



## **WHISTLEBLOWING**

### **Definition**

Whistleblowing is raising a concern about malpractice within an organisation.

Members of staff and volunteers in our setting have a responsibility to raise concerns about poor or inappropriate practise or behaviour.

The whistle blowing procedure aims to help and protect both staff, volunteers and children in the setting. By following the procedure, staff members and volunteers should prevent a problem getting worse, safeguard children and young people and reduce the potential risks to others. The earlier a concern is raised, the easier and sooner it is possible for the setting to take action.

Members of staff and volunteers are often the first to realise that there may be something wrong within the setting. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or they may fear harassment or victimisation.

The Public Interest Disclosure Act 1998 protects workers who raise concerns from victimisation or harassment. In line with this Act and our commitment to the highest standards of service delivery, we actively encourage members of staff and volunteers to come forward with any concerns about the setting's practice or any adult or volunteer conduct. It's important to voice these concerns in confidence within the setting rather than overlooking a potential problem.

Concerns that should be raised via the Whistle Blowing Policy may be in relation to the actions/behaviours of other staff or volunteers, or about something that is perceived as

- Unlawful
- Failing to comply with the setting's policy and procedures
- Poor practice
- Improper conduct.

All concerns are treated sensitively and with due regard to confidentiality and where possible every effort will be made to protect your identity if you so wish. Nevertheless, this 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 or act as a witness in any subsequent disciplinary proceedings or enquiry. This will always be discussed with you first. Where concerns are expressed anonymously the Manager and Director will decide how to proceed. An investigation may be conducted, depending on the nature of the allegations and the evidence/information presented.

## **Procedure**

If this information relates to child protection or safeguarding, then the safeguarding policy should be followed.

- 1) If you wish to raise a concern, this should be done with the preschool manager. This can be in person or in writing.
- 2) The pre-school recognises that sometimes it may be inappropriate for you to approach your manager with your concern. In these circumstances, you can contact the following: Director of the preschool.
- 3) All allegations should be followed up in writing if not already done so giving names, dates and places where possible, and the reason why you are concerned about the situation
- 4) The person with whom you have raised your concern will acknowledge its receipt as soon as possible and will write to you within 10 days to let you know how your concern will be dealt with.
- 5) If the person the concern was reported to is unwilling or unable to act on the concern, the staff member should then raise it with:
  - Ofsted (if it concerns the safe and effective running of the setting)
  - The Essex Safeguarding Children Board (if it concerns a child protection issue and is not already covered by the procedure set out in the setting Safeguarding Children policy)
  - The police (if a crime is thought to have been committed).

## **Responding to a concern**

Initial enquiries will involve a meeting with the person raising the concern, and a decision will be made whether an investigation is appropriate and, if so, what form it should take.

If the initial meeting does not resolve the concern, further investigation is required. The appropriate person will investigate the concerns thoroughly, ensuring that a written response can be provided within ten working days where feasible, or if this is not possible, giving a date by which the final response can be expected. The response should include details of how the matter was investigated, conclusions drawn from the investigation, and who to contact if the member of staff is unhappy with the response and wishes to take the matter further.

All Concerns will be recorded and documented from the initial allegation to the investigation and its conclusion. All documents will remain with the investigator, and on completion will be held securely in the setting.

The Local Authority Designated Officer (LADO) needs to be informed of any concerns relating to a member of the workforce. Tel: 03330 139 797

## **Protection When Raising A Concern**

This policy provides individuals in the workplace with protection from victimisation or punishment where they raise a genuine concern about misconduct or malpractice in the setting. The policy is underpinned by the Public Interest Disclosure Act 1998, which encourages people to raise concerns about misconduct or malpractice in the workplace, to promote good governance and accountability in the public interest. The Act covers behaviour, which amounts to:

- A criminal offence
- Failure to comply with any legal obligation
- A miscarriage of justice
- Danger to health and safety of an individual and/or environment
- Deliberate concealment of information about any of the above.

It is not intended that this policy be a substitute for, or an alternative to The Hullbridge Preschools Formal Grievance Procedure, but is designed to nurture a culture of openness and transparency within the setting, which makes it safe and acceptable for employees and volunteers to raise, in good faith, a concern they may have about misconduct or malpractice.

A disclosure in good faith to the manager will be protected. Confidentiality will be maintained wherever possible and the employee or volunteer will not suffer any personal detriment as a result of raising any genuine concern about misconduct or malpractice within the setting.

If a member of staff raises a concern in good faith which is then not confirmed by the investigation, no action will be taken against that person.

If the investigation concludes that the member of staff maliciously fabricated the allegations, disciplinary action may be taken against that person.

This policy was adopted at a meeting of ..... (name of setting)

Held on ..... (date)

Date to be reviewed ..... date

Signed by .....

Name of Signatory .....

Role of Signatory (ie manager) .....