



WHISTLEBLOWING POLICY

Introduction: Definition of Whistleblowing

If you have any genuine concerns related to suspected malpractice affecting any of the College's activities (**a "whistleblowing" concern**) you should report it under this policy.

A *whistleblower* is a person who raises a genuine concern relating to suspected malpractice within the College.

Malpractice is not easily defined; however, it includes:

- any behaviour of a sexual nature towards a pupil (whether physical or verbal);
- indecent or violent behaviour towards any person;
- harassment or bullying of a pupil or member of staff;
- serious neglect of duties (including unauthorised absence from work);
- serious breach of the College's policies and procedures or acting contrary to the Staff Code of Conduct;
- criminal activities, theft, fraud, financial irregularities, or dishonesty;
- bribery or any other corrupt behaviour;
- creating or ignoring a serious risk to health, safety or the environment (negligence); and
- any act which might give rise to a serious complaint against the College by any pupil, parent, employee, supplier, contractor or visitor.

A person is *harassed* when they are subjected to unwanted physical or verbal conduct which has the purpose or effect of violating their dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

A person is *bullied* when they are subjected to offensive, intimidating, malicious or insulting behaviour which through the abuse or misuse of power makes them feel vulnerable, upset, humiliated or threatened. Such behaviour may include:

- a staff member shouting at, being sarcastic towards, ridiculing or demeaning a pupil or colleague;
- making physical or psychological threats;

- overbearing supervision;
- making inappropriately derogatory remarks about a pupil or colleague;
- persistent unfair assessment of a pupil or colleague's work;
- unfairly excluding pupils from classes, projects or events.

Bullying does not include reasonable and constructive criticism of a pupil or colleague's work or behaviour.

Aim and Scope of the Policy

The Governors will not tolerate malpractice and the purpose of this policy is to ensure that:

- all members of the Dulwich College community (pupils and staff) are treated with dignity and respect, free from harassment, bullying or other mistreatment;
- high standards of conduct are maintained by staff;
- staff are encouraged to report suspected wrongdoing in the knowledge that their concerns will be taken seriously and investigated, as appropriate;
- the confidentiality of staff raising concerns is respected and to provide procedures to maintain confidentiality so far as is consistent with progressing the issues effectively; and
- staff are provided the opportunity to raise concerns outside of the normal line management structure where this is appropriate.

This policy is separate from the College's adopted procedures regarding grievances. Individuals should not use this whistleblowing policy to raise concerns relating to their own personal circumstances, such as the way they have been treated at work; in those cases, the College's grievance procedure should be used. If you are uncertain whether something is within the scope of this policy you should first seek advice from the Senior Deputy or Chief Operating Officer.

Safeguarding Against Reprisal, Harassment and Victimisation – Legal Protections

The Public Interest Disclosure Act 1998 is the law that protects whistleblowers from negative treatment or unfair dismissal. It is part of the Employment Rights Act 1996. The Public Interest Disclosure Act 1998 makes it unlawful to subject a worker to negative treatment or to dismiss them because they have raised a whistleblowing concern. Raising a whistleblowing concern is also known as making a "protected disclosure".

It is understandable that whistleblowers are sometimes worried about possible repercussions. The College aims to encourage openness and will support staff who raise genuine concerns under this policy, even if they turn out to be mistaken.

A member of staff who makes a disclosure in good faith pursuant to this policy will not be dismissed or subjected to any detriment as a result of such action; detriment includes unwarranted disciplinary action and victimisation. If you believe that you are being subjected to a detriment as a result of making a disclosure under this policy, you should inform the Master or the Clerk to Governors immediately.

Members of staff who threaten, victimise or retaliate against those who have made a disclosure under this policy will be subject to disciplinary action.

A member of staff who feels they have been or are being unfairly treated as a result of having made a disclosure in accordance with this policy may bring a grievance under the College's grievance procedure.

Confidentiality

Every effort will be made to keep the identity of an individual who makes a disclosure under this policy confidential, at least until any formal investigation is under way. There may be circumstances in which, because of the nature of the investigation or disclosure, it will be necessary to disclose your identity. If in our view such circumstances exist, we will make efforts to inform you that your identity is likely to be disclosed.

If there is evidence of criminal activity, the Police will in all cases be informed and absolute confidentiality cannot be guaranteed.

Wherever possible, you should keep confidential the fact that you have made a disclosure under this policy, the details of the disclosure and the identity of those involved.

Anonymous Allegations

We do not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if we cannot obtain further information from you. It is also more difficult to establish whether any allegations are credible.

Whistleblowers who are concerned about possible reprisals if their identity is revealed should discuss this with the Senior Deputy or Chief Operating Officer and appropriate measures can then be taken to preserve confidentiality. If you are in any doubt you can seek advice from Protect, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are set out below under "Taking The Matter Further".

Untrue and Malicious/Vexatious Allegations

False, malicious, vexatious or frivolous accusations will be dealt with under the College's disciplinary procedures.

Allegations Concerning Child Protection Issues

If your concerns relate to pupils' welfare or safeguarding concerns (including in the event of an allegation against a member of staff, volunteer or contractor) then these should be reported under the procedures set out in the Safeguarding (Child Protection) Policy.

Procedure for Making A Whistleblowing Allegation

If you suspect or become aware of any malpractice (defined above) you should promptly raise the matter with one of the following: your Head of Department or a Deputy Master. You may tell them in person or put the matter in writing if you prefer. In some cases, they may refer the matter to the Chief Operating Officer or the Master.

However, where the matter is more serious, or you feel that your Head of Department or Deputy Master has not addressed your concern, or you prefer not to raise it with them for any reason, you are at liberty to raise a whistleblowing concern to the Chief Operating Officer or the Master directly.

If you feel unable to approach the Chief Operating Officer or the Master directly, then the Chair of Governors should be the first point of contact.

Where the concern is about the Master, this should be raised with the Chair of the Governors.

Response to Whistleblowing

The person with whom you have raised your concern will notify the College's Head of Human Resources that a whistleblowing allegation has been made.

A meeting will be arranged with you as soon as possible to discuss your concern. You may bring a colleague or union representative to any meetings under this policy. Your companion must respect the confidentiality of your disclosure and any subsequent investigation. You may be required to attend additional meetings in order to provide further information as the concerns raised are investigated.

Initial enquiries will be made to decide what action is needed and whether an investigation is appropriate.

If the concern raised indicates that someone is at immediate danger or risk then the Police shall be contacted without delay.

Timescale for Response

Timescales will depend on the complexity of the initial inquiry, but initial feedback should be provided to you within 10 working days of you first raising your concern (where working days are term time days excluding weekends and half days).

The Inquiry Process

An investigation may be carried out, depending on the nature of the allegations and the evidence/information presented. Where an investigation is undertaken it may take the form of one or more of the following, depending on the nature of the allegation:

- an internal investigation by a member of CLT, SMT or a governor, which may, for example, take the form of a disciplinary investigation;
- a referral to the Police;
- the setting up of an external independent inquiry.

Information will need to be passed on to those with a legitimate need to have this information and it may be necessary for you to provide a written statement and act as a witness in any subsequent disciplinary proceedings or enquiry. This will be discussed with you first.

Follow Up Engagement with Whistleblowers

Whenever possible, and subject to third party rights, you will be informed of the resolution of any inquiry and/or where appropriate, any action that is being taken.

However, sometimes the need for confidentiality or other legal restrictions may prevent us giving you specific details of the investigation or any disciplinary action taken as a result.

You should treat any information about, both during and after, the investigation as confidential.

Taking the Matter Further

If a staff member feels unable to raise an issue internally or feels that their genuine concerns are not being addressed, other whistleblowing channels may be open to them:

- General guidance can be found at <https://www.gov.uk/whistleblowing/what-is-a-whistleblower>. If their concerns are regarding poor or unsafe practice and potential failures in the College's safeguarding regime advice staff can call the NSPCC whistleblowing helpline (0800 028 0285) which is available from 8 am to 8 pm, Monday to Friday or they can be emailed at help@nspcc.org.uk.

- Alternatively, advice may be available from unions, external bodies such as HMRC or the Health and Safety Executive, a solicitor, the police, children’s social care or ‘Protect – speak up, stop harm’, a registered charity that offers free and confidential legal advice on workplace malpractice. Protect runs a whistleblowing advice line: <https://protect-advice.org.uk/>. Their contact details are: Protect, The Green House, 244-254 Cambridge Heath Road, London E2 9DA, Protect Advice Line: 020 3117 2520.

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