St. Mary of the Angels Catholic Primary School Whistle blowing Policy
2018 2019

Introduction

1.1 The school is founded by and forms part of the Catholic Church. In addition to the Church's funds which established the school, it is sustained in its mission by receipt of public monies. Accordingly it is accountable to the Catholic community of which it is a part and which provided the school, and also to the public whose funds it expends.

1.2 The school is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, we expect employees and others who working at the school, who have serious concerns about any aspect of the school's work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.

1.3 This policy is intended to encourage and enable employees to raise serious concerns they may have within the school. In doing so, the governing body wishes to make it clear that individuals can inform their employers without fear of victimisation, discrimination or disadvantage as a result of their 'whistleblowing'.

Legislative Background

2.1 *The Public Interest Disclosure Act 1998* (known as the 'Whistleblowers Act') protects employees against any detrimental treatment or dismissal if, in the interest of the public, they disclose to their employer matters concerning the conduct of the school and its personnel that would normally be regarded as confidential.

2.2 It does not apply to any grievance that an employee may have about his/her own employment for which governors have already established statutory procedures to enable them to seek redress under the provisions of the School Staffing (England) Regulations 2003, Regulation 6 (1)(b)[1]

The whistleblowing helpline is NSPCC Whistleblowing helpline 0800 028 0285 should it be required by anyone needing to access this policy.

Aims and Scope of this Policy

3.1 This policy is intended to cover any major concerns that qualify for protection as 'qualifying disclosures' and fall outside the scope of other statutory procedures adopted by the governing body. Qualifying disclosures are disclosures of information which the employee reasonably believes to show one of the following matters is happening now, took place in the past or is likely to happen in the future:

- conduct which is an offence, a breach of the law or contrary to Church teaching;
- disclosures related to miscarriages of justice;
- health and safety risks, including risks to the public as well as other employees;
- damage to the environment;
- the unauthorised use of public or Church funds;
- possible fraud and corruption;
- abuse of students;
- any other unethical or immoral conduct;
- the deliberate covering up any malpractice listed above.

3.2 Thus, any serious concerns that any employee may have about malpractice in any aspect of service provision or the conduct of employees or governors of the school or others acting on behalf of the school can be reported under this policy.

3.3 The conduct in question may be something that makes an employee feel uncomfortable in terms of known standards, his/her experience or the values, beliefs and standards to which the school subscribes, is against the school's trust deed or instrument of government or policies, falls below established standards of practice; or amounts to improper conduct.

1 *Commonly known as Grievance Procedure*

Safeguards for Whistleblowers

4.1 The school will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect employees when they raise a concern in good faith.

4.2 Qualifying disclosures may be made to **the employer** or via internal procedures.

4.2.1 A qualifying disclosure will be a protected disclosure where:

- it is made to the employer either directly or by procedures authorised by the employer for that purpose;

or

- it is made to another person whom the worker reasonably believes to be solely or mainly responsible for the relevant failure;

and

- the employee acts in goods faith.

4.3 Qualifying disclosures may be made to a **prescribed person.**[2]

4.3.1 A qualifying disclosure will be a protected disclosure where:

- it is made to a person or body which has been prescribed by the Secretary of State for the purpose of receiving disclosures about the matter concerned;
- the employee believes that the matter falls within the description of matters for which the person or body has been prescribed;
- the employee reasonably believes that the information and any allegation it contains are substantially true;
- the employee makes the disclosure in good faith.

4.4 Qualifying disclosures may be made to a **legal adviser**.

4.4.1 A qualifying disclosure will be a protected disclosure where:

- It is made to a legal adviser in the course of obtaining legal advice;

4.5 Qualifying disclosures may be made to a **Government Minister.**

4.5.1 A qualifying disclosure will be a protected disclosure where:

- it is made by an employee of a Government appointed organisation such as a non-departmental public body to a Government Minister either directly or via departmental officials
- it is made in good faith

4.6 Qualifying disclosures may be made to **others** not listed above.

4.6.1 A qualifying disclosure will only be a protected disclosure where:

- the employee reasonably believes that the information and any allegation it contains are substantially true;
- the employee makes the disclosure in good faith;
- the employee does not act for personal gain;

- the employee reasonably believes that he/she would be subjected to a detriment by his/her employer if disclosure were to be made to the employer or to a prescribed person;

See Appendix 2 for a list of prescribed persons and the matters for which they are prescribed

- in the absence of an appropriate prescribed person the employee reasonably believed that the disclosure to the employer would result in the destruction or concealment of information about the wrongdoing;
- the employee had previously disclosed substantially the same information to his employer or to a prescribed person;
- it is reasonable for the employee to make the disclosure;

4.6.2 An employment tribunal will decide whether the employee acted reasonably in the circumstances but in particular will take into account:

- the identity of the person to whom the disclosure was made e.g. it may be more likely to be considered reasonable to disclose to a professional body that has responsibility for standards and conduct in a particular field rather than to the media;
- the seriousness of the relevant failure;
- whether the relevant failure is continuing or is likely to occur again;
- whether the disclosure breaches the employer's duty of confidentiality to others;
- what action has or might reasonably be expected to have been taken if a disclosure was made previously to the employer or a prescribed person;
- whether the employee complied with any internal procedures approved by the employer if a disclosure was made previously to the employer;

4.7 Qualifying disclosures may be made about **exceptionally serious failures** and in these cases employees do not need to go through the normal channels and can publicly 'blow the whistle' straight away.

4.7.1 However it is not enough for something to be an 'exceptionally serious failure' in the employee's opinion alone e.g. if he/she does not agree with a working practice. It must be a matter of fact that something is a genuinely serious failure. An example could be an exceptionally serious health and safety issue that is putting employees or others lives at risk.

4.7.2 Making a public disclosure e.g. to the media, is a serious matter and employees should get professional advice to confirm that the matter could be classed as an 'exceptionally serious failure' before taking such action.

4.7.3 A qualifying disclosure will be a protected disclosure where:

- the employee reasonably believes that the information and any allegation it contains are substantially true;
- the employee makes the disclosure in good faith;
- the employee does not act for personal gain;
- it is reasonable for the worker to make the disclosure in view of all the circumstances, having regard in particular to the identity of the person to whom the disclosure is made**.**

4.8 Any investigation into allegations of potential malpractice will not influence employees or be influenced by any disciplinary or redundancy procedures that might affect them.

4.9 Any provision in an agreement between employee and employer which would prevent the employee from making disclosures protected by the new provisions is void.

4.10 Employees do not have to raise a grievance in order to make a protected disclosure. The statutory minimum grievance procedures apply to a protected disclosure only if the employee actually intends that the disclosure constitutes raising the matter with his employer as a grievance.

Confidentiality

5.1 All concerns will be treated in confidence and every effort will be made not to reveal an employee's identity if they so wish. At the appropriate time, however, he/she may need to come forward as a witness. Employees reporting concerns also have a duty to observe this confidentiality.

Anonymous Allegations

6.1 Employees are encouraged to put their name to their allegation wherever possible. Concerns expressed anonymously are much less powerful but will be considered at the discretion of the school. In exercising this discretion the factors to be taken into account will include:

- the seriousness of the issue raised;
- the credibility of the concern;
- the likelihood of confirming the allegation from attributable sources.

Untrue Allegations

7.1 It should be noted that in making a disclosure the employee must have reasonable belief that the information disclosed tends to show a relevant failure as listed in **paragraph 3.1** above.
7.2 If an employee makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against him/her.
7.3 If, however, an employee makes an allegation frivolously, maliciously, or for personal gain, disciplinary action may follow.

Raising a Concern

8.1 If an employee reasonably believes that he/she has discovered serious malpractice within the school he/she should ideally raise these concerns with his/her line manager who would take the matter to the headteacher.

8.2 However, if, for whatever reason this is not possible or appropriate, the employee should contact the headteacher directly.

8.3 If the employee suspects that the headteacher may be involved in the malpractice then he/she should contact the chair of the governing body.

8.4 If the employee also suspects involvement by the chair of the governing body, then he/she should contact the Director of Schools at the Diocesan Schools Commission.

8.5 Employees will be given the opportunity to discuss their suspicions with the appropriate investigating officer who will arrange for an investigation to take place.

8.6 Who the investigating officer might be, will depend upon the circumstances of the concern and the individual(s) whom the employee suspects may be involved. If the concern has been raised with the headteacher or the chair of the governing body, they will seek advice from the Director of Schools at the Diocesan Schools Commission and an appropriate investigating officer will be appointed. This may be the headteacher, a governor, an officer of the Diocese, an officer of the local authority or other qualified person.

8.7 Within ten working days of the initial meeting, the investigating officer will write to confirm the details of the concern and that an investigation will take place.

8.8 Throughout the investigation, the complainant will be kept informed of progress and will normally be advised of the eventual outcome, subject to third party rights.

8.9 All correspondence will be addressed to the complainant's home.

8.10 If a meeting is needed, it may be arranged off site if desired, and a union representative or a friend may accompany the complainant.

8.11 Although records will need to be kept as the enquiries progress, these will be of an anonymous nature.

8.12 There can be no prescribed time limits for completion of the investigative process, but it will obviously be in the interests of all concerned if the issue is resolved without delay.

8.13 If the complainant has any concerns about the way in which the investigation is being handled then he/she should raise this with the designated investigating officer in the first instance. If the complaint remains unresolved then the complainant may contact the Diocesan Director of Schools with his/her concerns.

8.14 When the investigation is complete a report will be presented to the governing body, which will decide upon the appropriate course of action.

8.15 Subject to any relevant legal constraints, the complainant will be informed of the action to be taken. If the complainant does not agree with the outcome then he/she will have seven days in which to make his/her concerns known to the governing body, via the chair of the governing body.

8.16 If the complainant remains dissatisfied with the response from the governing body, then he/she may consider contacting the Secretary of State for Children, Schools and Families, who has the power to intervene if the governing body appears to be acting unreasonably.[3]

Acknowledgements - Paul Barber MA (Cantab), Barrister-at-Law and Director of Schools, Archdiocese of Westminster.
Department For Business Enterprise Regulatory Reform. Direct.gov.uk.
3 Education Act 1996, Section 497 (Default Powers of the Secretary of State)

This policy has been agreed between representatives of the Catholic Archdiocese of Birmingham Diocesan Schools Commission and the teachers' organisations listed below:
The Association of Teachers and Lecturers
The National Association of Headteachers
The National Association of Schoolmasters Union of Women Teachers
The National Union of Teachers
The Association of School and College Leaders
Dated 11 February 2010

APPENDIX 1
LIST OF CONTACTS
Claire O'Hara - Head Teacher

St. Mary of the Angels Catholic Primary School
Weston Crescent, Aldridge WS9 0HA
Tel: 01922743411

Mrs Sue Wilkinson - Chair of the Governing Body
St. Mary of the Angels Catholic Primary School
Weston Crescent, Aldridge WS9 0HA
Tel: 01922743411

Ms G Sanghera - Clerk to the Governing Body
St. Mary of the Angels Catholic Primary School
Weston Crescent, Aldridge WS9 0HA
Tel: 01922743411

David Haley
Director of Children's Services
Civic Centre
Walsall
01922 686369

Fr Jonathan Vesey, Director of Schools
Archdiocese of Birmingham
61 Coventry Road
Coleshill
Birmingham B46 3EA
01675 430230

Secretary of State
Department for Education
Sanctuary Buildings
Great Smith Street
London SW1P 3BT

020 7925 5000

APPENDIX 2
LIST OF PRESCRIBED PERSONS AND THE MATTERS FOR WHICH THEY ARE PRESCRIBED

The Audit Commission for England and Wales – The proper conduct of public business, value for money, fraud and corruption in local government.
The Audit Commission
1 Vincent Square
London SW1P 2PN
020 7630 1019

The Charity Commissioners for England and Wales – The proper administration of charities and of funds given or held for charitable purposes.
Charity Commission
Liverpool Head of Operations
2nd Floor
20 Kings Parade
Queens Dock
Liverpool
L3 4DQ
0870 333 0123

Children's Commissioner – Matters relating to the views and interests of children.
Children's Commissioner
11 Million
1 London Bridge
London
SE1 9BG
0844 4800 9113

Health and Safety Executive – Matters which may affect the health and safety of any individual at work; matters which may affect the health and Safety of any member of the public arising out of or in connection with the activities of persons at work.
Health and Safety Executive
Information Services
Caerphilly Business Park
Caerphilly
South Wales
CF83 3GG
0845 345 0055

Information Commissioner – Compliance with the requirements of legislation relating to data protection and to freedom of information.

The Office of the Information Commissioner

Wycliffe House
Water Lane
Wilmslow Cheshire
SK9 5AF
01625 545700

Advisory, Conciliation and Arbitration Service (ACAS) – ACAS operates a national network of helplines which deal with queries about employment matters, including the rights and obligations arising out of employment law.
The relevant Local Authority - Under section 18 of the *Health and Safety at Work Act 1974* will investigate matters which may affect the health and safety of any individual at work; matters which may affect the health and safety of any member of the public arising out of or in connection with the activities of persons at work.

Diocesan Schools Commission
Tel: 01675 430230 Fax: 01675 430321
Email: bdsc@bdsc.org.uk Web: www.bdsc.org.uk
See website for address