



Whistleblowing Policy

1. Introduction

- 1.1 St Paul's is committed to ensuring that it, and the people working for it, comply with the highest standards of openness, honesty and accountability. This is part of our mission in promoting "that all are entitled in justice, to be given the opportunity to develop fully as person".
- 1.2 The term whistleblowing has a specific legal definition, i.e. a disclosure or allegation of serious wrongdoing made by an employee, and a wider public definition, i.e. any disclosure or allegation of serious wrongdoing made by anyone.
- 1.3 This policy document seeks to cover both disclosures or allegations of serious wrongdoing made by governors, employees and members of public, and to this end, where this policy makes reference to a Whistleblower, it refers to any individual (including Birmingham City Council Employee and/or members of the public) who is making a disclosure or allegation of serious wrongdoing.
- 1.4 Where any individual, or a member of the public, is aware of any serious wrongdoing, such as:
- Breach of a legal obligation
 - A criminal offence
 - Corruption or fraud
 - A miscarriage of justice
 - A danger to the health or safety of any individual or damage to the environment
 - Abuse of power or authority
 - Failure to comply with professional standards, school policies or Codes of Practice/Conduct

Information tending to show that any of the above matters is being deliberately concealed, committed by or related to the actions of:

- Any school employees
- Contractors, agency staff, suppliers or consultants in the course of their work for school

and reports it, the school will fully investigate any such allegations and where appropriate, take action. The school is also committed to preventing any harassment, victimisation or unfair treatment of any person arising from their whistleblowing.

- 1.5 This policy seeks to set out how the school will handle and respond to any such allegations, made either by Council staff or members of the public.
- 1.6 Whilst the whistleblowing legislation offers protection to employees, the school considers that any such allegations of serious wrongdoing should be investigated, whether they are



made by an employee, a user of Birmingham City Council services or any member of the public.

1.7 This policy has specific sections relating to

- a) Employees of St Paul's School for Girls and
- b) members of the public.

1.8 This policy seeks to:

- a) Encourage employees and members of the public and/or their representatives to feel confident in raising concerns or allegations in the public interest about suspected serious wrongdoing in the school or Council and its services without fear of reprisals or victimisation even where the concern or allegations are not subsequently confirmed by the investigation.
- b) Give a clear message that allegations of serious wrong-doing or impropriety are taken seriously
- c) Ensure that where the disclosure proves to be well founded, the individuals responsible for such serious wrongdoing will be held accountable for their actions

1.9 This policy is not designed to be used:

- a) For raising or reconsideration of matters that come under existing internal procedures e.g. Grievance, Disciplinary, Capability, Dignity at Work or St Paul's School for Girls' general complaints procedure;
- b) By individuals to challenge decisions properly taken by St Paul's School for Girls' or Birmingham City Council; or
- c) For allegations that fall within the scope of specific procedures (for example Safeguarding) which will normally be referred for consideration under the relevant procedure, unless the employee has good reason to believe that the procedure is not being followed or not followed effectively.

and should not be used as an appeal process from any complaint or grievance handled under any of the above procedures.

1.10 Where a complaint made under this policy falls outside the scope of the policy, e.g. where the complaint falls outside the scope of "serious wrongdoing", school will advise the whistle-blower of this and transfer the complaint to the appropriate complaints process. Likewise, if an allegation made under either of the other above complaints processes falls under the remit of a "serious wrongdoing", school will notify the whistle-blower of this and investigate the allegation under this process.



Disclosures made by, employees, councillors, agency staff, and any other individuals working for the council or schools supported by the council The Public Interest Disclosure Act 1998 (“PIDA”)

- 2.1 PIDA is designed to encourage and enable employees and others connected with the employer to raise any concerns about any suspected serious wrongdoing, an illegal act or a dangerous situation within the organization.
- 2.2 This is called making a “Protected Disclosure” under the Act, and when it is made in the public interest and in accordance with this policy, a worker is legally protected from harassment or victimisation as a result of the disclosure.
- 2.3 The person making the disclosure does not have to be directly or personally affected by the serious wrongdoing, but the disclosure must be made in the public interest.
- 2.4 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) that information relating to any of the above is being deliberately concealed or attempts are being made to conceal the same
- 2.5 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).

3 Protecting individuals employed or working at St Paul's School for Girls

- 3.1 Employees are protected if:
 - they reasonably believe that the information disclosed, and any allegations contained in it, are substantially true
 - they think they are telling the right person
 - they believe that their disclosure is in the public interest.
- 3.2 Any employee who makes a ‘protected disclosure’ which meets the definition in PIDA is legally protected against victimisation and shall not be subject to any other detriment for whistleblowing. The school has adopted this policy in order to encourage early internal whistleblowing and demonstrate its commitment to preventing victimisation. If an employee claims that despite that commitment, he or she has been victimised for making a disclosure, he or she should make a further complaint under this whistleblowing procedure directly to



the Governing Body, the sisters of Charity of St Paul the Apostle or Birmingham City Council

- 3.3 An employee has the right to complain of victimisation as a result of any whistleblowing to an employment tribunal.
- 3.4 Any allegation that an employee has victimised a whistleblower will be taken seriously and managed appropriately. In particular, the employee alleged to have caused the victimisation could:
- be subject to an internal investigation and potential disciplinary action, including dismissal
 - face a civil claim personally, as the affected whistleblower could be entitled to directly issue a legal claim against the offender.
- 3.5 St Paul's School for Girls is maintained (i.e. funded) by the City Council and the Trustees. The Governing body, not the Council, is the employer. It is therefore the responsibility of the Governing Body to adopt a whistle-blowing policy. The Governing Body of St Paul's School for Girls agrees to follow the whistleblowing policy of Birmingham City Council.
- 3.6 If staff or Governors do not feel that it is appropriate to raise their concerns with the school as they have good reason to believe that the complaint will not be managed properly within the school, or they believe that he/she will be exposed to victimisation or any other detriment as a result of making a disclosure then they may raise them with the Council of the Sisters of Charity of St Paul the Apostle or with Birmingham City Council. The City Council will acknowledge concerns raised by employees and deal with those concerns having regard to any legal obligations on the school. However, the Council's ability to investigate disclosures of serious wrongdoing made against a foundation or voluntary aided school is considerably less than disclosures made against schools falling under the Council's whistleblowing scheme.
- 3.7 Employees who have major concerns about other schools or about City Council services outside the school where they work should report those concerns directly to the City Council under this policy, as a member of the public.
- 3.8 Individuals employed in St Paul's School for Girls, under the Council's whistleblowing scheme, adopted by the Governing Body, are normally expected to raise their concerns within the school. They would use school procedures such as grievance and anti-harassment, where appropriate.
- 3.9 If other procedures are not appropriate the employee or worker should normally raise the concern with the Head Teacher and/or the Chair of Governors unless the circumstances are such that the employee or worker may make a "Protected Disclosure" to another party. It is expected that the disclosure is made to the Head Teacher and/or Chair of Governors unless there are circumstances in which the employee or worker feels that disclosure in this way is not appropriate or has not been dealt with satisfactorily, in which case disclosure may be made directly to the Sisters of Charity of St Paul the Apostle or to Birmingham City Council, in accordance with this policy.



- 3.10 This policy requires the Head Teacher or Chair of Governors to respond to a disclosure in the same way as the City Council would respond. The Head Teacher or Chair of Governors, as the case may be, is expected to seek advice as necessary from the City Council.

4. Advice to employees wishing to raise a concern or make a disclosure

Employees who have major concerns arising from their employment may wish to seek advice from their union or the charity Protect (formerly Public Concern at Work) (0207 404 6609 – <http://www.pcaw.org.uk>), to see whether the information which they wish to report would meet the definition of a 'qualifying disclosure' and whether they should be using this procedure, or some other procedure, or asking their union to raise concerns on their behalf.

5. Whistleblowing by members of the public

- 5.1 Unlike disclosures by employees, the Public Interest Disclosure Act does not cover disclosures by members of the public. However, the Council considers that any disclosures or allegations made by members of the public in respect of serious wrongdoing should be handled in the same way as disclosures made by employees. St Paul's School for Girls will do the same.

- 5.2 Once a disclosure from a member of the public has been received, it will be handled in the same way as a PIDA disclosure made by an employee.

6. How to report an actual or suspected serious wrongdoing

- 6.1 A person who wishes to report any suspected serious misconduct ("a disclosure") to the school should contact:
- The Headteacher, Dr Casserly (dcasserly@stpaulgl.bham.sch.uk) or
 - The Chair of Governors, Mrs Browning (mbrowning@stpaulgl.bham.sch.uk) or
 - The Mother General at The Sisters of Charity of St Paul the Apostle at Selly Park Convent by telephone (0121 415 5100) or
 - The Council either by: Email: whistleblowing@birmingham.gov.uk or post: Whistleblowing c/o the City Solicitor Birmingham City Council PO BOX 15992 Birmingham B2 2UQ Tel: 0121 303 7602

Setting out the following information:

- Name (unless they wish to be anonymous)
- Contact details (unless they wish to be anonymous)
- Who has committed the alleged serious misconduct?
- What is the nature of the alleged serious misconduct?
- Is the person making a disclosure employed by Birmingham City Council?
- If not, does that person work in a school (if so, which one)?
- Is the person a service user/member of the public?

- 6.2 Staff are also entitled to make a protected disclosure through their manager, if they feel confident in approaching their manager to report a disclosure of serious misconduct that



falls under this policy. The manager must follow the obligation of confidentiality, but must, as soon as possible, and no later than 2 working days after receiving the protected disclosure, log the disclosure in accordance with 6.1 above, and then confirm to the employee concerned, in writing or email, that this matter has been recorded.

7 How we will respond to a disclosure

- 7.1 The School will acknowledge receipt of a disclosure, whether it has been made by a member of the public or an employee, within 2 working days. In some cases, if insufficient information is provided with the initial disclosure (in the reasonable opinion of the School), the whistleblower may be asked to provide further information and the procedure may not continue until this has occurred.
- 7.2 The School will then consider and decide whether the disclosure falls under the criteria within this policy and, if not, wherever possible, it will recommend how those concerns can instead be taken forward using appropriate existing School procedure(s). A decision will be given to the person making the disclosure, wherever possible, as soon as possible after receipt of the disclosure and usually within 5 working days after acknowledging receipt of the disclosure. The decision letter will state whether or not the disclosure is considered to fall under the policy and how it will be dealt with.
- 7.3 There are situations where the School is legally required to investigate, under separate procedures, without the consent of the whistleblower, such as investigating safeguarding concerns. In these circumstances, the School will, wherever possible, advise the whistleblower that the disclosure will be investigated under another process, but there may be situations where it is not appropriate to disclose the existence of these investigations or any further details.
- 7.4 When a disclosure is considered to come under the whistleblowing policy the School will appoint an investigator at its earliest opportunity. This may be an appropriate person within the School or an independent investigator, dependent on the nature of the disclosure and at the reasonable discretion of the School. Once assigned, the investigator, will be instructed to contact the whistleblower at the first available opportunity and in any event no later than 10 working days from the date of their appointment, to advise them of the following:
- a) the name of the investigator appointed to undertake the investigation
 - b) arrangements for confidentiality
 - c) how the person making the disclosure will be expected to contribute to the investigation
 - d) the outcome of any discussions which may have taken place over anonymity
 - e) an estimate of how long the investigation is likely to take
 - f) the right of an employee whistleblower to representation by a recognised trade union or work colleague at any meeting
 - g) if they are a member of the public whistleblower, to discuss whether it would be appropriate for them to bring support or representation to any meeting
- 7.5 The School will arrange to keep the whistleblower updated throughout the process and, wherever possible, will seek to advise the whistleblower of the outcome of the investigation.



However, the School is bound by the Data Protection Act 1998 and the Human Rights Act 1998 in respect of allegations relating to individuals and may not be able to disclose specific information in certain circumstances.

- 7.6 The use of this policy does not automatically amount to acceptance by the School that the information provided by an employee is necessarily a protected disclosure.
- 7.7 The School shall treat all disclosures consistently and fairly.

8 Confidentiality and anonymity

- 8.1 PIDA does not contain any specific provisions for confidentiality in relation to protected disclosures. However, the School will seek to treat all disclosures in confidence as a means of preventing victimisation and will endeavour to avoid disclosing information identifying any whistleblower, even if the School considers that the disclosure by the whistleblower falls outside the scope of a protected disclosure. Although, please be aware, there are situations where due to the circumstances of the alleged serious misconduct, it may be impossible to avoid disclosing information identifying any whistleblower. In these circumstances, the School will consult with the whistleblower prior to the disclosure taking place.
- 8.2 The School may also be required to disclose the identity of the whistleblower to third parties, where necessary for the purposes of undertaking investigations, for example where the disclosure relates to criminal offences where the School considers that the Police should investigate.
- 8.3 There may also be situations where the School is obliged to disclose information, such as where there are legal proceedings following on from investigation of the disclosure. This may require the disclosure of witness statements or correspondence, and there is also the possibility that the whistleblower may be expected to give evidence at any hearing. In these circumstances, the School will discuss the implications for the whistleblower and, where appropriate, discuss appropriate support arrangements.
- 8.4 Anonymous disclosures will always be considered but, depending on the information given and the credibility of the evidence, there may not be enough information or sufficient evidence to pursue an investigation without the investigator being able to contact the whistleblower for further information.
- 8.5 The School, as a public authority, is subject to the Freedom of Information Act 2000. This means there is a presumption that the School discloses any information it holds, unless that information falls under one or more exemptions and, in most cases, that the application of that exemption is in the public interest.
- 8.6 The Freedom of Information Act 2000 contains exemptions that may be applicable to permit the withholding of information identifying the whistleblower, (s.40 Personal Data. and s.41 Information which, if disclosed, would give rise to an actionable breach of confidence).
- 8.7 If the School receives a request for information identifying a whistleblower, it will contact the whistleblower to seek their reasonable views in respect of the disclosure or withholding of the information requested and, wherever possible, it will seek to comply with those views.



- 8.8 The School is mindful, in reconciling the legal obligation to disclose information it holds under the Freedom of Information Act 2000, of its legal obligations under:
- a) The Public Interest Disclosure Act 1988 to avoid the discrimination or victimisation of employees or any other detriment on the part of the employee; and
 - b) The Health and Safety at Work etc. Act 1974, to protect the health and safety (including mental health) of employees.

9. Recording and monitoring complaints

- 9.1 The School is legally required to maintain a list of disclosures raised by employees made under PIDA. Inclusion in this list does not amount to 14 acceptance that the communication is a Protected Disclosure and any subsequent decision that the matter falls outside PIDA will be added to the record on the list.
- 9.2 The School will also record all disclosures of serious misconduct made to it by members of the public.
- 9.3 For the purposes of investigating whether or not there are any systemic issues that need to be addressed, and to monitor the performance of any investigation, an anonymised summary of all disclosures of serious misconduct, made by employees or members of the public, will be considered by the Governing Body and, where appropriate, Birmingham City Council.
- 9.4 The School will record details of all disclosures made under this policy, anonymising the identity of the whistleblower and use this information for the purposes of identifying areas of concern, which may indicate further action is required, and where appropriate, share this information with other regulatory bodies.
- 9.5 Both lists are maintained in accordance with the Data Protection Act 1998.



APPENDIX 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.

APPENDIX 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



APPENDIX 3

