

St Patrick's Primary School and Nursery Unit



Whistleblowing Policy

Reviewed Sept'18

Whistleblowing Policy

Introduction

The staff of St Patrick's Primary School and Nursery Unit will conduct their business in strict adherence to DENI, GTCNI and EA guidelines. Central to the school's 'Staff Code of Conduct' is the need for honesty and integrity in all aspects of school life. Staff must maintain the highest possible professional and personal standards in accordance with their contractual obligations and all other relevant school guidelines and procedures.

The Board of Governors of St Patrick's realise that schools, like many other organisations, face the risk of things going wrong, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is therefore essential in order to prevent such situations occurring or to address them when they do occur.

In establishing this policy it must be noted that: -

1. This procedure is not a substitute for normal management processes but an addition to them.
2. Staff should always first consider using normal line management for raising concerns.
3. This procedure is strictly for the purpose of raising concerns about wrongdoing.
4. This procedure should only be used where all other existing internal procedures are felt to be inappropriate or when a member of staff, for whatever reason, feels inhibited in going through the normal processes outlined.
5. The procedure is therefore **not** a route through which employees can raise concerns about personal treatment or mismanagement which may arise from weak management rather than malpractice.

6. This policy should **not** be used for complaints relating to Staff's own personal circumstances, such as the way you have been treated at work.

For Example:-

If a member of staff has a *personal* grievance then it must be raised through normal staff grievance or complaint procedures. It would not be appropriate for it to be raised through this policy process. Trade Unions will also offer specific advice in all such instances.

Aims of Policy

1. To encourage staff to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected.
2. To provide staff with guidance as to how to raise those concerns.
3. To reassure staff that they should be able to raise genuine concerns in good faith without fear of reprisals, even if they turn out to be mistaken.

Note:- *This policy does not form part of an employee's contract of employment and is not intended to have contractual effect. It is provided for guidance to all members of staff in St Patrick's Primary School and the School reserves the right to amend its content at any time.*

Relevance

This policy reflects current practice and applies to all individuals working at all levels within St Patrick's Primary School, including: -

- Governors, Principal and Senior Management Team
- Teaching and Non-Teaching Employees: Full-Time and Part-Time
- Peripatetic Support Staff
- Parent Teacher Association Members
- Substitute and/or Support staff: Internal and External
- Consultants, contractors, buildings/grounds maintenance staff
- Trainee students
- All Volunteer staff
- Any other adult officially carrying out a duty or function on school premises
(collectively referred to as "Staff" in this policy)

Staff must familiarise themselves with the contents of this policy

What is Whistleblowing?

"Don't think what if I'm wrong - think what if I'm right!"

Whistle-blowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include:

- criminal activity
- child protection and/or safeguarding concerns
- miscarriages of justice
- danger to health and safety

- damage to the environment
- failure to comply with any legal or professional obligation or regulatory requirements
- financial fraud or mismanagement
- negligence
- breach of the school's internal policies and procedures including its 'Staff Code of Conduct'
- conduct likely to damage the School's reputation
- unauthorised disclosure of confidential information
- the deliberate concealment of any of the above matters

Whistleblower: Definition

- A 'whistleblower' is a person who raises a genuine concern **in good faith** relating to any of the above. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of the School's activities (a whistle-blowing concern) you should report it under this policy

If staff feel uncertain as to whether something is within the scope of this policy they should seek advice from the Principal or the Chairperson of the Board of Governors.

Reasons for Whistleblowing

1. Each individual has a responsibility for raising concerns about unacceptable practice or behaviour.
2. To prevent the problem worsening or widening.
3. To protect or reduce risks to others.
4. To prevent becoming implicated yourself.

What Stops People from Whistleblowing?

- Starting a chain of events which spirals
- Disrupting the work or project
- Fear of getting it wrong
- Fear of repercussions or damaging careers
- Fear of not being believed

Raising a Whistleblowing Concern: Advice to Staff

St Patrick's Primary School enjoys excellent staff relationships and communication at all levels within its setting. If you have a concern you should:-

- Voice your concerns, suspicions or uneasiness as soon as you feel you can. The earlier a concern is expressed the easier and sooner action can be taken
- Try to pinpoint exactly what practice is concerning you and why
- Approach your Head of Key Stage, Principal, or the Designated Teacher for Safeguarding and Child Protection (DT)
- If your concern is about your Head of Key Stage / Principal, contact the Designated Teacher (DT), Deputy Designated Teacher (DDT), Chairperson of the Board of Governors or the **EA Safeguarding Team**
- Make sure you get a satisfactory response - don't let matters rest
- You should then put your concerns in writing, outlining the background and history, giving names, dates and places where you can
- Demonstrate sufficient grounds for the concern. A member of staff is not, however, expected to prove the truth of an allegation

Responsible Staff

If you feel that your concern has not been addressed, or you prefer to raise a concern with a specific member of staff, you should contact one of the following responsible adults:

- **The Principal** Mrs Margaret Hanna (DDT)
- **The Vice-Principal** Mrs Mary Connolly (DT)
- **The Designated Teacher** Mrs Mary Connolly
- **Chairperson: Board of Governors** Mr John Devlin

Staff Meeting

The appropriate member of staff will arrange a meeting with the 'whistleblower' as soon as possible to discuss their concern. **The following will be recorded:-**

1. The nature of the concern.
2. Sufficient details to enable the matter to be thoroughly investigated.
3. The name of the employee and an indication of whether the individual wishes his or her identity to remain confidential (*explain that this may not be guaranteed*).

In such instances where anonymity cannot be guaranteed, the employee will have the choice of either withdrawing or agreeing to his/her identity becoming known to enable the concern to be effectively dealt with.

Staff may bring a colleague or trade union representative to any meeting under this policy who, in turn, must respect the confidentiality of the disclosure and any subsequent investigation.

The school will take notes and produce a written summary of the concern raised and provide the 'whistleblower' with a copy as soon as possible after the meeting. The school will also aim to give the "whistleblower" an indication of how it proposes to deal with the matter.

Confidentiality

1. **The School hopes that staff will feel able to voice whistleblowing concerns openly under this policy.**

However, if a member of staff wants to raise his or her concern confidentially, the school will endeavor to keep his or her identity secret in so far as it is possible to do so when following this policy and procedure. If it is necessary for anyone investigating that member of staff's concern to know the whistleblower's identity, the school will discuss this with the member of staff first.

2. **The School does not encourage Staff to make disclosures anonymously.**

Proper investigation may be more difficult or impossible if the school cannot obtain further information. It is also more difficult to establish whether any allegations are credible and have been made *in good faith*.

3. **Misuse of the Policy**

No action will be taken against you if a concern raised proves to be unfounded and was raised *in good faith*. However:-

1. Allegations made frivolously, maliciously or for personal gain will be seen in a different light and disciplinary action will be taken.
2. Where an individual has been deemed to have misused the policy and procedure e.g. by making repeated unsubstantiated complaints against colleagues, disciplinary action will be taken without delay.

If there is a suspicion that an employee comes into this category, the Principal will take advice from the Chairperson of the Board of Governors and/or appropriate EA officials who will help to determine what action should be taken.

4. Advice and Support

It is recognised that whistle blowing can be difficult and stressful. Advice and support is available from:-

- The school Principal
- The Chairperson of the Board of Governors
- EA Human Resources and School Development Service
Department
- Trade Unions

Some charitable organizations, e.g. 'Public Concern at Work' (PCAW), offer a confidential whistleblowing advice and helpline. Their contact details are:

- **Public Concern at Work** (PCAW: Whistleblowing Charity)
- **Helpline:** (020) 7404 6609 **Website:** www.pcaw.org.uk

Concerns Against Governors

If a concern against a Governor is received, then this will be treated in the same way as any other concern. It will receive the same serious consideration. The concern will be raised by one of the staff previously stated and with the Chairperson of the Board of Governors who will decide how the matter should be dealt with.

If the concern is against the Chairperson of the Governors, then clearly this process cannot be followed. In any such circumstance, the concern will be handled directly by the Principal (or Vice-Principal in the Principal's absence). The concern will also be referred to a Senior EA Education Officer (Schools Branch) so that the appropriate course of action can be agreed and followed.

External Disclosures

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases staff **should not** find it necessary to alert anyone externally.

The law recognises that in some circumstances it may be appropriate for staff to report their concerns to an external body such as the PSNI. It will very rarely, if ever, be appropriate to alert the media.

It is therefore imperative that:-

- Appropriate advice is sought before reporting a concern to anyone externally.

Such advice should be obtained from: -

1. North-Eastern Region of the Education Authority (EA)
2. Department of Education for Northern Ireland (DENI)
3. Trade Unions

Whistleblowing concerns usually relate to the conduct of school staff, but they may sometimes relate to the actions of a third party e.g. 'visiting' staff or workers. The law allows staff to raise a concern **in good faith** with a third party, where the member of staff reasonably believes it relates mainly to their actions or something that is legally their responsibility. However, staff are encouraged to report such concerns **internally first**. Staff should contact one of the responsible individuals stated in this document.

Investigation and Outcome

Once a member of Staff has raised a concern, school will: -

1. Carry out an initial assessment to determine the scope of any investigation.
2. Inform the 'whistleblower' of the outcome of its assessment
3. Determine if the staff member raising the concern may be required to attend additional meetings in order to provide further information.
4. Keep the member informed, as far as is professionally and legally possible, of all developments which must remain confidential.

The Principal will seek initial clarity in all cases raised. Where appropriate, a panel of three Governors will decide any future course of action. At all stages of this process, the EA will be consulted and the appropriate advice sought.

Outcome

1. If the School concludes that a 'whistleblower' has made false allegations maliciously, in bad faith or with a view to personal gain, the 'whistleblower' will be subject to disciplinary action under the School's Code of Practice Policy.
2. Whilst the school cannot always guarantee the outcome a particular member of staff is seeking, the school will try to deal with the concern fairly and in an appropriate way. If a member of staff is not happy with the way in which his or her concern has been handled, the matter can be further discussed with the other key contacts outlined.
3. Recommendations for change will also be made in order to enable the school to minimise the risk of future wrongdoing.

Please note:-

There are no rights of appeal against any decisions taken under this procedure.

However, an employee will have the right to refer any particular case to the Principal or Chairperson of the Board of Governors for the purposes of carrying out a review. All outcomes will be reported appropriately. Issues relating to confidentiality may prevent certain information being divulged to the staff member raising the concern - e.g. where disciplinary action is to be taken.

Protection and Support for Whistleblower's

The school aims to encourage openness and will support staff who raise genuine concerns **in good faith** under this policy, even if they turn out to be mistaken. It is, therefore essential that: -

1. **Staff must not suffer any detrimental treatment as a result of raising a concern in good faith.**

*Detrimental treatment would include dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If a member of staff believes that he or she has suffered any such treatment, he or she should inform the Principal immediately. If the matter is not remedied the member of staff should raise it formally using the **School's Complaints Policy**.*

2. **Staff must not threaten or retaliate against 'whistleblowers' in any way. Anyone involved in such conduct will be subject to disciplinary action.**
3. **All Staff are responsible for the success of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing.**

Safeguarding and Child Protection

If a member of staff suspects that there is a serious safeguarding issue and they feel the Principal is not taking seriously or that they believe there is a serious safeguarding issue involving the Principal, they should:-

1. Report the matter immediately to the Designated Teacher (or Deputy Designated Teacher in the DT's absence).

Or

2. Report the matter immediately to the Chairperson of the Board of Governors.

Reference to the school's **Safeguarding and Child Protection** policy and procedure should be followed if the matter is in relation to a pupil.

Self-Reporting

There may be occasions where a member of staff has a personal difficulty, or perhaps a physical or mental health problem, which they know to be impinging on their professional competence.

All staff have a responsibility to discuss any such situation with their Principal, (or in the case of the Principal, with the Chairperson of the Board of Governors) so that professional and personal support can be offered to the member of staff concerned.

Whilst such reporting will remain confidential in most situations, this cannot be guaranteed where personal difficulties raise concerns about the welfare or safety of children

Whistleblowing Procedure REPORT

Report Received		Date /	
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Individual(s) Named: -		Reported by: <i>specify individuals</i>	
1		Teaching Staff	
2		Ancillary Staff	
3		Auxiliary Staff	
4		Kitchen Staff	
5		Other Adult	

Nature of Allegation or Concern			
Criminal Activity		Breach: Staff Code of Conduct	
Child Protection / Safeguarding		Disreputable Conduct	
Miscarriage of Justice		Unauthorised Disclosure: Confidential Information	
Environmental Damage		Concealment of any of the above listed matters	
Compliance Issue		Other:	
Fraud/Financial Mismanagement			
Negligence			

Action Taken		
Consulted Chairperson of the Board of Governors		Details
Consulted Principal		
Consulted Vice-Principal / DT		
Consulted Head of Key Stage		
Consulted EA		
Initiate Investigation		
Report to PSNI		
Formulate Action Plan		
Other:		

Signed

Date

Whistleblowing Procedure Action Plan

Initial Report Received		Date	
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The Whistleblower's Report, should be carefully considered and all aspects discussed in full

Staff Present: <i>specify individuals by name</i>	Date /	

In the section below, outline the specific nature of the action considered appropriate and necessary

<i>Agreed Course of Action:</i>	<i>Completed</i>

This section should be signed by the senior person now responsible for handling this situation.

Signed		Designation	
Action Plan Review		Meeting End Time	

Whistleblowing Procedure Discussion Record

Initial Report Received		Date	
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Having considered and discussed all the information recorded in the Whistleblower's Report, the following course of action is to be followed.

Staff Present: <i>specify individuals by name</i>	Date / Time	

In the section below, outline the specific nature of the action considered necessary

Discussion Detail

This section should be signed by the senior person now responsible for handling this situation.

		Designation	
Meeting End Time			

