



Whistleblowing Policy

Introduction

All of us at one time or another may have concerns about what is happening at work. However, when it is about unlawful conduct, a possible fraud or a danger to the public or the environment, or other serious malpractice, it can be difficult to know what to do.

You may be worried about raising such a concern and may think it best to keep it to yourself, perhaps feeling it is none of your business or that it is only a suspicion. You may feel that raising the matter would be disloyal to colleagues, managers or to the school. You may decide to say something but find that you have spoken to the wrong person or raised the issue in the wrong way and are not sure what to do next.

The purpose of these arrangements is to reassure you that it is safe and acceptable to speak up. They also enable you to raise your concern about such malpractice at an early stage and in the right way. Rather than wait for proof, we would prefer you to raise the matter when it is still a concern. If something is troubling you of which you think we should know about or look into, please let us know. If, however, you wish to make a complaint about your employment or how you have been treated, please use the school's grievance procedure.

We have implemented these whistleblowing arrangements for you to raise any concern where the interests of others or the school itself are at risk. If in doubt, raise it.

The Public Interest Disclosure (Northern Ireland) Order 1998

The Public Interest Disclosure (Northern Ireland) Order 1998, 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:

- That a criminal offence has been committed, is being committed or is likely to be committed.
- That a person has failed, is failing or is likely to fail to comply with any legal obligations to which they are subject.
- That a miscarriage of justice has occurred, is occurring or is likely to occur.
- That the health or safety of any individual has been, is being or is likely to be endangered.
- That the environment has been, is being or is likely to be damaged.
- 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.

Our assurances to your safety

We are committed to making whistleblowing work. If you raise a genuine concern under these arrangements, you will not be at risk of losing your job or suffering any form of retribution as a result. Provided you are acting in good faith, it does not matter if you are mistaken. Of course, this assurance does not extend to someone who maliciously raises a matter they know to be untrue.

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. 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.

An employee must have a reasonable belief that a crime or risk has occurred or may occur in the future.

In deciding whether or not an employee has acted reasonably, all circumstances will be taken into consideration but 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 to 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 approved by the employer.

Protection applies where 'external' disclosures are made to such bodies as the police. In such instances the Board 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

We will not tolerate the harassment or victimisation of anyone who raises a genuine concern and with these assurances, we hope you will raise your concern openly. However, we recognise that there may be circumstances when you would prefer to speak to someone in confidence first. If this is the case, please say so at the outset.

If you ask us not to disclose your identity, we will not do so without your consent unless required by law. You should understand that there may be times when we are unable to resolve a concern without revealing your identity, for example where your personal evidence is essential. In such cases, we will discuss with you whether and how the matter can best proceed.

Anonymity

Remember that if you do not tell us who you are, it will be much more difficult for us to look into the matter, to protect your position, or to give you feedback. Accordingly, while we will consider anonymous reports, these arrangements are not well suited to deal with concerns raised anonymously.

If you are unsure about raising a concern you can get independent advice from Public Concern as Work.

How to raise a Concern Internally?

Please remember that you do not need to have firm evidence of malpractice before raising a concern. However, we do ask that you explain as fully as you can the information or circumstances that gave rise to your concern.

Step One

If you have a concern about malpractice, we hope you will feel able to raise it first with the Principal. This can be done orally or in writing.

Step Two

If, for whatever reason, you feel that raising it with the Principal is not appropriate or it has not worked, please raise the matter with Mrs Nicola Carruthers, Chairperson of the Board of Governors of Kylemore Nursery School. Letters addressed to the Chairperson are not opened by school staff and are sent directly to her.

If you want to raise the matter in confidence, please say so at the outset so that appropriate arrangements can be made. All staff will have received training in dealing with whistleblowing incidents.

Step Three

If these channels have been followed and you believe there is an ongoing risk, or you feel the matter is so serious that you cannot discuss it with any of the above, you can raise your concern directly with the Chief Executive of the Education Authority.

How we will Handle the Matter?

Once you have told us of your concern, we will look into it to 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 who is dealing with the matter, how you can contact him or her, 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.

When you raise the concern you may be asked how you think the matter might best be resolved. If you do 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 will tell you.

We will give you as much feedback as we properly can, and if requested, we will confirm it in writing. However, we may not be able to tell you the precise action we take where this would infringe a duty of confidence owed by us to someone else.

Independent Advice

If you are unsure whether or how to raise a concern or you want confidential advice at any stage, you may contact your union. You may also contact the independent charity Public Concern at Work on 020 7404 6609 or by email at helpline@pcaw.co.uk. Their lawyers can talk you through your options and help you raise a concern about malpractice at work. For more information, you can visit their website at www.pcaw.co.uk.

External Contacts

This Policy is intended to provide you with an avenue to raise concerns within the Board. If you are not satisfied, and if you feel it is right to take the matter outside the Board, the list below shows possible contact points:

- Any member of the Board/Commissioners
- Relevant Trade Unions
- Department of Education
- Department of Culture, Arts and Leisure
- Department of Employment and Learning
- Your Solicitor
- The Police Service of Northern Ireland
- Northern Ireland Ombudsman
- Northern Ireland Audit Office (NIAO)

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.

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.

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 will take appropriate action if, it is found through investigation, that an employee has made a claim which is vexatious.

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