

**St Nicholas Catholic  
Primary School**



**Confidential Reporting  
Policy  
'Whistle-Blowers Policy'**

## St Nicholas Catholic School Confidential Reporting Code ("whistle-blowers policy")

The Code is necessitated by the Public Interest Disclosure Act 1998, and is based on Birmingham City Council's procedures. It's designed to protect individuals and the public interest.

**NB. To obtain protection under this Act, employees must first disclose information to the employer in accordance with the employer's procedure - hence the need for a code.**

If uncertain, the employee must consult their trade union, professional association, or the independent charity *Public Concern at Work*. (020-704-6609)

### **Scope of the Code**

The Code applies to School employees who have major concerns over wrong-doing within the School relating to unlawful conduct, financial malpractice or dangers to the public or environment, that have been, or are likely to be committed, e.g.

1. Criminal offence (e.g. fraud, corruption, or theft),
2. Miscarriage of justice,
3. Endangerment of the health or safety of an individual
4. Endangerment of the environment
5. Illegality, such as
  - Unauthorised use of public funds
  - Breach of School Governance arrangements by pupils, staff, and those working with the school
  - Sexual or physical abuse of employees or service recipients (*separate Child Protection Procedures apply in the cases of children*)
  - Discrimination towards staff or service recipients on grounds of sex, race, or disability
  - Any other form of improper action or conduct
6. Concealment ("cover-ups") of any of the above.

### **Aims of the Code:**

- Encourage School employees to feel confident raising, questioning and acting upon, serious concerns
- Provide a means to raise such concerns and get feedback on any resulting action
- Ensure that School employees get a response to their concerns, and are aware how to pursue their concerns further if not satisfied with any action
- Reassure School employees that they will be protected from possible reprisals or victimisation if they raise concerns in good faith and reasonably believe them to be true.

### **Limitations of the Code:**

The Code is **not intended to be used** where other more appropriate procedures are available, e.g.

- Child Protection (see Child Protection procedures)
- Grievances (see Grievance procedure)
- Harassment (see Anti-harassment procedure)
- Complaints of misconduct against *Governors* or *City Councillors* (contact the relevant bodies)

The Public Interest Disclosure Act 1998 does not provide blanket protection, and disciplinary or other action could result from the disclosure of confidential information not covered by the Act (see points 1-6). If an employee takes the matter outside the school, care should be taken not to disclose confidential information, and advice should be sought from appropriate professional bodies.

### **Who is covered?**

All school employees (temporary, permanent, and seconded) and those working with or assisting the School

### **What assurance is there?**

If you raise a genuine concern under this Code by disclosing first to your employer (in accordance with this code), you are not at risk of losing your job or suffering any form of retribution. Provided you are acting in good faith, it does not matter if you are mistaken. There is no such assurance for someone maliciously raising a matter known by them to be untrue.

### **How should a concern be raised?**

As soon you become reasonably concerned you should raise the matter first with the Head Teacher and/or Chair of *Governors*. If either of these is the potential/actual transgressor, write to the Diocesan Schools Commission. Concerns may be raised verbally or in writing, and if in writing, they should give the background and history of their concern (with relevant dates), and the reasons why they are particularly concerned.

### **How will the Governing Body respond.**

If the concern is raised verbally, the one receiving the information will ask the employee to put it in writing as soon as possible to ensure accuracy. You should state if you want the matter treated in confidence. The one receiving the information checks out the limits of such confidentiality. (In the most serious cases the Diocesan School Commission should be informed (for monitoring purposes and corporate record keeping of employees using the provisions of this code.) When you raise your concern you might be asked how best it could be resolved. If so, disclose at the outset any personal interest you have in the matter.

If your concern falls within the scope of another procedure (e.g. Child Protection, or Grievance Policy), you will be informed of this. Once informed of your concern, the Governing Body, will assess initially what action should be taken. This may involve resolution by agreed action, or an internal inquiry or a more formal investigation, and you will be told who may be handling the matter, and how you can contact him/her, and whether further help from you is needed. You can request the Governing Body or Head Teacher to write to you summarising your concerns and setting out how it will be handled. But please note that the School may not be able to tell you the precise action

we take, where this would infringe a duty of confidence owed by the School to someone else. If urgent action is required, it will be taken before any investigation is conducted

Where appropriate the matters raised may be:

- investigated by management/internal audit/the Diocesan Schools Commission/ or through the disciplinary process
- referred to the police
- referred to the external auditor
- the subject of an independent inquiry.

Usually within two weeks of raising a concern, the person looking into the concern will write to the person who raised the issue:

- acknowledging receipt of the concern
- indicating how the school proposes to deal with the matter
- estimating how long a full response will take
- saying whether any initial enquiries have been made
- supplying information on the support available to the person who raised the issue,
- and saying whether further investigations will be made, and if not, why not.

The final outcome of any investigation will normally be communicated to the relevant employee, unless there are legal constraints.

#### **How is the person raising the issue safeguarded?**

The Governing Body will not tolerate harassment or victimisation (including informal pressures), and will take appropriate action to protect employees who raise a concern in good faith. Any investigation into allegations of potential malpractice will not influence (or be influenced by) any disciplinary or redundancy procedures already taking place concerning the employee raising the matter. No action will be taken against anyone making an allegation in good faith, reasonably believing it to be true; even if the allegation is not subsequently confirmed. Every reasonable and practical effort to ensure confidentiality will be made. Help will be provided to minimise any difficulties you experience: this may include advice on giving evidence if needed. Meetings involving you may be arranged off-site (or you may be represented), if necessary and you wish this.

#### **How can concerns be taken further?**

Possible contact points include: the archdiocesan Director of Schools, the archbishop, Birmingham City Council Chief Education (or Legal) officers, Birmingham City Council Internal Auditor (or district Auditor), your trade union or professional body or regulatory organisation, the Citizen's Advice Bureau, a law centre firm, the information Commissioner, the Police (or Health and Safety Executive), a relevant voluntary organisation, or the Local Government Ombudsman.

#### **Corporate Recording and Monitoring**

The Governing Body will ensure it has satisfactory internal arrangement to address the requirements of the Code, including appropriate support for the Head Teacher in implementing the Code, and personnel officers have sufficient training to implement it. A Schools Whistle Blowing Register will be kept by the Birmingham Chief Education Officer (and possibly by the Diocesan Schools Commission) for the sake of consistency of treatment and the prevention of recurrence. These officers must be given sufficient details of the concern raised, but only an annual report of an anonymous nature (listing only the type of concerns and the jobs held by the persons about whom concerns were raised) will be made.