



Ashfield Girls' High School



“Each different. Each talented. All valued.”

Whistleblowing Policy

(Code of Practice on Reporting Malpractice)

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Whistleblowing Policy



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Executive Summary

“Malpractice, including maladministration, means any act, default or practice which is a breach of the regulations that apply to the exam or assessment being taken. This can involve centre staff as well as students”. (JCQ 2022)

We encourage anyone who has information regarding malpractice to come forward and report the matter. If you want to remain anonymous, this will be respected, unless school is legally obliged to report the identity of the person making the allegation. This action can be considered as ‘whistleblowing’.

The identity of any employee making allegations of suspected malpractice within centres may be protected by the Public Interest Disclosure Act 1998 if the disclosure is made to their employer or to Ofqual.



Section A (Aims of the Policy)

The Policy aims to provide an avenue for staff to raise concerns and receive feedback on any action taken. Staff may take matters further if they are dissatisfied with responses received. Staff will be reassured that they will be protected from reprisals or victimisation for whistleblowing in good faith.

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.

The Policy applies to all staff employed at Ashfield Girls' High School, both full and part-time, temporary and substitute. References to staff within the Policy covers these categories.



Section B (Legislative Context and Linked Policies)

- The Public Interest Disclosure (Northern Ireland) Order 1998
- Joint Council for Qualifications – Access Arrangements and Reasonable Adjustments
- Joint Council for Qualifications – Special Consideration
- TNC 2004/5
- The Northern Ireland Act 1998
- Special Education Needs and Disability Order 2005
- The Equality Act (Northern Ireland) 2010
- Disability Discrimination Act (Northern Ireland) 1995
- The Education and Libraries Order (Northern Ireland) 2003

- Examinations Policy
- Teaching, Learning and Assessment Policy
- Special Educational Needs Policy
- Pupil Voice Policy
- Safeguarding and Child Protection Policy
- Health and Safety Policy
- Addressing Bullying in Schools Policy
- Behaviour for Learning and Positive Behaviour Policy



Section C (Policy and Procedures)

1.1 Ashfield Girls' High School is committed to adopting high standards in education/administration and will treat malpractice as a serious matter.

1.2 The Public Interest Disclosure (Northern Ireland) Order 1998 provides protection from dismissal, or other sanction, for staff who make disclosures of information relating to malpractice by their employer or colleagues at work.

1.3 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.

1.4 In line with the Education Authority's and Ashfield Girls' High School's commitment to openness, probity and accountability staff and others with serious concerns about any aspect of the (Education Authority's) or Ashfield Girls' High School's work are encouraged to report them, and if necessary in certain circumstances, on a confidential basis.

1.5 This policy makes it clear that staff should be enabled to raise concerns without fear of reprisal, rather than overlooking a problem or reporting the matter outside.

2 The Public Interest Disclosure (Northern Ireland) Order 1998

2.1 The Public Interest Disclosure (Northern Ireland) Order 1998, also known as the 'Whistleblowers Act' provides protection for employees who disclose information which may be regarded as confidential, and which tends to show one or more of the following:

2.1.1 a criminal offence has been, is being, or is about to be committed;

2.1.2 the employer is failing to comply with his legal obligations;

2.1.3 a miscarriage of justice has happened or is likely to happen;

2.1.4 an individual's health and safety is being jeopardised;

2.1.5 the environment is, or is likely to be damaged; and

2.1.6 information falling into any one of the above categories which has been, is being or is likely to be, deliberately concealed.



2.2 An employee must have a reasonable belief that a crime has or may be committed. An employment tribunal will decide whether or not such a belief was reasonable.

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

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

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

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

2.3.4 any action the employer or prescribed person might reasonably be expected to take as a result of a previous disclosure; and

2.3.5 whether in making the disclosure to the employer the employee complied with procedures applied by the employer.

2.4 Protection applies where 'external' disclosures are made to such bodies as the police. In such instances the Education Authority and Ashfield Girls' High School would expect to be satisfied that internal sources had been advised first or that the staff 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.

Protection of Staff

3.1 The Education Authority and Ashfield Girls' High School is committed to this Policy. If a staff member raises a concern in good faith the Education Authority and Ashfield Girls' High School will protect them against harassment or victimisation and will, if necessary, apply the Disciplinary Procedure.

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

3.3 Staff 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. **TNC 2005/4**



4 Confidentiality

4.1 The Education Authority and Ashfield Girls' High School recognises that staff may want to raise concerns in confidence under this policy.

4.2 If staff request that their identities be protected, the Education Authority and Ashfield Girls' High School will endeavour to honour that request.

4.3 If a situation arises where a concern cannot be resolved without revealing the staff member's identity, the Education Authority or Ashfield Girls' High School will discuss with the staff member whether and how progress can be made. It may be that evidence, either written or verbal, is required in court proceedings.

5 Anonymous Reports

5.1 The Education Authority and Ashfield Girls' High School encourage staff to put their names to allegations because concerns expressed anonymously are much less powerful. Although the Education Authority and Ashfield Girls' High School will consider anonymous reports.

6 The Procedure for Expressing Concerns

6.1 As a first step staff should raise concerns with the Principal, Mrs L Hanvey or Chairperson of the Board of Governors, Mr M Frew. This may be done either orally or in writing. If the report is made orally, it should be followed up in writing.

6.2 If a staff member feels unable to raise a concern with the principal or chairperson the matter should be reported by confidential telephone or in writing to the Education Authority's Equality and Human Rights Officer who will investigate the matter or have the matter investigated.

6.3 The staff member will have the opportunity to decide whether or not s/he wishes to remain anonymous.

6.4 If a staff member still has concerns, the matter should be reported to the Chief Executive of the Education Authority.

Or to the Chairperson of the Education Authority.

6.5 All correspondence should be marked 'Private and Confidential' and addressed to the appropriate individual at: **TNC 2005/4**



7 Oral Reports

7.1 It is preferable that all concerns are made in writing and signed. However, it is recognised that some staff may wish only to report the matter orally. In this case, the person receiving the oral report should write it down immediately and record the date and time and sign it. It should, if possible, be read back to the staff member to confirm its accuracy.

Action should be taken to have the concern investigated as soon as practicable.

8 Independent Advice

8.1 If a staff member is unsure which procedure to use or if s/he wants independent advice at any stage s/he may wish to contact:

His/Her Trade Union;

Or

The independent charity - <https://protect-advice.org.uk/>
Telephone 020 3117 2520

9 External Contacts

9.1 This Policy is intended to provide a staff member with an avenue to raise concerns within the Education Authority or Ashfield Girls' High school. If s/he is not satisfied, and if s/he feels it is right to take the matter outside the Education Authority or Ashfield Girls' High School, the list below shows possible contact points:

Any Member of the Board of the Education Authority Relevant Trade Unions
Department of Education Department of Culture, Arts and Leisure Department of
Employment and Learning their Solicitor The Police Service of Northern Ireland
Northern Ireland Ombudsman Northern Ireland Audit Office. National Society for the
Prevention of Cruelty to Children TNC 2005/4



9.2 The Comptroller and Auditor General has been prescribed as a person to whom protected disclosures can be made under the Order. They are 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.

9.3 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.

9.4 The NIAO Whistleblower may be contacted at:
The Comptroller and Auditor General
Northern Ireland Audit Office
106 University Street Belfast
BT1 1EU
Telephone Number 028 9025 1023

10 Abuse of this Procedure

10.1 It is expected that staff will operate within the guidance of this policy, with integrity. However, use of this procedure to:

- make cynical, frivolous, mischievous or vexatious allegations,
- distract from other issues,
- divert attention from or action in the application of other procedures,
- defame or perpetrate malicious falsehoods

is likely to constitute misconduct and render the concern subject to investigation and disciplinary penalty.



Section D (Roles and Responsibilities)

Board of Governors

- Will ratify the policy and ensure that it is reviewed every two years, or when guidance changes.
- Will monitor the effectiveness of the policy.

Head of Centre – Principal

- Will ensure that staff are aware of the policy and its procedures.
- Will respond to any concerns raised, as an urgent matter.

Exams Officer

- Will ensure that any new staff, i.e. invigilators, are aware of the procedures contained within this policy.
- Will immediately raise any concerns surrounding malpractice with the Principal.

Staff

- Will be aware of the contents of the policy.
- Will report any concerns, as described within this policy, to include malpractice in external examinations.

Parents

- Will be encouraged to report any concerns they may have, to include the malpractice in external examinations.

Pupils

- Will be encouraged to report any concerns they may have, to include the malpractice in external examinations.



Section E (Consultation, Communication, Monitoring and Evaluation of the Policy)

This policy has been developed in consultation with pupils, parents, staff and governors.

It is the responsibility of the Board of Governors, in liaison with the Principal, to monitor the effectiveness of the Whistleblowing Policy.





Challenging girls today; creating women of value in the future



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