

Watery Lane Preschool

Whistle Blowing Policy and Procedure

(Raising Concerns at Work Confidential Reporting Code)



1. Introduction

1.1 Watery Lane Preschool is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we wish to encourage employees, and others with whom we deal, who have serious concerns about any of the preschool's work to come forward and voice these concerns. It is an employee's duty to raise any concerns as detailed in Section 2 in line with the procedures in Section 3. It is responsibility of the Management Committee Chair to ensure any information received is acted upon.

1.2 Employees are often the first to realise that there may be something seriously wrong within the preschool. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the preschool. They may also fear harassment or victimisation. In these circumstances they may consider it easier to ignore the concern rather than report what may just be a suspicion of malpractice.

1.3 This confidential reporting code is intended to encourage and enable employees to raise concerns within the preschool rather than overlooking a problem or 'blowing the whistle' outside. This code makes it clear that you can do so without fear of victimisation, subsequent discrimination or disadvantage. Watery Lane Preschool is committed to listening to concerns, taking them seriously and ensuring that they are dealt with promptly and fairly.

1.4 This code applies to all employees, committee members, volunteers and those contractors working for the preschool on our premises, for example agency staff, trainees on vocational/work experience, consultants, maintenance workers etc.

1.5 The code is in addition to the preschool's Complaints Procedure and other statutory reporting procedures.

1.6 In addition to the preschool's commitment to protect employees who raise concerns, the Public Interest Disclosure Act updated 2020 provides a worker with potential protection from detriment and dismissal for making a 'qualifying disclosure'. The Act encourages workers to raise matters internally with employers and where an internal whistle blowing policy exists, it steers the worker to use this. (Please note: there are legal requirements for 'qualifying disclosures' to be protected under the Act). In addition, an employee who raises a concern under this Code in good faith will be protected from any claim of defamation by the preschool's insurance policy.

2. Aims and Scope of the Code

2.1 This Code aims to:

- encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice;
- provide avenues for you to raise concerns and receive feedback on any action taken;
- ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied:

- reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made any disclosure in good faith.

2.2 There are existing procedures in place (e.g.: Grievance, Harassment and Bullying) which make provision for you to raise a concern relating to your employment. This Confidential Reporting Code 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 the law;
- disclosures related to miscarriages of justice;
- health and safety risks, including actions likely to cause physical danger to any person or to give rise to a risk of significant damage to property;
- damage to the environment;
- the unauthorised use of public funds;
- possible fraud and corruption;
- sexual , physical or verbal abuse of children, parents, staff; (please see our Safeguarding Policy)
- other unethical conduct;
- failure to comply with legal obligations such as completing accident/incident records
- failure to take reasonable steps to report and rectify any situation which is likely to give rise to a significant, avoidable cost or loss of income to the preschool or would otherwise seriously prejudice the preschool;
- abuse of power or the use of powers and authority for any unauthorized or ulterior purpose.
- The deliberate concealing of information relating to any of the above matters

Please note that this is not a comprehensive list but is intended to illustrate the range of issues which might be raised under this Code.

2.3 Thus, serious concerns which you have about any aspect of service provision or the conduct of employees or committee of the preschool or others acting on behalf of the preschool can be reported under the Confidential Reporting Code. This may be something that:

- makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the preschool subscribes to; or
- is against Codes of Practice and preschool policies; or
- falls below established standards of practice; or
- amounts to improper conduct.

2.4 The preschool provides guidance to employees on the standards it expects through the policies agreed by the preschool, for example:

- Codes of Conduct
- Health and Safety Policy
- Valuing Diversity and Promoting Equality Policy
- Staffing and Employment Policy
- Induction of Staff and Students

and through procedures, agreed with the relevant recognized trade unions and professional associations, for addressing poor standards which could include:

- Disciplinary Procedure
- Grievance Procedure
- Bullying and Harassment Policy

2.5 This Code does not replace the preschool's Complaints Procedure.

3. How to Raise A Concern

3.1 As a first step, you should normally raise concerns with your immediate supervisor or their line manager. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that the supervisor is involved, you should approach one of the following:

- The Manager
- The Committee Chairperson

3.2 If these channels have been followed but you continue to have concerns or believe that those listed above are implicated then you should approach one of the following:

- Somerset Local Safeguarding Board (0300 123 2224) - LADO
- Ofsted 0300 123 1231 (Whistleblowing Hotline 0300 123 3155)
- Our Insurance Company – Royal and Sun Alliance plc – 020 7697 2500
- NSPCC Whistleblowing Helpline 0800 0280285

3.3 Concerns may be raised verbally or in writing. You will need to include the background and history of the concern (giving relevant details e.g.: names, dates) and the reason why you are particularly concerned about the situation. When raising a concern, you must declare any personal interest you have in the matter.

3.4 The earlier you express the concern, the easier it is to take action.

3.5 Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate that there are reasonable grounds for a concern. However, you must not attempt to investigate a concern or accuse individuals directly.

3.6 Advice and guidance on how to pursue matters of concern may be obtained from:

- Your trade union/professional association representative (Preschool Learning Alliance, 020 7697 2595)
- Somerset Safeguarding Children Partnership (0300 123 2224)

3.7 Advice may also be obtained from Public Concern at Work, an independent charity which provides confidential advice for employees. Their telephone number is 020 7404 6609.

3.8 You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.

3.9 You may invite your trade union/professional association representative or work colleague to be present during any meetings or interviews in connection with the concerns you have raised. Meetings can be arranged off-site if you wish.

4 How the Preschool Will Respond

4.1 The preschool/Local Authority will respond to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them.

4.2 The action taken by the preschool /Local Authority will depend on the nature of the concern. Where appropriate the matters raised may:

- be investigated by the Local Authority;
- be referred to the Police;
- be referred to an external auditor;
- form the subject of an independent inquiry;
- be dealt with under a more appropriate preschool procedure.

4.3 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 which the preschool /Local Authority 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 or financial irregularities) will normally be referred for consideration under those procedures.

4.4 Some concerns may be resolved by agreed action without the need for investigation.

4.5 If urgent action is required this will be taken before any investigation is conducted. This may be relevant in cases involving the safeguarding of children or adults. In such a case the preschool will notify the Local Safeguarding Board, the Local Authorities Designated Officer (LADO) and Ofsted.

4.6 Within 10 working days, the person with whom you raised the concern will write to you:

- acknowledging that the concern has been received;
- indicating how they propose to deal with the matter;
- giving an estimate of how long it will take to provide a final response;
- telling you whether any initial enquiries have been made;
- supplying you with information on staff support mechanisms, and
- telling you whether further investigations will take place, and if not, why.

4.7 The amount of contact between the people considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from you.

4.8 The preschool/Local Authority will take steps to minimize any difficulties which you may experience as a result of raising a concern. For example, if you are required to give evidence the preschool/Local Authority will arrange for you to receive advice about the procedure.

4.9 The preschool/Local Authority accepts that you need to be assured that the matter has been properly addressed and you will be informed of the final outcome of the investigation. In some circumstances, however, it may not be possible to reveal the full details where this relates to personal issues involving a third party or legal constraints.

4.10 If you make an allegation in good faith but it is not confirmed by the investigation, no action will be taken against you.

4.11 In the process of any investigation the process will have due regard for our Policy on Confidentiality and the Disciplinary Procedure.

5. How the Matter Can Be Taken Further

5.1 This Code is intended to help you raise concerns you may have within the preschool. Hopefully, you will be satisfied with any action taken. If you are not, there are other people you can contact and these are:

- your trade union/professional association
- relevant professional bodies or regulatory organisations (for example The Health and Safety Executive)
- the Police
- your own Solicitor.
- A relevant voluntary organisation

If you do take the matter outside the preschool/Local Authority you should ensure that you do not misuse confidential information. The person you contact should be able to advise you on this.

5.3 The Code, in line with legislation, provides protection for employees who raise concerns internally. It is inconsistent with the satisfactory operation of the Code to pursue such concerns with the media (newspapers, TV, radio, etc) and employees who do so are unlikely to be protected by the provisions of the Public Interest Disclosure Act, and may be subject to disciplinary action.

6. Anonymous Allegations

6.1 This Code encourages you to put your name to your allegation whenever possible.

6.2 Concerns expressed anonymously or through a third party are much less powerful and may not be possible to investigate. The person to whom the concern is initially reported will discuss it with their line manager, and it will be at their joint discretion as to whether the concern will be considered further.

6.3 In exercising this discretion, the factors to be taken into account would include:

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

7. Harassment or Victimisation

7.1 Watery Lane Preschool recognizes that the decision to report a concern can be a difficult one to make. However, you have a responsibility to the preschool and to those for whom you are providing a service to raise serious concerns using the approach outlined in this Confidential Reporting Code.

7.2 The preschool will not tolerate any harassment or victimization (including informal pressures) and will take action to protect you when you raise a concern in good faith.

7.3 Disciplinary action will be taken against an employee if they try to stop you from raising a concern or if an employee is responsible for any act of recrimination against you for raising a concern.

7.4 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary procedures that already affect you.

8. Confidentiality

8.1 All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. It must be appreciated however, that the investigative process may reveal the source of the information, and that a statement may be required as part of the evidence and/or you may need to come forward as a witness at the appropriate time.

8.2 A record of the matter, detailing the nature of the concern and the outcome of an investigation will be kept securely by the Chair, or if the matter is dealt with at a higher level, by the Local Authority.

9. False Allegations

9.1 If an allegation is knowingly made frivolously, maliciously or for personal gain, disciplinary action may be taken.

10. The Responsible Officer

10.1 The Manager and Committee have overall responsibility for monitoring the Code.

11. Review

11.1 The Code will be kept under review and as a result may be subject to amendment.

This Code links to the preschools policies on:

- Staffing and Employment;
- Safeguarding;
- Confidentiality;
- Complaints;
- Staff and Student Induction
- Code of Conduct, and
- The Staff Handbook, staff contracts etc.

This Code links to various items of legislation including:

- Public Interest Disclosures Act 1998 and 2013 and 2020
- Children Act 1989 and 2004
- Childcare Act 2006
- Vulnerable Group Act 2006
- Data Protection Act 1998 and 2003
- GDPR 2018
- Equalities Act 2010 and 2017

Every Child Matters Outcome: Stay Safe,

General Welfare Requirement:

- Safeguarding and promoting children's welfare, suitable people

A Unique Child	Positive Relationships	Enabling Environments	Learning and Developing
1.3 Keeping Safe	2.1 Respecting each other		

This Policy was adopted at a meeting of **Watery Lane Preschool**

Date:

Signed on behalf of the Management Committee:

Name of Signatory:

Role of Signatory:

To be reviewed on or before: