

ST BERNADETTE'S CATHOLIC PRIMARY SCHOOL**SCHOOLS WHISTLE BLOWING CODE****A INTRODUCTION**

The Code is intended to help employees who have major concerns over any wrongdoing within Schools relating to unlawful conduct, financial malpractice or dangers to the public or the environment. Specific examples could include: -

- A criminal offence (e.g. fraud, corruption or theft) has been/is likely to be committed.
- A miscarriage of justice has been/is likely to occur
- The health or safety of any individual has been/is likely to be endangered
- The environment has been/is likely to be damaged
- Public funds are being used in an unauthorised manner
- The School's Governance arrangements have or are not being observed or are being breached by students, staff employed in or those working with or assisting Birmingham Schools.
- Sexual or physical abuse of any employee or service recipient is taking place (subject to the Child Protection Procedure in the case of children)
- Discrimination is occurring to any member of staff on grounds of sex, race or disability
- Any other form of improper action or conduct is taking place
- Information relating to any of the above is being deliberately concealed or attempts are being made to conceal the same.

The Governing Body, based on advice received from Birmingham City Council's Chief Legal Officer, has issued this Code so as to enable you to raise your concerns about such malpractice(s) at an early stage and in the right way. The School's Governing Body would rather that you raised the matter when it is just a concern rather than wait for concrete proof.

If something is troubling you, please use this policy. This Whistle Blowing Code is primarily for concerns where the interests of others or of the organisation itself are at risk.

B AIMS OF THE SCHOOLS WHISTLE BLOWING CODE**The Code aims to:**

- Encourage employees to feel confident in raising serious concerns and to question and act upon their concerns;
- Provide ways for employees to raise those concerns and get feedback on any action taken as a result;
- Ensure that employees get a response to their concerns;

- Ensure that employees are aware how to pursue their concerns and the appropriate steps to take if they are not satisfied with any action;
- Reassure employees that if they raise any concerns in good faith and reasonably believe them to be true, they will be protected from possible reprisals or victimisation.

C WHO IS COVERED BY THE SCHOOLS WHISTLE BLOWING CODE?

All employees may use this Code. This includes permanent and temporary employees.

St Bernadette's Whistle Blowing Code has been devised to help employees in Birmingham Schools. It is based upon Birmingham City Council's Whistle Blowing Code and has been the subject of consultation with the relevant teacher and other professional associations and trade unions.

This Schools Whistle Blowing Code will be operative from 1st January 2008 and will be kept under review, on an annual basis, by the Head Teacher and the School's Governing Body.

If a member of the public has a concern about an employee, or the actions of the Council or City Council, they should report it to the Council either by

e-mail to: **whistleblowing@birmingham.gov.uk;**

post to:- **Whistleblowing
c/o the City Solicitor
Birmingham City Council
PO BOX 15992
Birmingham**

D WHAT ASSURANCE DO YOU GET?

If you do raise a genuine concern under this Code, you will not be at risk of losing your job or suffering any form of retribution as a result. Provided you are acting in good faith, it does not matter if you are mistaken. Of course, this assurance is not extended to someone who maliciously raises a matter that s/he knows to be untrue.

The Governing Body and City Council will not tolerate the harassment or victimisation of anyone raising a genuine concern. However, we recognise that you may nonetheless want to raise a concern in confidence under this Code. If you ask us to protect your identify by keeping your confidence, we will not disclose it without your consent. If the situation arises where we are not able to resolve the concern without revealing your identity we will discuss with you whether and how we can proceed.

E WHAT IS THE LEGAL BACKGROUND?**The Public Interest Disclosure Act 1998**

(hereinafter referred to as ‘the Whistleblowers Act’) protects employees against detrimental treatment or dismissal as a result of any disclosure of normally confidential information in the interests of the public. The Act only covers protected disclosures under six categories, namely; crime, illegality, miscarriage of justice, damage to health and safety, damage to the environment, and ‘cover-ups’ about these issues. To obtain protection, employees must first disclose the information to the employer.

Therefore this Code has been adopted to provide an avenue within the School to raise concerns. If an employee takes the matter outside the school, s/he should ensure that no disclosure of confidential information takes place and should take advice, if unsure, as the Public Interest Disclosure Act does not provide blanket protection and could leave employees in or working with or assisting Birmingham Schools vulnerable to disciplinary or other action, if they disclose confidential information in circumstances not covered by the Act.

F HOW SHOULD A CONCERN BE RAISED?**Disclosures made by Employees**

The Public Interest Disclosure Act 1998 (“PIDA”)

PIDA is designed to encourage and enable employees to make a disclosure about any suspected serious misconduct, illegal act or a dangerous situation within the organisation.

This is called making a “Protected Disclosure” under PIDA, and when it is made in the public interest and in accordance with this policy, an employee is legally protected from harassment or victimisation and will not be subject to any other detriment as a result of the disclosure.

The person making the disclosure does not have to be directly or personally affected by the serious misconduct, but must believe that the disclosure is true and the disclosure must be made in the public interest.

To be protected, the disclosure must be in the public interest and raise a concern that:

- a) a criminal offence (e.g. fraud, corruption or theft) has been, is being or is likely to be committed;

- b) a person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject;
- c) a miscarriage of justice is occurring, has been or is likely to occur;
- d) the health or safety of any individual has been, is being or is likely to be endangered;
- e) the environment has been, is being or is likely to be damaged, or;
- f) information relating to any of the above is being deliberately concealed or attempts are being made to conceal the same. 3.5 PIDA will protect any employee making a protected disclosure, irrespective of whether or not the disclosure relates to information gained in the course of their employment (e.g. a protected disclosure made by an employee acting as a service user would still fall under the PIDA protection).

As soon as you become reasonably concerned you should firstly raise the issue with your Head Teacher and/or Chairman of Governors (unless s/he is the potential transgressor, in which case write to the Schools Support Manager in the School and Governor Support Section, and/or the Chief Legal Officer).

Concerns may be raised orally or in writing. Employees who wish to make a written report should use the following format.

- The background and history of the concern (giving relevant dates).
- The reason why they are particularly concerned about the situation.

G HOW WILL THE GOVERNING BODY RESPOND?

The relevant person will ensure that, in the most serious of concerns, the Strategic Director for Children's Services and/or the Chief Legal Officer receives adequate details of the employees using this code for the purpose of corporate recording and monitoring purposes.

Once you have told the Governing Body of your concern, the Governing Body will look into it to assess initially what action should be taken. This may involve an internal inquiry or a more formal investigation. You will be told who may be handling the matter, how you can contact him/her whether your further assistance may be needed. If you request it, the Governing Body or Head Teacher will write to you summarising your concern(s) and setting out how it will be handled.

When you raise the concern you may be asked how you think the concern(s) might best be resolved. If you do have any personal interest in the matter, we do ask that you tell us at the outset.

While the purpose of this Code is to enable us to investigate possible malpractice and take appropriate steps to deal with it, we will give you as much feedback as we properly can. If requested, we will confirm our response to you in writing. Please note, however, that we may not be able to tell you the precise action we take where this would infringe a duty of confidence owned by us to someone else.

Where appropriate, the matters raised may:

- Be investigated by management, Internal Audit, the Strategic Director for Children's Services, the Chief Legal Officer or through the disciplinary process.
- Be referred to the police.
- Be referred to the external auditor
- Form the subject of an independent inquiry.

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

- Acknowledging that the concern has been received.
- Indicating how the School propose to deal with the matter
- Giving an estimate of how long it will take to provide a full response
- Saying whether any initial enquiries have been made
- Supplying information on support available to you; and
- Saying whether further investigations will take place and if not, why not.

Subject to any legal constraints, the relevant employee will normally be informed of the final outcome of any investigation.

H WHAT SAFEGUARDS ARE THERE FOR THE PERSON RAISING THE CONCERN?

- The Governing Body will not tolerate any 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.

- No action will be taken against anyone who makes an allegation in good faith, reasonably believing it to be true, even if the allegation is not subsequently confirmed by the investigation.
- Every effort will be made to ensure confidentiality as far as this is reasonably practical.
- Help will be provided to you in order to minimise any difficulties, which you may experience. This may include advice on giving evidence if needed. Meetings may, if necessary be arranged off-site with you and for you being represented, if you so wish.

I HOW CAN A CONCERN BE TAKEN FURTHER?

Employees who are not satisfied with the action taken by the Governing Body and feels it right to question the matter further, may consider the following possible contact points:

- Birmingham City Council's Strategic Director of Children's Services and/or Chief Legal Officer
- Birmingham City Council's Internal Audit and/or the District Auditor
- The employee's Trade Union
- The Citizens Advice Bureau and/or law centre/firm
- Relevant professional bodies or regulatory organisations
- The Local Government Ombudsman
- The Information Commissioner
- A relevant voluntary organisation
- The Police and/or Health and Safety Executive

J CORPORATE RECORDING & MONITORING

The Head Teacher and/or officer(s) allocated to look into the concern arising from or related to a School must ensure the Strategic Director of Children's Services is provided with sufficient details of the concern for Birmingham City Council's Corporate Register, which is maintained by the Chief Legal Officer.

Schedule 1

The Nolan Principles of Conduct Underpinning Public Life

- 1. Selflessness** – Holders of public office should act solely in terms of the public interest.
- 2. Integrity** – Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
- 3. Objectivity** – Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
- 4. Accountability** – Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
- 5. Openness** – Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
- 6. Honesty** – Holders of public office should be truthful.
- 7. Leadership** – Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Holders of public office are defined in law. They include local government Councillors, school governors and clerks to school governing bodies. They also include certain senior local government officers required to be appointed by law.

Schedule 2**List of other bodies a whistleblowing disclosure can be made to.**

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/404330/bis-15-43-blowing-the-whistle-to-a-prescribed-person-list-of-prescribed.pdf

Schedule 3**Complaint Flowchart**