



WHISTLEBLOWING POLICY

The Whistleblowing Policy is intended to encourage staff to voice their concerns without fear of victimisation, subsequent discrimination or disadvantage. Staff are often the first to see or suspect something that may be seriously wrong within the setting. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the setting. They may also fear harassment or victimisation.

The management will **NOT** tolerate any harassment or victimisation and will take appropriate action to protect those who raise a concern in good faith. Staff are encouraged to raise serious concern in the first instance within the setting rather than overlooking a problem and would rather that the matter was raised when it was just a concern rather than waiting for proof.

All staff have legal protection under the Public Interest Disclosure Act 1998. This Act protects staff from victimisation by their employer as a result of raising genuine concerns both inside and outside their organisation.

Aim

The purpose of this policy is to outline the procedure to follow for those who wish to report any concerns about any aspect of the setting's practice or adult (this includes managers, staff, volunteer, students on work experience, visitors and contractors working on site). It also sets out how the setting will respond. This policy aims to:

- Encourage staff to feel confident in raising serious concerns and to question and act upon concerns;
- Provide avenues for staff to raise those concerns and receive feedback on any action taken;
- Ensure that those who raise a concern receive an appropriate response and are aware of the next steps to take if the response is unsatisfactory;
- Reassure staff that they will be protected from possible reprisals or victimisation if they have a reasonable belief that the concern is raised in good faith.

Scope

The Whistleblowing Policy is intended to cover major concerns that fall outside the scope of other procedures. These include:

- Conduct which is an offence or a breach of law;
- Disclosures related to miscarriages of justice;
- Dangerous procedures or practice risking Health and Safety, including risks to children, the public as well as other staff;
- Damage to the environment;
- Dangerous Practices;
- The unauthorised use of funds;
- Inappropriate use of the setting's financial procedures;

- Fraud or corruption;
- Practice which falls below established standards or practice;
- Action which is contrary to the code of conduct for staff;
- Sexual or physical abuse of pupils or others;
- Any other behaviour that would be inappropriate by a reasonable individual.

The setting operates within legal requirements and regulations and expects all staff to co-operate by adhering to all laws, regulations, policies and procedures. The setting is committed to the values of accountability.

Confidentiality

All concerns will be treated in confidence and every effort will be made not to reveal the identity of the person(s) if they request this. If we are unable to resolve your concern without revealing your identity (e.g. statement needed for the purposes of undertaking a statutory investigation), we will discuss this with you.

Anonymous Allegations

Where possible we encourage you to provide your details because concerns raised anonymously are less powerful but will still be considered and action taken will be dependent on the following:

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

Responsible Officer

The Manager has the overall responsibility for the maintenance and operation of the Whistleblowing policy in respect of concerns raised formally outside the management of the setting. In respect of concerns raised internally within the setting the SMT will maintain a record of concerns raised and the outcome and will report as necessary to the Management.

The setting maintains a record of concerns raised and the outcome, but in a form which does not endanger your confidentiality.

Untrue Allegations

If a member of staff makes an allegation in good faith, but it is not confirmed by the investigation no action will be taken against them. If however, they make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against them. In such cases, the Disciplinary Procedure will apply.

How to raise a concern

When staff feel concerned about bad practice he or she will need to identify the issues carefully. The standards against which the practice is being judged must be clear. The following guidance should be considered:

- Is it illegal/ a criminal offence?
- Does it contravene professional codes of practice?
- Does it fall substantially below established standards of practice amounting to improper conduct?
- Is it against government guidelines?

- Is it against the setting's guidelines?
- Is it about one individual's behaviour or is it about general working practices?
- Does it contradict what the staff has been taught?
- Has the staff witnessed the incident? If so he or she should write it down
- Did anyone else witness the incident at the same time? If so they should write it down.

Process

- Concerns may be raised verbally or in writing. Staff who wish to make a written report should give the background and history of the concern and the reason why they are particularly concerned about the situation. The earlier concerns are expressed the easier it is to take action;
- If staff wishes he or she may ask for a private confidential meeting with the person to whom he or she wishes to make the complaint;
- Staff may take another person with them as a witness or for support;
- Staff should take to the meeting, if possible, dated and signed written supporting statements from anyone who can confirm the allegations;
- When making the complaint verbally, staff should write down any relevant information and date it. Keep copies of all correspondence and relevant information;
- Staff should ask the person to whom he or she is making the complaint what the next steps will be and if anything more is expected of them;
- Staff should ask to be informed of the outcome of the investigation into the complaint.

Although staff are not expected to prove beyond doubt the truth of an allegation, they will need to demonstrate to the person contacted that there are reasonable grounds for their concern. Staff may wish to consider discussing their concern with a colleague first and they may find it easier to raise the matter if there are two people who have had the same experience or concerns. Staff may ask a professional association representative to advise them, or be present during any meetings or interviews in connection with the concerns they have raised.

Who to Raise Concerns to?

As a first step, staff should normally raise concerns with their immediate manager/supervisor. However, if their concern is about their manager they should contact the Director or a member of the SMT.

If the concern is about the Manager or a member of the SMT, he or she should contact Ofsted.

It is strongly recommended that the Whistleblowing Form below is completed.

How the Setting Will Respond

The individual manager hearing the concern is encouraged to take advice from the Management. Where appropriate, the matters raised may:

- Be investigated by a member of the member of the SMT in conjunction with the Director.
- Be referred to the police;
- Form the subject of an independent inquiry.

How Concerns Will Be Dealt With

All allegations will be investigated: how and by who depends on how serious they are and who they involve. The investigation may be handled internally, with the support of the Local Authority Designated Officer

(LADO) or be passed to external agencies such as the police or social services on the advice of the LADO.

In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and if so what form it should take. The overriding principle the setting will have in mind is the public interest. Concerns or allegations, which fall within the scope of specific procedures (for example, child protection or discrimination issues), will normally be referred for consideration under those procedures.

We will let you know the outcome of the investigation, so that you can see that the matter has been properly addressed.

Ofsted will be contacted with details of the allegation and the actions that were taken within 14 days through the details below:

Ofsted
Piccadilly Gate
Store Street
Manchester M1
2WD
0300 123 1231

Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required, this will be taken before any investigation is conducted.

Within ten working days of a concern being raised, the manager hearing the concern will write to the staff, and:

- Acknowledge the concern has been received;
- Indicate how the matter will be dealt with and who will be involved;
- Where possible, give an estimate of how long it will take to provide a response;
- Tell the person who raised the concern whether any initial enquiries have been made;
- Check whether he or she needs any personal support;
- Advise whether further investigations will take place and if not why not.

The amount of contact between the person leading the investigation and the member of staff who raised the concern will depend on the nature of the concern raised, the potential difficulties involved, and the clarity of the information provided. If necessary, the setting will seek further information from the staff, as part of the investigation process.

The setting will take steps to minimise any difficulties experienced by the person as a result of raising any concerns. For instance, if they are required to give evidence in criminal or disciplinary proceedings, the setting will arrange for them to receive support.

The setting accepts that individuals need to be assured that the matter has been addressed. Thus, subject to legal constraints and the bounds of confidentiality, we will inform them of the outcome of any investigation, and the action that is to be taken against those whose action caused the concern. If appropriate, what changes are to be made to monitor procedures to ensure that a similar concern is not raised in the future.

How Matters Can be Taken Further

If the member of staff is not satisfied with the outcome, they may take the matter to the management if they have not already been involved. Within ten days the management will write to acknowledge the concern has been received and indicate the steps that will be taken. The management will investigate the concern and then inform the staff of the outcome on the same basis as above.

If the concern is raised outside of the setting, this policy does not apply. Where a concern is raised outside of the setting it is the responsibility of the person raising the concern to ensure they comply with the requirements of the Public Disclosure Act 1998. Personal and sensitive information should not be disclosed.

Any staff who unreasonably and without justification raises such issues on a wider basis, such as with the press, without following the steps and advice in this procedure may be subject to the setting's disciplinary procedure.

NOTE: Any changes to this policy must be reflected in the Staff Handbook.

WHISTLEBLOWING FORM

Please complete this form and send it to the Manager / Member of SMT / Chair of the Personnel Committee

Name:	
Address or Contact Details:	
Best Time to Contact You:	
Person Assisting You (e.g. relative, friend, union official)	
Their Address or Contact Details:	
Details of your concern (please continue on a separate sheet if necessary)	
Signature:	
Date:	

CONFIDENTIALITY

Thank you for completing this form. Your concern will be treated in confidence. Within 10 working days of receipt of your concern the person appointed to investigate your concern will write to you as set out in this Whistleblowing Policy.