



## IPSWICH SCHOOL

# WHISTLE BLOWING POLICY

## INTRODUCTION

If workers bring information about a wrongdoing to the attention of their employers or a 'relevant organisation', they are protected in certain circumstances under the *Public Interest Disclosure Act 1998*. This is commonly referred to as 'blowing the whistle'. The law that protects whistle-blowers is for the public interest - so people can speak out if they find malpractice in an organisation. Blowing the whistle is more formally known as 'making a disclosure in the public interest'.

Ipswich School will follow a fair and effective procedure when an employee raises an issue of wrongdoing within Ipswich School.

This policy does not form part of the employees' contract of employment and can be altered at any time as deemed necessary by the School.

### **Who does the policy protect?**

All individuals are protected from being victimised if they reveal any wrongdoing in the School. This includes all part-time, fixed-term and temporary staff, as well as agency workers and supply teachers, peripatetic workers (VMTS) and visitors to the School, such as health workers. This policy applies during employment as well as after employment (or the contract) has ended. Note: for protection to apply, the disclosure must be made in the "public interest".

If a worker is going to make a disclosure it should be made to the employer first, or if they feel unable to use the organisations procedure the disclosure should be made to a prescribed person, so that employment rights are protected. See: [GOV.UK - Blowing the whistle: list of prescribed people and bodies](#).

Workers who 'blow the whistle' on wrongdoing in the workplace can claim unfair dismissal if they are dismissed or victimised for doing so. An employee's dismissal (or selection for redundancy) is automatically considered 'unfair' if it is wholly or mainly for making a protected disclosure.

### **Examples of wrong doing at work**

The *Public Interest Disclosure Act 1998* describes a "qualifying disclosure" as any disclosure of information which the worker reasonably believes (and it is in the public interest) that one or more of the following matters is either happening, has taken place, or is likely to happen in the future:

- A criminal offence
- The breach of a legal obligation
- A miscarriage of justice
- A danger to the health and safety of any individual
- Damage to the environment
- Deliberate attempt to conceal any of the above.

Complaints of any other type, for example a breach in employment contract, do not count as whistleblowing, unless the case is in the public interest. Such complaints should be raised under the School's Grievance Policy. Concerns relating to Safeguarding should be reported as outlined in the School's Child Protection and Safeguarding Children Policy.

## **RATIONALE**

Ipswich School's Governing Body aims to be a good employer and is committed to high standards of probity and good practice in employer/employee relations.

The *Public Interest Disclosure Act 1998* protects employees from any victimisation by employers if they reveal any wrongdoing in the workplace, and fear that they might be victimised in so doing. This policy is designed to ensure that employees can follow simple procedures, and to reassure everyone in the School that their concerns will be taken seriously.

## **RESPONSIBILITIES**

The Headmaster has overall responsibility for the procedures and for ensuring that:

- appropriate procedures are in place,
- they are implemented;
- any concerns and any action taken are reported to the Governing Body and all staff are aware of their rights and duties under the Act.

## **RIGHTS**

Any worker at the School is entitled, without any fear of reprisal, to disclose any action which he/she reasonably believes falls under the examples given above and/or if it:

- contravenes any school policy;
- might be considered improper; or
- falls below the normal standards of conduct in the School.

This right is guaranteed by the Governing Body, so long as the individual has acted in good faith.

Should it transpire that the procedure has been invoked for malicious reasons, or to pursue a personal grudge, this will constitute misconduct and will be dealt with through the School's Disciplinary Policy.

## **DUTIES**

The individual must:

- act in good faith when making such a disclosure; and
- must not commit a criminal offence in so doing; or
- be prepared to disclose such confidential information to any relevant person outside the School and
- not expect any personal gain from making the revelation.

## **COMPLAINTS PROCEDURES**

In the first instance, the individual should consider whether the School's Grievance or Complaints procedure is the most suitable route to raise awareness of the issue.

If this is not felt to be appropriate the 'Confidential Reporting' route may be followed.

## **CONFIDENTIAL REPORTING**

Any individual who has a reasonable concern about the probity of any action taken in the School can also choose to follow the 'confidential reporting route'.

In the first instance, the individual should take the matter up in confidence with the Headmaster or, if the concern is about any action taken by the Headmaster, with the Chair of Governors. Correspondence for the Chair of Governors should be marked private and confidential and addressed c/o the Bursar, who is Clerk to the Governing Body.

The Headmaster, or Chair of Governors, must attempt to resolve the matter with the individual within a reasonable time frame, and must report progress to the individual within ten days of the making of the complaint.

If the individual is not satisfied with the Headmaster's or Chair of Governor's response to the complaint, or the time being taken to resolve it, the individual may take the matter up formally and promptly with the other members of the Governing Body. The Governing Body must appoint no fewer than three of its members to consider the formal complaint (a panel of Governors), and to attempt a resolution within ten working days of receiving the complaint.

## **Investigation**

The process of investigation for any allegation should be carried out as outlined in the School's disciplinary procedure guidelines, ensuring a fair process is used to establish the validity of the wrongdoing.

## **VICTIMISATION**

At all times the Governing Body guarantees the individual will be protected from any reprisals or victimisation.

Any individual taking such a course must not make malicious or vexatious allegations which are shown to be untrue. In such circumstances the individual's conduct could lead to disciplinary action.

## **ALERTING OUTSIDE BODIES TO A POTENTIAL WRONGDOING**

An employee should always, in the first instance, talk to the Headmaster about a potential wrongdoing. If the individual is not satisfied with the response, he or she is entitled to contact the Chair of Governors, or a relevant external body, to express the concerns. In doing this the employee should:

- have a reasonable belief that the allegation is based on correct facts
- not be making any personal gain from the revelations
- make the disclosure to a relevant body.

A “relevant body” is likely to be a regulatory body (e.g. the Health and Safety Executive, or the Financial Conduct Authority). See: [GOV.UK - Blowing the whistle: list of prescribed people and bodies.](#)

## **CONTACTING THE MEDIA**

The media is not a relevant external body. Individuals should not contact the media with allegations about the School.

## **PROTECTION AGAINST DETRIMENT**

Any individual who takes action under the *Public Disclosure Act 1998* will be protected from any detriment in relation to any allegations that are made.

If the individual does not follow the procedure set out, which encompasses the requirements of the *Public Disclosure Act 1998*, the protection against detriment will not apply. Disclosing information in an inappropriate way (e.g. contacting the media) could result in disciplinary action being taken against an employee, which could include dismissal.

## **MONITORING AND REVIEW**

The Headmaster will report all complaints of this nature to the next meeting of the Governing Body, without revealing the name of the complainant or any unnecessary details. The Headmaster will report on the nature of any complaint and the action taken, and the resolution of it.

The Governing Body will review the working of this procedure from time to time.

Reviewed April 2020

Reference: <https://www.gov.uk/whistleblowing>