

Whistle Blowing Policy & Procedure

Introduction

St. Columb's School of Music Ltd. is committed to the highest possible standards of conduct, openness, honesty and accountability. This policy is intended to encourage the board of advisors, associates and others to report suspected or actual occurrence(s) of illegal, unethical or inappropriate events (behaviours or practices) without retribution.

Statement of Purpose

The term 'whistle blowing' is most commonly used to describe when an associate (or ex-associate) discloses wrong doing within an organisation. The purpose of this policy is to allow anyone associated with St. Columb's School of Music Ltd. to raise concerns in a responsible and effective manner about the conduct of others which they consider to be in some way damaging to the organisation or the others within it. Officially this is called 'making a disclosure in the public interest'.

Who does the Policy apply to?

The policy applies to everyone who is associated with St. Columb's School of Music Ltd. It should be emphasised that this policy is intended to assist individuals who believe they have discovered malpractice or impropriety, it is not designed to question financial or business decisions taken by St. Columb's School of Music Ltd. nor should it be used to reconsider any matters which have already been addressed under harassment, complaint, disciplinary or other procedures and measures. Once the "whistleblowing" procedures are in place, it is expected that associates will use them rather than air their complaints outside the organisation.

The Aims of the Policy

- To encourage associates to feel confident in raising concerns and to question and act upon concerns about malpractice.
- To ensure that associates receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied.
- To reassure associates that they will be protected from possible reprisals or victimisation if they have a reasonable belief that they have made any disclosure which is in the public interest?

Concerns raised anonymously

As it is very difficult to assess whether or not an anonymous letter is genuine or not, associates should note that, although an anonymous report may be considered, an investigation will not be initiated. This policy encourages individuals to put their name to any disclosures they make, as concerns expressed anonymously are much less credible.

What can be disclosed?

Qualifying disclosures

Certain kinds of disclosures qualify for protection ("qualifying disclosures"). Qualifying disclosures are disclosures of information which the associate reasonably believes tend to show that one or more of the following matters is either happening now, took place in the past, or is likely to happen in the future:

- a criminal offence;
- a breach of a legal obligation;
- a miscarriage of justice;
- a danger to the health or safety of any individual;
- damage to the environment; or
- deliberate covering up of information tending to show any of the above five matters.

It should be noted that in making a disclosure the associate must have reasonable belief that the information disclosed tends to show one or more of the offences or breaches listed above ("a relevant failure"). The belief need not be correct - it might be discovered subsequently that the person reporting was in fact wrong - but the associate must show that he / she held the belief, and that it was a reasonable belief in the circumstances at the time of disclosure. Associates must therefore believe that the disclosure of information is in the public interest and substantially true.

Safeguards and Victimisation

St. Columb's School of Music Ltd. recognises that the decision to report a concern can be a difficult one to make. However, it is important that the organisation is alerted to malpractice early so that it can be stopped and the perpetrators dealt with. It is also important that an associate's concern about illegal or unethical activities can be raised without fear of victimisation. Associates should, therefore, be assured that St. Columb's School of Music Ltd. will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect associates when they raise a concern which is in the public interest.

- **The Whistle blower shall receive no retaliation or retribution for a report that was provided in good faith – that was not done primarily with malice to damage another or the organisation.**
- **Anyone who retaliates against the Whistleblower (who reported an event in good faith) will be subject to discipline, including termination of associateship status.**

NB: Associates are asked to note that victimising people will be a disciplinary offence. It will also be a disciplinary offence to make allegations that are untrue, malicious or for personal gain. In making a disclosure the individual should exercise due care to ensure the accuracy of the information.

A Whistle-blower who makes a report that is not done in good faith is subject to discipline, including termination of their associateship status, or other legal means to protect the reputation of the organisation and its associates.

Confidentiality

All concerns will be treated in confidence and every effort will be made not to reveal the identity of the associate if they so wish. However, the identity of the individual making the allegation may be kept confidential so long as it does not hinder or frustrate any investigation. At the appropriate time the individual making the disclosure may need to come forward as a witness. Associates should note that some cases are clearly so serious that police may have to be involved. In these cases, it may also be necessary to reveal the identity of individuals who may need to provide a statement as part of the evidence required.

Investigating Procedure

1. The Whistle-blower should promptly report the suspected or actual event to the directors of St. Columb's School of Music Ltd. The directors may nominate an appropriate investigating officer.
2. If there is evidence of criminal activity, then the directors/investigation officer will inform the police. For instance, crimes against persons or property, such as assault, rape, burglary, etc., should immediately be reported to local law enforcement personnel.
3. The Whistle-blower can report the event with his/her identity or anonymously. However, this policy encourages you to put your name to your concern if possible.
4. The directors/investigating officer will inform the associate against whom the complaint is made as soon as is practically possible. The associate will be informed of their right to be accompanied by a representative at any future interview or hearing held under the provision of these procedures.
5. The allegations will be fully investigated by the directors/investigating officer with the assistance where appropriate, of other individuals/bodies.
6. The directors/investigating officer who receives the report must promptly act to investigate and/or resolve the issue.
7. A judgement concerning the complaint and validity of the complaint will be made by the directors/investigating officer. This judgement will be detailed in a written report containing the findings of the investigations and reasons for the judgement.
8. The directors/investigating officer will decide what action to take. If the complaint is shown to be justified, then they will invoke the disciplinary or other appropriate procedures.
9. The person making the disclosure will be kept informed of the progress of the investigations and, if appropriate, the disposition or resolution of the final outcome.
10. If the investigation of a report, that was done in good faith and investigated by internal personnel, is not to the Whistle-blower's satisfaction, then he/she has the right to report the event to an appropriate legal or investigative agency.
11. The identity of the Whistleblower, if known, shall remain confidential to those persons directly involved in applying this policy, unless the issue requires investigation by law enforcement, in which case members of the organisation are subject to subpoena.