

Polasaí Sceithireachta Whistleblowing Policy



fonn a dhéanann foghlaim

BACKGROUND

Gaelscoil Uí Néill is committed to the highest standards of openness, probity and accountability in the delivery of its service. Whilst the school has put in place a wide range of rules, regulations, procedures and codes of practice, malpractice may unfortunately still occur.

Gaelscoil Uí Néill does not tolerate 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.

PROTECTION

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.

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 report the matter to the Chairman of the Board of Governors who will take the matter further.

WHAT IS MALPRACTICE, ABUSE OR WRONGDOING

Malpractice, abuse or 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 as 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 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 tended to illustrate the sort of issues that may be raised under this policy.

RAISING CONCERNS AT WORK (WHISTLEBLOWING) OR COMPLAINANT

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 Greivance Procedure, we shall tell you.

HOW TO RAIS A CONCERN INTERNALLY

If you have a concern about malpractice, we hope you will feel able to raise it first with the Principal. 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 reason why they are particularly concern about the situation. The earlier a concern is raised the easier it will be to take action.

The school 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 the Principal. However, if an individual feels unable to raise the matter with the Principal, then the Chairman of the Board of Governors 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 the disclosure will result in the destruction of evidence; or
- they consider that it is not appropriate (e.g. the individual is a contractor);

please contact the following:

Gavin Boyd Chief Executive

028 90413175

gaivin.boyd@eani.org.uk

CONFIDENTIALITY

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 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 school will take particular 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;
- ensure that the minimum number of people have access to case files; and
- being discreet about when and where meetings are held.

ANONYMOUS DISCLOSURE

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 school 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; or
- it may not be possible to remain anonymous throughout a detailed investigation.

The school 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 school.

HOW THE SCHOOL WILL HANDLE THE MATTER

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

The Principal/Chairman will:

- formally acknowledge receipt of your concern;
- formally notify you who will be investigating your concern;
- offer you an opportunity of a meeting to discuss the issue, 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.

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, e.g. the PSNI, the Northern Ireland Audit Office (NIAO) or the Department of Education (DE).

In certain circumstances, this 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.

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.

The school also encourages contact from sources external to the school 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 credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

External notifications can be made to the following:

Department of Education
Tracey McCavigan
Head of Internal Audit
Rathgael House
Balloo House
Bangor BT19 7PR
Tel: 028 91279669
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 90251100
Email: whistleblowing@niaoauditoffice.gov.uk

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
Tel: 020 74046609
Email: whistle@pcaw.co.uk

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