



WHISTLEBLOWING POLICY [Making a Disclosure in the Public interest]

Effective from 1 September 2018. Latest future review date September 2019.

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PREAMBLE

Whistleblowing is the term used for an employee raising concerns about practices and procedures in their workplace.

Every organisation may face the risk of misconduct in their workplace. When this happens, usually the first people to realise or suspect will be those who work in 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. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.

The Kindergarten at St. Joseph's is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees, and others that we deal with, who have serious concerns about any aspect of our work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.

An important aspect of accountability and transparency is a mechanism to enable staff, volunteers and students to voice concerns in a responsible and effective manner. It is a fundamental term of every contract of employment that an employee will faithfully serve his or her employer and not disclose confidential information about the employer's affairs. Nevertheless, where an individual discovers information which they believe shows serious malpractice or wrongdoing within the organisation then this information should be disclosed internally without fear of reprisal.

The Public Interest Disclosure Act, which came into effect in 1999, gives legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns. The Kindergarten at St Joseph's endorses the provisions set out below so as to ensure that no members of staff should feel at a disadvantage in raising legitimate concerns.

This whistle-blowing policy is intended to encourage and enable employees to raise serious concerns within the setting rather than overlooking a problem or 'blowing the whistle' outside.

It should be emphasised that this policy is intended to assist individuals who believe they have discovered malpractice or impropriety. It is not designed to question business decisions nor should it be used to reconsider any matters which have already been addressed under other procedures.

The policy applies to all employees, students and volunteers working for the Kindergarten at St. Joseph's at The Timber Hut

These procedures are in addition to the settings complaints procedures and other statutory reporting procedures.

This policy has been discussed with the permanent staff and has their support.

AIMS AND SCOPE OF THIS POLICY

This policy 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 those 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.

There are existing procedures in place to enable you to lodge a grievance relating to your own employment. The whistle-blowing 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
- health and safety risks
- damage to the environment
- sexual or physical abuse
- other unethical conduct

Therefore any serious concerns that you have about any aspect of service provision or the conduct of staff can be reported under the whistle-blowing policy. This may be about something that:

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

This policy does not replace the complaints procedure.

SAFEGUARDS

Harassment or Victimisation

The Kindergarten at St. Joseph's is committed to good practice and high standards and wants to be supportive of employees.

The Kindergarten at St. Joseph's recognises that the decision to report a concern can be a difficult one to make. If what you are saying is true, you should have nothing to fear because you will be doing your duty to all.

The Kindergarten at St. Joseph's will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith.

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

CONFIDENTIALITY

All concerns will be treated in confidence, sensitively and every effort will be made not to reveal your identity if you so wish. At the appropriate time, however, you may need to come forward as a witness.

ANONYMOUS ALLEGATIONS

This policy encourages you to put your name to your allegation whenever possible.

Concerns expressed anonymously are much less powerful but will be considered at the discretion of the senior management team.

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.

UNTRUE ALLEGATIONS

If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

HOW TO RAISE A CONCERN

As a first step, you should normally raise concerns with the DSL (Louise Kirby) or deputy DSL (Caroline Willcocks). However if you believe that both the DSL and deputy DSL are involved you should approach the OFSTED whistleblowing hotline [contact details at the end of this policy.

Concerns may be raised verbally or in writing. Staff who wish to make a written report are invited to use the following format:

- the background and history of the concern (giving relevant dates);
- the reason why you are particularly concerned about the situation.

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

Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.

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.

You may invite a colleague to be present during any meetings or interviews in connection with the concerns you have raised.

HOW THE Kindergarten at St. Joseph's WILL RESPOND

The Kindergarten at St. Joseph's will respond to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them.

Where appropriate, the matters raised may:

- be investigated by management or through the disciplinary process
- be referred to the police
- be referred to Local Area Designated Safeguarding Officer (LADO) or OFSTED.

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 setting will have in mind is the child's 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.

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 five working days of a concern being raised, the responsible person will write to you:

- acknowledging that the concern has been received
- indicating how we 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
- telling you whether further investigations will take place and if not, why not.

The amount of contact between the DSL with you in considering the issues will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the DSL will seek further information from you.

Where any meeting is arranged, off-site if you so wish, you can be accompanied by a colleague.

The Kindergarten at St. Joseph's will take steps to assist you with any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal proceedings we will arrange for you to receive advice about the procedure.

The Kindergarten at St. Joseph's accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform you of the outcome of any investigation.

THE RESPONSIBLE PERSON

Louise Kirby has overall responsibility for the maintenance and operation of this policy. She maintains a record of concerns raised and the outcome (but in a form which does not endanger your confidentiality) and will report as necessary to the team.

HOW THE MATTER CAN BE TAKEN FURTHER

This policy is intended to provide you with an avenue within the Kindergarten at St. Joseph's to raise concerns. We hope you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside the setting the following are possible contact points:

Public Concern at Work (tel: 020 7404 6609 or email helpline@pcaw.co.uk) a registered charity whose services are free and strictly confidential. You can visit their website for further information: www.pcaw.co.uk. The website has guidance on whistleblowing legislation:

- www.pcaw.co.uk/law/uklegislation.htm.
- OFSTED whistleblowing hotline [see details below]
- your local Citizens Advice Bureau
- relevant professional bodies or regulatory organisations
- a relevant voluntary organisation
- the police.

If you do take the matter outside the setting, you should ensure that you do not disclose confidential information.

You can contact the OFSTED hotline in three ways:

Call on 0300 123 3155 (Monday to Friday from 8.00am to 6.00pm).

Email at whistleblowing@ofsted.gov.uk.

Write to:

WBHL

Ofsted

Piccadilly Gate

Store Street

Manchester

M1 2WD.

<http://www.ofsted.gov.uk/Ofsted-home/About-us/Contact-us/Safeguarding-children-Ofsted-s-whistleblower-hotline>