

## St. John Paul II Multi Academy

# Whistle Blowing Policy (Public Interest Disclosure)

Date of last review	12 <sup>th</sup> March 2024	Review period	Annual
Date of next review	Mar 2025	Owner	CSEL
Type of policy	Statutory – Diocesan model	Board approval	20 <sup>th</sup> March 2024

Summary of changes	Date

All schools in the St John Paul II Multi Academy follow the ARCHDIOCESE OF BIRMINGHAM MODEL PUBLIC INTEREST DISCLOSURE (WHISTLEBLOWING) POLICY FOR CATHOLIC SCHOOLS.

## **1 PREAMBLE**

- 1.1 The St John Paul II Multi Academy Company is founded by and forms part of the Catholic Church. In addition to the Church's funds which established The St John Paul II Multi Academy Company, 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 St John Paul II Multi Academy Company, and also to the public whose funds it expends.
- 1.2 The St John Paul II Multi Academy Company is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, we expect employees and others who work at The St John Paul II Multi Academy Company, who have serious concerns about any aspect of The St John Paul II Multi Academy Company'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 St John Paul II Multi Academy Company. In doing so, the Board of Directors wishes to make it clear that individuals can inform their employers without fear of victimisation, discrimination or disadvantage as a result of their 'whistleblowing'.

## **2 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 St John Paul II Multi Academy Company 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 St John Paul II Multi Academy Company Staffing (England) Regulations 2003, Regulation 6 (1)(b)<sup>1</sup>.

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<sup>1</sup> Commonly known as Grievance Procedure

### **3 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 Board of Directors. 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, governors or Directors of The St John Paul II Multi Academy Company or others acting on behalf of The St John Paul II Multi Academy Company 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 St John Paul II Multi Academy Company subscribes, is against The St John Paul II Multi Academy Company's trust deed or instrument of government or policies, falls below established standards of practice; or amounts to improper conduct.

### **4 SAFEGUARDS FOR WHISTLEBLOWERS**

4.1 The St John Paul II Multi Academy Company 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 good faith.

4.3 Qualifying disclosures may be made to a **prescribed person**.<sup>2</sup>

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:

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<sup>2</sup> See Appendix 2 for a list of prescribed persons and the matters for which they are prescribed

- 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;
- 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.

## **5 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.

## **6 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 St John Paul II Multi Academy Company. 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.

## **7 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.

## **8 RAISING A CONCERN**

- 8.1 If an employee reasonably believes that he/she has discovered serious malpractice within The St John Paul II Multi Academy Company 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 Board of Directors.
- 8.4 If the employee also suspects involvement by the chair of the Board of Directors, 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 Board of Directors, 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 Board of Directors, 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 Board of Directors, via the chair of the Board of Directors.
- 8.16 If the complainant remains dissatisfied with the response from the Board of Directors, then he/she may consider contacting the Secretary of State for Children, Schools and Families, who has the power to intervene if the



Board of Directors appears to be acting unreasonably.<sup>3</sup> The complainant should be aware, however, that this course of action could have serious implications.

**Acknowledgements** - Paul Barber MA (Cantab), Barrister-at-Law and Director of Schools, Archdiocese of Westminster.  
Department For Business Enterprise Regulatory Reform.  
Direct.gov.uk.

**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. Revised 12 December 2019**

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<sup>3</sup> Education Act 1996, Section 497 (Default Powers of the Secretary of State)

## **APPENDIX 9**

### **LIST OF CONTACTS**

#### **Matthew Emery, Catholic Senior Executive Leader**

St John Paul II Multi Academy Company  
Sacred Heart Catholic Primary School  
Earlsbury Gardens  
Birmingham  
B20 3AE  
[m.emery@sjp2.net](mailto:m.emery@sjp2.net)

#### **Maria Stirrop, Chair of the Board of Directors**

St John Paul II Multi Academy Company  
Sacred Heart Catholic Primary School  
Earlsbury Gardens  
Birmingham  
B20 3AE  
[m.stirrop@sjp2.net](mailto:m.stirrop@sjp2.net)

#### **Sue Cooke, Clerk to the Board of Directors**

St John Paul II Multi Academy Company  
Sacred Heart Catholic Primary School  
Earlsbury Gardens  
Birmingham  
B20 3AE  
[s.cooke@sjp2.net](mailto:s.cooke@sjp2.net)

#### **Director of Schools for the Birmingham Diocesan Education Service**

Don Bosco House  
Coventry Road  
Coleshill  
B46 3EA  
01675 464 755  
[leadership@bdes.org.uk](mailto:leadership@bdes.org.uk)

#### **Secretary of State for Education**

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

## APPENDIX

### LIST OF PRESCRIBED PERSONS AND THE MATTERS FOR WHICH THEY ARE PRESCRIBED

#### TO REPORT A CONCERN:

Contact Chair of the Board of Directors, Maria Stirrop [m.stirrop@sjp2.net](mailto:m.stirrop@sjp2.net)

Or Matthew Emery, CSEL - [m.emery@sjp2.net](mailto:m.emery@sjp2.net)

**The Charity Commissioners for England and Wales** – The proper administration of charities and of funds given or held for charitable purposes.

#### **Charity Commission**

<https://www.gov.uk/government/organisations/charity-commission#org-contacts>

Charity Commission

PO Box 211

Bootle

L20 7YX

**Children's Commissioner** – Matters relating to the views and interests of children.

<https://www.childrenscommissioner.gov.uk/about-us/contact/>

**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.

19 Ridgeway

9 Quinton Business Park

Quinton

Birmingham

B32 1AL

<https://www.hse.gov.uk/contact/contact.htm>

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

#### **The Office of the Information Commissioner**

You can call us on 0303 123 1113 or contact us via [live chat](#).

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Telephone: 0303 123 1113

Fax: 01625 524510

**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.

Acas West Midlands  
23 Stephenson Street  
Birmingham  
B2 4BH

## **Appendix 3 – Managing Whistleblowing During the Coronavirus (COVID-19) Pandemic**

During the coronavirus (COVID-19) pandemic, The St John Paul II Multi Academy Company remains committed to managing any instances of whistleblowing. Employees of The St John Paul II Multi Academy Company are still able to whistleblow during this time.

The St John Paul II Multi Academy Company will endeavour to follow the procedures outlined in the main body of the policy as much as possible. This appendix outlines necessary changes to managing whistleblowing during times where government restrictions and protective measures are in place.

### **1. Legal framework**

- 1.1. This appendix has due regard to all relevant legislation and guidance, including, but not limited to, the following:
  - DfE (2020) 'Guidance for full opening: schools'

### **2. Conducting investigations**

- 2.1. Interviews or meetings that are required to be conducted during the investigation of an allegation will be conducted virtually, where possible.
- 2.2. The whistleblower retains the right to be accompanied by a trade union representative, a professional association representative, a friend or a fellow member of staff not involved in the area of work that the concern relates to.
- 2.3. If it is not possible to conduct an interview or meeting virtually, it will be conducted face-to-face. In these cases, attendees will be required to follow The St John Paul II Multi Academy Company's infection control and social distancing measures.
- 2.4. The investigating officer will ensure attendees of virtual meetings and interviews have access to the necessary technology to participate.
- 2.5. Any interviews or meetings that take place remotely will be conducted in line with the our Virtual Meetings policy.

### **3. Monitoring and review**

- 3.1. This appendix will be reviewed in response to the latest government guidance for schools during the pandemic.

3.2. Any amendments made will be communicated to all relevant stakeholders.