



## *St John's Catholic Primary School* *BATH*

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Head Teacher: Mrs A Bennett

### **Whistleblowing Policy 2018/21**

*I am unique,  
In the eyes of God.  
All seeing, all knowing, all loving,  
He embraces our family,  
Parish, parent, child,  
All one with you.  
I am of the world,  
With the seeds of excellence within me,  
Encouraged to grow and flourish,  
To a spiritual fulfilment.  
I am unique,  
And with you beside me,  
All is possible*

## **Whistleblowing Policy**

### **Rationale**

Whistleblowing is the procedure by which employees can voice their concerns, made in good faith, without fear of repercussions. It is very important that St John's Catholic Primary School has and maintains a culture of openness in which staff feel able to raise any issues of concern about what seems to be poor or unsafe practice by colleagues or by the school corporately. Equally important is that any such concerns are listened to and taken seriously. Consequently, this policy should be used when there is something that troubles a member of staff to the extent that they believe the school should know about it and look into it.

### **Aims**

This policy for reporting a wrongdoing reflects the provisions of the Public Interest Disclosure Act 1998. The policy is separate from the grievance procedure, which is used where a member of staff has a complaint about his/her personal circumstances at work. It covers all types of wrongdoing either due to the actions of an employee or a failure in the school/provider's systems or procedures.

### **Objectives**

The objectives of this policy are to:

- give a clear statement of intent that any member of staff making a disclosure in good faith and using this policy correctly will not suffer any detriment as a result
- confirm that all disclosures will be taken seriously and investigated
- provide a response to a member of staff who has made a disclosure within the timescale in the policy
- set out clearly the next steps if the employee receives no response or is not satisfied with the response received and any subsequent action taken.

### **Definitions**

There are a number of key definitions in the Public Interest Disclosure Act 1998.

#### **Qualifying disclosure**

Employees are only protected if they disclose certain categories of wrongdoing (a qualifying disclosure) to the correct people and in the correct manner. A disclosure is a qualifying disclosure if it shows that:

- a criminal offence has been committed, is being committed or is likely to be committed a person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject
- a miscarriage of justice has occurred, is occurring or is likely to occur
- the health and safety of any individual has been, is being or is likely to be endangered
- the environment has been, is being or is likely to be damaged
- information tending to show any of these matters has been, is being or is likely to be deliberately concealed.

### *Automatically unfair dismissal*

A dismissal for whistleblowing is automatically unfair; there is no minimum service requirement for the employee, compensation is unlimited and tribunals can also award compensation for injury to feelings on the same basis as in discrimination cases.

### *Detriment at work*

Any detriment suffered by an employee for whistleblowing is also unfair. A detriment at work includes disciplinary action and lack of promotion or training opportunities, and extends to the failure to provide a fair reference after the employee leaves.

### **Responsibilities**

The Headteacher has overall responsibility for the maintenance and operation of this policy.

### **Procedures and practice**

This policy provides the basis on which members of staff can raise any concerns they may have and receive feedback on action taken. It protects staff from reprisals or victimisation for 'whistleblowing' in good faith.

The policy covers concerns about something that:

- is contrary to school governance or school policies or procedures
- amounts to improper action or conduct
- is unlawful
- is an unauthorised use of public funds
- is related to an incident that put or is likely to put the health and safety of any individual at risk
- constitutes sexual or physical abuse of any member of staff or children
- is an occurrence of unlawful discrimination.

The policy applies where information relating to a legitimate concern is being covered up or attempts are being made to conceal it.

### **Principles**

The school recognises that the decision to report a concern can be very difficult. The school and the governing body give the following assurances.

- Harassment or victimisation of a member of staff who has reported a concern under this policy will not be tolerated. All possible measures will be taken to prevent this happening.
- If an allegation is made in good faith but not confirmed by an investigation no action will be taken against the member of staff who made the allegation. There is no risk of the member of staff losing their job or suffering any form of retribution whatever the outcome of the investigation unless allegations are malicious or vexatious, in which case disciplinary action is likely.

This policy incorporates the terms of the Public Interest Disclosure Act 1998 but it should be noted that the Act does not give blanket protection if an employee makes a disclosure to an external body without first using an internal policy. The action to bypass this policy should only be taken in extreme circumstances and after careful thought. Nor does the Act afford immunity against disciplinary action for misconduct related to the disclosure.

### **Initial action**

The earlier a concern is reported the sooner it can be investigated.

The first step is for the member of staff to raise the matter with the Headteacher, Mrs Angela Bennett or Deputy Headteacher(s) Mrs Cat Young or Miss N Pullen, depending on the seriousness of the matter and the person or persons thought to be involved in the wrongdoing. If the concern relates to the Headteacher it should be raised with the Chair of Governors, Giles Mercer. All contact details are at the end of this policy.

A concern can be raised in writing or orally first of all, in which case the member of staff will be asked to provide written details. The written details the school requires are:

- the background and history of the concern
- the key events, including names, dates, times and places
- the reason why they are particularly concerned about the situation
- whether the member of staff has any direct personal interest in the matter.

In some cases it may be helpful to have a meeting with the member of staff who can be accompanied by a union representative and can request that the meeting is held off-site.

It can be difficult for the school to investigate anonymous disclosures but if a member of staff wishes the matter to be kept in confidence and their identity not disclosed this will be respected and every effort will be made to ensure confidentiality so far as is reasonably practicable. If the point is reached at which the matter cannot be resolved without revealing the member of staff's identity they will be consulted to discuss an agreed way forward.

### **The response**

Once a concern has been reported, and in the case of an oral report, written details provided, there will be an initial assessment of what action should be taken. This may involve an internal inquiry or a formal investigation. The member of staff will be informed in writing within five school working days of:

- who will be handling the matter
- how it will be handled
- an estimate of how long the process will take
- whether any further assistance is needed from the member of staff.

If the concern will be dealt with under any other school procedure such as the grievance procedure the member of staff will be informed. If urgent action is needed, for example the matter has to be dealt with under the child protection procedure; this action will be taken before any investigation.

### **Outcomes**

Subject to any legal constraints, such as the duty of confidentiality owed by the school/provider to someone else, the member of staff will be informed of the final outcome of the investigation

### **Further action**

If the member of staff is not satisfied with the action taken by the school and believes that it is right to question the matter further, it can be referred to the Bath and North East Somerset Council (B&NES) Director of Children's Services or the B&NES legal officer. External bodies that the member of staff can consider contacting include:

- the local government ombudsman
- the Department for Children, Schools and Families
- The Teaching Agency or other relevant professional or regulatory body (GTC was disbanded in 2012)
- the police
- the Health and Safety Executive
- the Information Commissioner
- Ofsted Whistleblower Hotline (OWHL) 0300 123 3155 (Monday – Friday 8am – 6pm)  
Email [whistleblowing@ofsted.gov.uk](mailto:whistleblowing@ofsted.gov.uk)
- Public Concern at Work, an independent Whistleblowing Charity offering free confidential advice 020 7404 6609 Email: [helpline@pcaw.org.uk](mailto:helpline@pcaw.org.uk)

### **Records**

The school keeps a register of concerns raised under this policy which is held with the confidential papers of the the Full Governing Body. The information in the register is provided to B&NES to enable it to monitor the effectiveness of its schools'/providers' policies and practice in dealing with concerns. The purpose of this monitoring is to consider what can be done to prevent the occurrence of similar incidents in the future and to ensure consistency of practice between schools/providers. The information recorded in the register is the details of the complaint, the outcome and any issues arising. The name of the member of staff who raised the concern will not be include in the register

### **Contact Details**

**Headteacher** Angela Bennett. [abennett@stjohns.bathnes.sch.uk](mailto:abennett@stjohns.bathnes.sch.uk). 01225 303990

**Deputy Headteacher** Catharine Young [cyoung@stjohns.bathnes.sch.uk](mailto:cyoung@stjohns.bathnes.sch.uk) 01225 303990

**Deputy Headteacher** Natalie Pullen [npullen@stjohns.bathnes.sch.uk](mailto:npullen@stjohns.bathnes.sch.uk). 01225 303990

**Chair of Governors** MTayler [mtayler@stjohns.bathnes.sch.uk](mailto:mtayler@stjohns.bathnes.sch.uk)

**Safeguarding Governor** Patrick Weaver [pweaver@stjohns.bathnes.sch.uk](mailto:pweaver@stjohns.bathnes.sch.uk)

