**St Malachy’s College**

**Examinations Whistleblowing Policy**

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BACKGROUND

1. St Malachy’s College is committed to the highest standards of openness and accountability in the delivery of its examinations. Whilst CCEA has put in place a wide range of rules, regulations, procedures and codes of practice, malpractice may unfortunately still occur.
2. St Malachy’s College 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.

1. **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 refer to the EA Grievance Procedures and / or report their concerns to the Staff Welfare Officer who will take the matter further.

1. **WHAT IS MALPRACTICE, ABUSE OR 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);
* bribery (e.g. to solicit or receive any gift / reward as a bribe);
* breach of 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.

1. **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 Grievance Procedure, we shall tell you.

1. **RAISING A CONCERN**

How to Raise a Concern - Internally

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.

* St Malachy’s College 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 Head of Centre is the next point of contact. If the above channels have been followed / considered and:

1. an individual still has concerns; or
2. reasonably believe that they will be victimised if they raise the matter internally; or
3. believe that disclosure will result in the destruction of evidence; or
4. they feel that the matter is so serious that they cannot discuss it with their line manager or Head of Centre; or
5. they consider that it is not appropriate (e.g. the individual is a contractor); If you do not wish to contact any of the above, then you can raise your concerns with CCEA who can be contacted at 02890261200.
6. **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 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. St Malachy’s College will take practical steps to try and protect the confidentially of the person raising the concern including:

1. ensuring that paper files are properly classified as confidential and that electronic files are password protected;
2. ensuring the minimum number of people have access to case files; and
3. being discreet about when and where any 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, St Malachy’s College will take seriously concerns raised anonymously and will carry out such investigations as deemed necessary. It may be the case that:

1. detailed investigations may be more difficult to progress if you choose to remain anonymous and cannot be contacted for further information
2. the information and documentation you provide may not easily be understood and may need clarification or further explanation
3. there is a chance that the documents you provide might reveal your identity
4. it may not be possible to remain anonymous throughout a detailed investigation.
5. **HOW ST MALACHY’S COLLEGE WILL DEAL WITH THE MATTER**

All issues raised under this policy will be documented. The Head of Centre will:

1. formally acknowledge receipt of your concern;
2. formally notify you who will be investigating your concern;
3. 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;
4. respect your confidentiality where this has been requested;
5. take steps to ensure that you have appropriate support and advice;
6. agree a timetable for feedback. If this cannot be adhered to, we will let you know;
7. provide you with as much feedback as possible while observing data protection regulations; and
8. 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, for example, the Police Service of Northern Ireland (PSNI), the Northern Ireland Audit Office (NIAO) or the Department of Education (DE).

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.

1. **HOW TO RAISE THE CONCERN - EXTERNALLY**

This policy is intended to provide an appropriate avenue within St Malachy’s College to raise concerns. However, it is also possible to raise a matter externally. This can be done though CCEA. (02890261200)