

## **Whistle blowing policy.**

### **6. Policy statement**

This policy has been devised in accordance with the provisions of the Public Interest Disclosure Act 1998 which encourages employees to raise genuine concerns about misconduct or malpractice in the workplace, in order to promote good governance and accountability. Our setting is committed to delivering a high quality daycare facility, promoting openness, honesty and organisational accountability to maintain the confidence of the parents and professionals we work with. We also expect a high standard of conduct and integrity from all our employees.

We define whistle blowing as raising a concern about misconduct or malpractice within our organisation and covers behaviour, which amounts to:

- A criminal offence
- Failure to comply with any legal obligation
- Danger to health and safety of an individual and/or environment
- Failure to ensure the safety and well-being of any child
- Financial irregularities
- Deliberate concealment of information about the above.

(This list is not exhaustive)

We aim to encourage all our employees to feel confident in raising serious concerns and provide appropriate avenues for dealing with them. We feel that any employee who has a serious concern about any aspect of our work should voice their concerns through established internal channels, without fear of harassment or victimisation. We aim to ensure that employees are protected from possible reprisals or disadvantage where they have raised a concern or disclosed information in good faith. This policy is not intended to be substitute for, or an alternative to our formal Grievance Procedure, which relates to individuals concerns about their own employment.

### **2. Aims and scope of the policy**

This policy aims to:

- encourage employees to feel confident in raising concerns and to question and act upon their concerns;
- provide avenues for employees to raise these concerns and receive feedback on any action taken;
- allow employees to take the matter further if they are still dissatisfied; and
- reassure employees that they will be protected from reprisals or victimisation for whistleblowing in good faith in accordance with this procedure.

This policy applies to all employees of our setting, including those employed on a temporary basis, casual or agency workers, trainees or volunteers.

### **3. Safeguards**

#### **Harassment or Victimisation**

We recognise that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for, or suspected of, the malpractice. We will not tolerate harassment or victimisation and will take action to protect staff when they raise a concern in good faith. This does not mean that if a member of staff is already the subject of disciplinary or redundancy procedures, those procedures will be halted as a result of their 'whistleblowing'.

#### **Confidentiality**

We will do our utmost to protect an individual's identity when they raise a concern and do not want their name to be disclosed. It must be realised and appreciated, however, that the investigation process itself may well reveal the source of the information, and, depending on the outcome, a formal statement by the individual may be required as part of the evidence.

#### **Anonymous Allegations**

This policy is designed to encourage staff to put their names to allegations. Concerns expressed anonymously are much less powerful, but they will be considered at the management's discretion. In exercising this discretion, the factors to be taken into account would include:

- The seriousness of the issue raised;
- The credibility of the concern; and
- The likelihood of confirming the allegation from attributable sources.

#### **Untrue Allegations**

If an employee makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against them. If, however, individuals make malicious or vexatious allegations, disciplinary action may be considered and implemented.

### **4. Raising a concern**

Employees are encouraged to report any concerns to one of the following persons. They are listed in order of preference. However, if the employee believes that any of these persons are implicated in the concern they are raising they should feel free to report to the next most preferred person:

1. Setting manager
2. Chair of committee
3. Other committee members where relevant.

Employees who are unsure about reporting or do not feel at ease raising the concern through the above route are encouraged to seek advice in confidence from a senior colleague.

Concerns are better raised in writing. The background and history of the concern, giving names, dates and places where possible, should be set out and the reason why the individual is concerned about the situation. Those who do not feel able to put their concerns in writing may raise the matter verbally with the most appropriate person.

Although staff are not expected to prove the truth of their concern, they will need to demonstrate to the person contacted that there are sufficient grounds for concern.

Where possible, all employees should endeavor to raise concerns internally; however should any employee have a concern that a child is at risk of significant harm, our safeguarding policy should be implemented, and the relevant agencies notified as a priority.

Should there be concerns that our setting is not meeting Ofsted registration and inspection requirements, ideally again these should be addressed internally. However if an employee feels that they are unable to raise the concerns with an appropriate internal colleague, and feels the safety and well-being is significantly compromised, s/he should contact Ofsted on 08456 40 40 40 for further advice or Early Years, Children's Services on (01752) 307486.

### **How we will respond**

Within ten working days of a concern being received, we will write to the employee

- Acknowledging that the concern has been received;
- Indicating how we propose to deal with the matter;
- Telling the employee whether any initial enquiries have been made;
- Telling the employee whether further investigations will take place, and if not, why not.

The action we take will depend on the nature of the concern.

The matters raised may:

- be investigated internally
- be referred to the Police
- be referred to Children's Social Care
- be referred to Ofsted
- be referred to any other relevant organisation.

In order to protect individuals and ourselves, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of other, existing, procedures (for example, child protection or equality issues) will normally be referred for consideration under those procedures.

Some concerns may be resolved without the need for investigation.

The amount of contact between the manager considering the issues raised and the complainant will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided.

When any meeting is arranged, employees have the right, if they so wish, to be accompanied by a Union or professional association representative or a friend who is not involved in the area of work to which the concern relates.

We will take steps to minimise any difficulties which staff may experience as a result of raising a concern. For instance, if employees are required to give evidence in criminal or disciplinary proceedings, we will advise them about the procedure.

**We accept that employees need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, members of staff will receive information about the outcomes of any investigations.**

If an employee is not assured that the matter has been properly addressed, they should contact the next most senior manager, or consider an alternative method of taking forward a complaint.

## 6. Following up concerns raised

Whatever method of raising a concern has been chosen, effective and efficient communication and support systems are fundamental to the success of this policy and in giving employees confidence that issues which they raise will be thoroughly and conscientiously investigated.

## 7. Responding to concerns raised

We will respond in any situation where individuals have raised a concern under the procedure outlined above. In order to protect individuals and any person(s) accused, initial inquiries will be made to establish whether a formal investigation is appropriate and, if so, what form it should take.

The initial inquiry will normally be conducted by the manager with whom the concern was initially raised, in consultation with the registered person/committee of the setting.

Some concerns will be resolved without the need for a formal investigation. Where a formal investigation is required, it is likely to take the form of an investigation by senior management. In certain cases, the matters raised may be referred to the Police, Children's Social Care or any other relevant outside agency.

The overriding principle that we will consider in investigating any issue is the public interest. Concerns or allegations that fall within the scope of our existing procedures, such as disciplinary matters or child protection, will normally be referred for consideration under those procedures.

## **8. Alternative methods of taking forward a complaint.**

This policy is intended to provide staff with an avenue to raise concerns internally. If an individual feels it is right to take the matter outside this process, the following are possible contact points:

- Relevant professional bodies or regulatory organisations, including the Pre-school Learning Alliance, National Day Nurseries Association and Ofsted.
- Early Years, Children's Services
- Children's Social Care
- Independent solicitor
- ACAS
- The Police.

If an employee does take the matter outside the setting, s/he needs to ensure that they do not disclose confidential information or that disclosure would be privileged (other than information which would constitute a child protection concern, where the issue of confidentiality is over-ridden)

## **9. Overall responsibility**

The registered person has overall responsibility for overseeing and/or undertaking any investigation. A written record of the concern raised, the resulting investigation and outcome will be maintained confidentially.

## **10. Review and monitoring**

This policy is to be reviewed and monitored at least annually.