

Heslington Pre-School

Whistle Blowing Policy

Context

Whistle blowing is when an employee knows, or suspects, that there is some wrongdoing occurring within the organisation and alerts the employer or the relevant authority accordingly.

The Public Interest Disclosure Act 1998 was introduced to provide protection for employees who 'blow the whistle' on their employers where the employee has a reasonable belief that their disclosure tends to show one or more of the following offences or breaches:

- A criminal offence
- The breach of legal obligation
- A miscarriage of justice
- A danger to the health and safety of an individual
- Damage to the environment
- A deliberate covering up of information tending to show any of the above.

If your concern is about an immediate or current risk to an individual child or children, it is important that you follow the child protection procedures outlined in the Safeguarding Children Policy.

Whistleblowing is very different from a complaint or a grievance. The term 'whistleblowing' generally applies when you are acting as a witness to misconduct or malpractice that you have observed, and which threatens other people. A grievance is when an employee has a dispute about their own employment position. The Grievance Policy provides further details in relation to this and can be found in the policy folder or the Pre-School website.

Purpose

- To ensure employees are aware of Heslington Pre-School's approach to whistleblowing and that they understand the procedure to follow should they suspect any wrongdoing occurring within the organisation.
- To encourage an employee to feel confident in raising serious concerns at the earliest opportunity and to question and act on concerns about practice.

Responsibilities

Implementation of this policy will ultimately be the responsibility of Heslington Pre-School Committee. The Policy will be reviewed annually by the Pre-School Committee.

The co-operation of all employees is essential for the success of this policy. Managers and the Pre-School Committee are required to follow this policy and to ensure that all employees do the same.

Procedure

- 1) Any member of staff or volunteer who has concerns about possible abuse, theft, fraud or other misconduct must bring the matter to the attention of the Pre-School Manager. If the informant believes that the Pre-School Manager is party to the wrong doing, they should inform the Pre-School Chairperson. If the informant believes the Pre-School Chairperson is party to the wrongdoing, they should inform another Pre-School Committee member. If the informant is a Pre-School Committee member then they should inform the Pre-School Chairperson. If the informant is worried about raising the concern with the Pre-School Manager, Chairperson or Committee member, then they should contact the **LADO** (see below) for advice.
- 2) The Pre-School Manager, with the Chairperson, will firstly consider the seriousness and potential risk to children of the complaint and whether the matter can be dealt with under the Grievance Procedure. This may become evident where the complaint is personal to the complainant. If it is not a matter to be dealt with through the Grievance Procedure, the Pre-School Manager (and/or Chairperson) will investigate the complaint and if appropriate take every possible step to maintain the anonymity of the informant who has made the allegation of wrongdoing.
- 3) The investigating Pre-school manager (and/or Chairperson) will involve outside agencies if it is appropriate, for example they will contact the **LADO** (see below) in cases where there is a suspicion of criminal activity including concerns about possible abuse, theft, fraud or other misconduct. Any investigation may require the informant being asked to give further assistance by way of clarification or further evidence to support the complaint.
- 4) If it is suspected that a child is currently, has been or may be at risk due to the actions or misconduct of a person working with children, in a paid, unpaid, voluntary, casual, agency or self-employed capacity, then it must be raised with the **LADO** at City of York Council on the same working day by either the Pre-School manager, Chairperson, Committee member or the informant. City of York Council has an identified **Local Authority Designated Officer (LADO)** whose role it is to provide advice and guidance to employees, employers and the voluntary sector to manage allegations of misconduct against people who work with children. The LADO's role is to also liaise with the police and other agencies involved, to monitor the progress of any safeguarding complaint of this type and to ensure that the matter is dealt with quickly whilst being thorough and consistent. **The LADO can be contacted**

on: 01904 551783. Referral and advice from the LADO can also be sought through secure email at: lado@york.gcsx.gov.uk

- 5) If the informant is worried at any stage about how to raise their concern, they must always seek independent advice at the earliest opportunity. This may be to check who is best placed to deal with the concern. They can do this through their union, professional body or the independent whistleblowing charity Public Concern at Work on 020 7404 6609 or by email at whistle@pcaw.org.uk. Information on this can be found on their website at www.pcaw.co.uk. If the informant decides to seek advice from a legal adviser, then anything said to them is automatically confidential.

If none of the above options are considered viable, then the person with the concern can inform, as appropriate:

- Ofsted
 - The Health & Safety Executive
 - The Charity Commission
 - Any statutory or non-statutory body that funds the work of Pre-School.
- 6) The informant who has raised the issue of wrongdoing will be informed whether any investigation is taking place and the outcome whilst protecting the confidentiality of others involved. However, it may not always be appropriate for them to be given details of the action taken.
- 7) If the outcome of the enquiry does not satisfy the informant, then they will have the right to raise the matter with a higher authority internally (if one is available), or one of the outside authorities referred to above.

Principles

Employees and volunteers may, when properly carrying out their duties, have access to, or encounter, information of a confidential nature. Their terms and conditions of employment or volunteer agreements provide that except in the proper performance of their duties, employees and volunteers are forbidden from disclosing, or making use of, such confidential information. However, the law allows employees to make a 'protected disclosure' of certain information when there is reason to believe, or evidence to suggest, that a child, children, young person or vulnerable adult may be suffering, or at risk of, significant harm. Disclosure must be made in an appropriate way with the employee (informant):

- a) Making the disclosure in good faith
- b) Having reasonable belief that the information and any allegations are substantially true.

There will be no negative repercussions for anyone invoking the Whistle Blowing Procedure even if the issue proves not to be well-founded, providing the 'whistle blower' (informant) adheres to points a) and b).

Normally, it is a matter covered under the list above that will be raised via the Whistle Blowing Procedure. However, the informant may have a concern which would normally be addressed via the Grievance Procedure but because of the nature of the grievance, the employee may not feel able to raise the concern via this route, so then a Whistle Blowing Procedure provides a useful alternative.

The following situations may result in disciplinary action:

- Any employee with knowledge or serious suspicions of abuse, theft or fraud who do not report it
- Any employee who makes a malicious complaint or abuses this policy and procedure
- Any employee who stops or discourages another staff member from coming forward to express a serious concern
- Any employee who criticises or victimises a staff member after a concern has been expressed.

How to report a concern externally

While we hope that this policy gives you the reassurance you need to raise matters internally, we would rather you raised a matter with the appropriate regulator than not at all. Provided you are acting in good faith and you have evidence to back up your concern, you can also contact:

Ofsted whistleblowing helpline
Tel: 0300 123 3155
Email: whistleblowing@ofsted.gov.uk

NSPCC whistleblowing helpline
Tel: 0800 028 0285
Email: help@nspcc.org.uk

Health and Safety Executive
Tel: 08701 545500
Website: www.hse.gov.uk

Public Concern at Work
Tel: 020 7404 6609
Website: www.pcaw.co.uk

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