Audit Office
106 University Street
Belfast
BT1 1EU
www.niauditoffice.gov.uk

Vexatious claims

In certain circumstances the Board of Governors will take appropriate action if, it is found through investigation, that an employee has made a claim which is vexatious.



RAISING CONCERNS AT WORK

(WHISTLEBLOWING) POLICY

Revised October 2017

1. BACKGROUND

- 1.1 The Education Authority (EA) is committed to the highest standards of openness, probity and accountability in the delivery of its services. Whilst the EA has put in place a wide range of rules, regulations, procedures and codes of practice, malpractice may unfortunately still occur.
- 1.2 The Authority does not tolerate any such malpractice and encourages anyone who has any knowledge of such to raise their concerns.
- 1.3 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.
- 1.4 If the concern relates to a possible fraud, it may be helpful to refer to the Anti-Fraud Policy and Fraud Response Plan which can be found on the intranet.

2. PROTECTION

- 2.1 The law that protects the person raising the concern is the 'Public Interest Disclosure Act 1998 (PIDA)'. Individuals who raise a genuine concern under this policy will not be at risk of losing their job / position or suffer any form of retribution as a result, except where the individual has been complicit in the commission of the offence (either by direct action or the failure to act when they became aware of the offence). As long as they have not been complicit, individuals will be protected even if the matter is found to be mistaken, provided they have a reasonable belief that the issue has occurred, either in the past, the present or is likely to happen in the future.
- 2.2 The harassment or victimisation of anyone raising a concern will not be tolerated. Any individual who believes they are being penalised/victimised for raising a concern, should refer to the EA Grievance Procedures and / or report their concerns to the Staff Welfare Officer who will take the matter further.

3. WHAT IS MALPRACTICE, ABUSE OR WRONGDOING

- 3.1 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.

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

4. RAISING CONCERNS AT WORK (WHISTLEBLOWING) OR COMPLAINANT

4.1 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.

4.2 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 Grievance Procedure, we shall tell you.

5. RAISING A CONCERN

5.1 How to Raise a Concern - Internally

5.1.1 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.

5.1.2 The Authority 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.

5.1.3 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.

5.1.4 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 Head of Branch/Department 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 Head of Branch/Department; or
- they consider that it is not appropriate (e.g. the individual is a contractor);

please contact any of the following:

Sara Long	Chief Executive	028 9041 3175	Sara.Long@eani.org.uk
Clare Duffield	Director of HR	028 9041 3184	clare.duffield@eani.org.uk
Seamus Wade	Acting Director of Finance & ICT	028 9041 3178	Seamus.wade@eani.org.uk
Derek Anderson	Head of Internal Audit and Assurance	028 9041 3170	derek.anderson@eani.org.uk

If you do not wish to contact any of the above, then you can raise your concerns with the Chair of the Audit and Risk assurance Committee who can be contacted via the Chief Executive's office or by contacting the Committee Secretary Linda McCall at Linda.McCall@EANI.org.uk

6.2 Confidentiality

6.2.1 We recognise that you may want to raise a concern in confidence under this policy. If you ask us to protect your identity by keeping your confidence, we will not disclose it without your consent. If the situation arises where we are unable to resolve the concern without revealing your identity (for instance because your evidence is needed in court), we will discuss this matter with you. It may also be the case that colleagues may try to guess the employee's identity if they become aware that a concern has been raised. The EA will take practical steps to try and protect the confidentiality of the person raising the concern including:

- ensuring that paper files are properly classified as confidential and that electronic files are password protected;
- ensuring the minimum number of people have access to case files; and
- being discreet about when and where any meetings are held.

6.3 Anonymous Disclosure

6.3.1 This policy encourages an individual to put their name to the issue of concern whenever possible as, without this, it is more difficult to investigate a matter and to corroborate facts. However, the EA will take seriously concerns raised anonymously and will carry out such investigations as deemed necessary.

It may be the case that:

- detailed investigations may be more difficult to progress if you choose to remain anonymous and cannot be contacted for further information
- the information and documentation you provide may not easily be understood and may need clarification or further explanation
- there is a chance that the documents you provide might reveal your identity
- it may not be possible to remain anonymous throughout a detailed investigation.

6.3.2 The Authority will also be less able to protect the individual's position or to give feedback on the outcomes of any action taken. Concerns expressed anonymously are therefore much less powerful but will be considered by the Authority.

7. HOW THE EA WILL HANDLE THE MATTER

7.1 All issues raised under this policy will be documented in a central database.

The Chief Executive's Office will:

- formally acknowledge receipt of your concern;
- formally notify you who will be investigating your concern;
- may offer you an opportunity of a meeting to discuss the issue if required, so long as you have not submitted your concern in writing anonymously. You can be accompanied by a Trade Union representative or a work colleague if required;
- respect your confidentiality where this has been requested;
- take steps to ensure that you have appropriate support and advice;
- agree a timetable for feedback. If this cannot be adhered to, we will let you know;
- provide you with as much feedback as it is possible while observing data protection regulations; and
- take appropriate and timely action against anyone who victimises you.

- 7.2 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) or the Department of Education (DE).
- 7.3 In certain circumstances, the information may be provided to external agencies to investigate, e.g. PSNI or NIAO. We shall tell you who is handling the matter, how you can contact them and whether your further assistance will be needed. If you request, we shall write to you summarising your concern and setting out how we propose to handle it.

8. HOW TO RAISE THE CONCERN - EXTERNALLY

- 8.1 This policy is intended to provide an appropriate avenue within the Authority to raise concerns. However, it is also possible to raise a matter externally.
- 8.2 The EA also encourages contact from sources external to the Authority who have concerns about the use of public funding or other issues. All such notifications will again be considered in terms of:
- the seriousness of the issues raised;
 - the creditability of the concern; and
 - the likelihood of confirming the allegation from attributable sources.
- 8.3 External notifications can be made to the following:

Department of Education

Tracey McCavigan

Head of Internal Audit

Rathgael House

Balloo Road

Bangor BT19 7PR

Tel: 028 9127 9669

Email: Tracey.McCavigan@deni.gov.uk

Or alternatively

Northern Ireland Audit Office

The Comptroller and Auditor General

106 University Street

Belfast BT7 1EU

Tel: 028 9025 1100

Email: whistleblowing@niaoauditoffice.gov.uk

9. INDEPENDENT ADVICE

- 9.1 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

- 9.2 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.

FLOWCHART OF RAISING CONCERNS AT WORK PROCESS

This flowchart sets out the stages in raising a concern and shows the management levels for internal disclosure.

You will receive a formal acknowledgement of receipt of your concern. You will be advised of the name and contact details of the investigating officer. The following process will then continue as follows.

On conclusion of the investigation, the investigating officer will advise you of the outcome of the exercise. The amount of detail provided will be very much dependent on the legal circumstances of the individual case and will be compliant with Data Protection legislation.

As someone raising concerns at work, you have the right to remain anonymous, however, please bear in mind that if you fail to provide contact details the authority will have no means with which to provide feedback at any stage of the process.

INTERNAL

EA CONTACTS:

Sara Long	Chief Executive	028 9041 3175	Sara.Long@eani.org.uk
Clare Duffield	Director of HR	028 9041 3184	clare.duffield@eani.org.uk
Seamus Wadel	Acting Director of Finance & ICT	028 9041 3178	Seamus.wade@eani.org.uk
Derek Anderson	Head of Internal Audit and Assurance	028 9041 2170	Derek.anderson@eani.org.uk

If you do not wish to contact any of the above, then you can raise your concerns with the Chair of the Audit and Risk assurance Committee who can be contacted via the Chief Executive's office or by contacting the Committee Secretary Linda McCall at Linda.McCall@EANI.org.uk

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EXTERNAL CONTACTS

Northern Ireland Audit Office (NIAO)

The Comptroller and Auditor General

106 University Street

Belfast

BT7 1EU

Tel: 028 9025 1100

Email: whistleblowing@niaoauditoffice.gov.uk

Department of Education

Tracey McCavigan

Head of Internal Audit

Rathgael House

Balloo Road

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BT19 7PR

Tel: 028 9127 9669

Email: Tracey.McCavigan@deni.gov.uk