

6.10 Whistleblowing Policy

Policy statement

Our setting is committed to delivering a high-quality pre-school service, promoting organisational accountability and maintaining public confidence.

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 organisation.

Procedures

Whistleblowing is raising a concern about malpractice within an organisation, which encourages people to raise concerns about misconduct or malpractice in the workplace.

In order to promote good governance and accountability in the public interest. The Public Interest Disclosure Act 1998 covers behaviour, which amounts to:

- A criminal offence
- A breach of legal obligation
- Failure to comply with any legal obligation
- A miscarriage of justice
- Mistreatment or abuse
- Seeking undue favour over a contractual matter or job application
- Financial regulations
- Danger to health and safety of an individual and/or environment
- Deliberate concealment of information about any of the above.
- This is not an exhaustive list

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

An employee or volunteer who, acting in good faith, wishes to raise such a concern should normally report the matter to the manager who will advise the employee or volunteer of the action that will be taken in response to the concerns expressed. Concerns should be investigated and resolved as quickly as possible.

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 organisation.

Harassment or victimisation

The preschool recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The preschool will take action to protect you when you raise a concern

in good faith. It will not tolerate any resulting harassment or victimisation including informal or indirect pressures and will treat this as a serious disciplinary offence which will be dealt with under the appropriate procedures.

Confidentially

All concerns will be treated in confidence and the preschool will do its best to protect your identity if you do not want your name disclosed. If investigation of a concern discloses a situation which is sufficiently serious to warrant disciplinary action or police involvement then your evidence may be important. If at this stage your name needs to be released as a possible witness then we will discuss with you first.

Anonymous allegations

This policy encourages you to put your name to your allegations concerns expressed anonymously are much less powerful but they will be considered at the discretion of the manager against the following criteria:

- The seriousness of the issues raised
- The likelihood of confirming the allegation from the attributable sources
- The preschool best interests
- The protection of the preschool's assets

You should also bear in mind that if you do choose to raise a concern anonymously it will be more difficult for the matter to be investigated and for you to be provided with feedback.

Untrue allegations

If you make an allegation in good faith but it is not confirmed by the investigation, no reprisals will be taken against you. If, however, you make malicious or vexatious allegations, disciplinary action may be taken against you.

How to raise a concern

- As a first step, you should normally raise concerns with the manager. However, if for some reason this first step is inappropriate then the concern should be raised with Deputy manager – Sarah Debenham or Chair-Julie Lawrence.
- Concerns can be raised orally but it is good practice for the concern to be recorded in writing at an early stage to ensure that all details are correctly understood.
- A written allegation should set out the background and history of the concern, (giving names, dates and places where possible) and the reason why you are particularly concerned about the situation.
- It is preferable for you to record this in writing yourself.
- Although you are not expected to prove the truth of an allegation, you will need to demonstrate to the person contacted that there are sufficient grounds for your concern.

How the preschool will respond

The action taken by the preschool will depend on the nature of the concern. After initial enquiries to assess the seriousness of the matter it may be investigated internally or referred to the committee, Local Authority Designated Officer (LADO), Police. 03330 139 797 or by e-mail: lado@essex.gov.uk

We will refer to and follow our Local Authority Advice for Essex , which can be found at :

<https://eycp.essex.gov.uk/safeguarding/>

<https://eycp.essex.gov.uk/safeguarding/report-a-concern-about-a-member-of-the-workforce/>

If urgent action is required in response to a concern this may well be taken before a full investigation is conducted.

Some concerns may be resolved by action agreed with you without the need for an investigation or it may be that an investigation can be completed without the person or persons under investigation being aware of the process.

In any event within ten working days of a concern being received, the preschool will write to you at your home address:

- Acknowledging that the concern has been received
- Indicating how it proposes 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 investigation will take place, and if not why not
- Naming an independent officer to support you during any investigation

This policy is intended to provide you with a way to raise concerns within the preschool. The preschool hope you will be satisfied by its response. If you are not you may wish to raise the matter with the Local Designated Officer - 03330 139 797 or by e-mail: lado@essex.gov.uk the police, or a legal adviser.

Legal framework

- The policy is underpinned by the Public Interest Disclosure Act 1998
- If an employee or volunteer feels the matter cannot be discussed with the manager, deputy manager or chair he or she should contact LADO (Local Area Designated Officer) on for advice on what steps to take next . they can be contacted on :

03330 139 797 or by e-mail: lado@essex.gov.uk