



Attenborough School Whistle Blowing Policy

1. This policy reflects Attenborough School's commitment to safeguarding children, good practice and valuing staff. It reflects the view that it will not tolerate misconduct or wrong doing. Attenborough School and the SGC is committed to creating a climate of trust and openness so that a person who has a genuine concern or suspicion can raise the matter with full confidence that it will be appropriately considered and resolved. In the event that members of school staff, parents, governors or the school community at large become aware of activities which give cause for concern, Attenborough School has established the following Whistleblowing Policy which acts as a framework to allow concerns to be raised confidentially and provides for a thorough and appropriate investigation of the matter to bring it to a satisfactory conclusion.

Throughout this policy, the term 'whistleblower' denotes the person raising the concern or making the complaint.

2. What is whistleblowing?

"Whistleblowing" is the term which has been adopted to describe arrangements which allow persons, usually employees, to express concerns about any types of misconduct which may be occurring in the work place.

3. When might Whistleblowing apply?

The following are examples of issues which could be raised under this policy. It is not intended to be an exhaustive list and there may be other matters which could be dealt with under this policy:

- a) Actions which are likely to cause physical danger to any person including sexual, physical or emotional abuse
- b) inappropriate behaviour between staff and students
- c) Any unlawful act or omission, whether criminal or a breach of civil law
- d) Dangerous procedures risking health and safety
- e) Breach of statutory codes of practice
- f) Breach of or failure to implement or comply with any policy determined by the School or MOD Schools
- g) Failure to comply with appropriate professional standards or other established standards of practice
- h) Unfair discrimination or favouritism
- i) Racist incidents/acts or racial harassment
- j) Abuse of power or the use of the school's powers and authority for any unauthorised or ulterior purpose
- k) Fraud or corruption
- l) Failure to take reasonable steps to report and prevent disclosure of any of the issues covered

4. Policy statement

Whistleblowing arrangements are closely linked to the creation of a culture which encourages employees to express their concerns without fear of intimidation or recrimination, and in the confident knowledge that any reported concerns will be treated seriously and in confidence, and will be fully investigated.

Members of staff are often the first to realise that there may be something seriously wrong within the school. However, they may feel that expressing their concerns would be disloyal to their colleagues. It may be easier to ignore these concerns than report what may just be a suspicion of malpractice. They may also fear harassment or victimisation.

Attenborough School will work to encourage employees and others with serious concerns of misconduct or malpractice to come forward and voice those concerns. This Policy makes it clear that members of staff can do so without fear of reprisals or victimisation.

Whistleblowing arrangements also recognise, however, that it is possible that allegations of wrongdoing may be false or malicious and the arrangements make clear that false allegations will be treated as a serious disciplinary offence.

The Public Interest Disclosure Act 1998 (“the Act”) confirms that there are certain complaints which are known as ‘protected disclosures’. If a complaint is a ‘protected disclosure’ under the Act then the individual has the right not to be subjected to any detrimental treatment as a result of their disclosure. However, it is the intention of the Headteacher and SGC that no individual who raises a complaint under this policy will be subject to detrimental treatment or victimisation as a result of their complaint. This is subject to those complaints which are knowingly false and made maliciously which will be dealt with in accordance with paragraph 7.5.

5. Aims of this policy

- Provide avenues for individual members of staff to raise genuine and legitimate concerns about incidents of misconduct;
- Give a commitment that misconduct is taken extremely seriously;
- Ensure confidentiality, to provide reassurance that employees who raise concerns in good faith can do so without fear of reprisals or victimisation;
- Provide guidance setting out arrangements and procedures for applying the policy;
- Allow the Headteacher to take action in accordance with the relevant procedures, dependent upon the nature of the alleged misconduct;
- Ensure that staff receive a response to concerns that are raised and that they are aware of how to pursue them if they are not satisfied.

6. Responsibilities

6.1 Staff Responsibilities

It is the responsibility of all members of staff to ensure that their own behaviour is appropriate to the school as a workplace and does not contribute to an environment in which misconduct or wrong doing is either ignored, condoned or encouraged. All staff should challenge such behaviour if it occurs, or bring it to the attention of a relevant person e.g. the Headteacher or member of the school’s leadership team

6.2 Headteacher's Responsibilities

The Headteacher has a duty which they share with others in leadership/managerial roles to establish and maintain a positive and accountable working environment. In particular, the Headteacher is responsible for:

- communicating the policy to all staff in such a way as to promote its understanding and making it easily accessible;
- ensuring that the policy is implemented effectively and efficiently at all levels throughout the school;
- ensuring that the school environment has a culture where malpractice and or wrong doing is unacceptable;
- taking all concerns raised seriously, ensuring the necessary action is taken to address the matter promptly, and as sensitively and confidentially as possible;
- ensuring that appropriate support is available to complainants during the investigation of their complaint; this may be via a colleague or trade union representative or other welfare agency such as DBS occupational health;
- making it clear that malicious allegations are serious matters and will not be tolerated;
- ensuring that appropriate support is available to witnesses during the investigation of the complaint; this may be via a colleague or trade union representative or other welfare agency such as DBS occupational health.

6.3 SGC Responsibilities

The SGC has the responsibility to:

- meet its legal duties and responsibilities and act at all times within the legal framework;
- have an up-to-date and comprehensive Whistleblowing policy;
- receive reports from the Headteacher on the application of the procedure;
- agree that in the event of a complaint against the Chair, the Commander of British Army Germany (BAG) will be the point of contact.

7. Safeguards

7.1 Harassment or victimisation

The Headteacher and the SGC are committed to good practice and high standards and aim to be supportive of its staff. They will fulfil their responsibility to ensure that the

whistleblower is not harassed, victimised or otherwise disadvantaged when a concern is raised. Any employee engaging in any form of victimisation or harassment against the whistleblower as a result of raising a concern may be subject to disciplinary action.

7.2 Confidentiality

The Headteacher and SGC will do everything possible to protect an employee's identity when a concern is raised and where the individual does not want their name disclosed. It must be appreciated, however, that the investigation process may reveal the source of the information and a statement may be required as part of the evidence and/or an individual may be a possible witness in any future proceedings.

7.3 Anonymous allegations

This policy encourages you to put your name to your allegation whenever possible. Concerns expressed anonymously may be viewed as less credible, but will be considered so far as is possible or practicable.

7.4 Untrue allegations

If an individual makes an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against that individual. In making a disclosure the individual should exercise due care to ensure the accuracy of the information.

7.5 False and malicious allegations

If a member of staff knowingly makes false or malicious allegations this will be treated as a serious disciplinary offence and disciplinary action may be taken.

7.6 How to raise a concern

Ordinarily the concern should be raised with the Headteacher or another senior member of staff. If the misconduct relates to the Headteacher then it must be reported directly to the MOD Schools ROW Area Education Officer (Mr Rowland Bucknill).

Wherever possible, concerns should be expressed in writing, setting out the background and history of the concern, giving names, dates and places where possible, and the reason why the member of staff is particularly concerned about the situation. The earlier a concern is expressed, the easier it will be to take action.

8. How the Matter will be investigated

Allegations will be handled confidentially and discreetly by all who are directly involved in the investigating process.

Any allegations will be investigated in accordance with the relevant policy and procedure applying to the particular alleged misconduct.

Initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take including who should undertake the investigation. In some cases an investigation may be completed without the subject of the complaint being aware of the investigation.

If it is determined that the concerns or allegations fall within the scope of specific procedures (for example disciplinary procedures) it should normally be referred for consideration under those procedures. Before any further investigatory action is taken the Headteacher should consult with DBS and or DCYP/MOD Schools.

An investigating officer will be appointed in line with MOD/DBS guidance and the appropriate procedure will be followed.

During the investigation every effort will be made to protect the legitimate rights of all parties involved. In particular the following principles shall be adhered to:

- strict confidentiality must be maintained at all times. Any breach of confidentiality may lead to consideration of disciplinary action;
- throughout the investigation process, the complainant, the alleged perpetrator and any others interviewed are entitled to be accompanied by either a companion or professional association/trade union representative.

9. Outcome of the Investigation

The investigation will conclude with a report by the Investigating Officer to the Headteacher, Chair of SGC or other relevant person. This will summarise the Investigating Officer's findings on the allegations and recommend further action required if any misconduct is found.

The Headteacher (or DCYP in the case of the Headteacher) will write to the complainant and the alleged perpetrator detailing the findings of the investigation and the action to be taken. This letter will contain an undertaking that the complainant and any witnesses will not be victimised or suffer any detriment as a result of having made the complaint.

11. The right to appeal

You are entitled to appeal a decision made by the investigation. This should be made directly to HQ MOD safeguarding.

12. Monitoring of the policy

This policy will be reviewed on an annual basis to ensure it is appropriate in light of recommended best practice and complies with statutory regulations. In the event of any conflict with statutory regulations, the legal provisions will have precedence over this procedure in all cases.

The SGC should monitor the application of this policy and procedure, particularly to ensure that their practices comply with it and are not discriminatory.

References

- Attenborough School Child Protection and Safeguarding Policy and Procedure
- DCYP/MOD policy directive 3.2.2. Procedure for Managing Allegations against Staff
- Keeping Children Safe in Education September 2020

MOD Confidential Hotline Team

Hotline Tel: (0044) 0800 161 3665 or confidential-hotline@mod.gov.uk

There is also a free confidential support on whistleblowing is available through the NSPCC <https://www.gov.uk/whistleblowing> and <https://www.gov.uk/government/news/home-office-launches-child-abuse-whistleblowing-helpline>

However, internal (MOD) contacts should be used as first contact if possible.

Date: September 2020

Review Date: September 2021