

## 6.10 Whistleblowing policy

It is important to Runnymede Preschool that any fraud, misconduct or wrongdoing by employees, or people engaged in the organisation's business, is reported and properly dealt with. We therefore encourage you to raise any concerns that you may have about the conduct of others in the early years setting or the way in which the early years setting is run.

We recognise that effective and honest communication is essential if malpractice is to be effectively dealt with and the organisation's success ensured.

Whistleblowing relates to all those who work with, or within, the early years setting, who may from time-to-time think that they need to raise with someone in confidence certain issues relating to the organisation.

Whistleblowing is separate from the grievance procedure. If you have a complaint about your own personal circumstances, you should use the normal grievance procedure. If you have a concern about malpractice within the organisation, then you should use the procedure outlined below.

If you have any concerns about malpractice with the organisation, then please use the procedure outlined in this policy.

If you are unsure about whether your concerns are best dealt with under the Whistleblowing Policy and Procedure or Grievance Procedure, please speak to your HR officer for further advice.

### Principles

In almost all cases, raising issues internally will be the most appropriate course of action for you to take. The setting expects you to make your best endeavours to raise concerns internally through the management structure to allow the setting to address concerns as quickly as possible.

This policy does not introduce a general protection for whistleblowers which applies in all circumstances. It applies when you follow the procedure laid down in this document in disclosing specific categories of malpractice.

All employees and those involved within the early years setting should be aware of the importance of preventing and eliminating wrongdoing within the organisation. You should be watchful for illegal, inappropriate or unethical conduct and report anything of that nature that you become aware of.

Any matter you raise under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation will be reported back to you.

You will not be victimised for raising a matter under this procedure. This means that your continued employment and opportunities for future promotion or training will not be prejudiced because you have raised a legitimate concern.

Victimisation of an individual for raising a qualifying disclosure (something that it is in the public interest to disclose) will be a disciplinary offence.

If misconduct is discovered as a result of any investigation under this procedure the early years setting's disciplinary procedure will be used, in addition to any appropriate external measures.

If you make a malicious, vexatious or false allegation then this will be considered a disciplinary offence, and disciplinary action will be taken against you.

An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, you should not agree to remain silent. In this event, you should report the matter to Julie Lawrence - chairperson.

## **Procedure**

By law, there are several issues you can whistleblow about. These are called 'qualifying disclosures'.

Qualifying disclosures include:

- a criminal offence has been committed, is being committed or is likely to be committed
- a person has failed, is failing or is likely to fail to comply with any legal obligation to which he or she is subject.
- a miscarriage of justice has occurred, is occurring or is likely to occur
- the health and safety of any individual has been, is being or is likely to be endangered
- the working environment has been, is being or is likely to be damaged, or
- that information tending to show any matter falling within any one of the preceding clauses has been, is being or is likely to be deliberately concealed.
- You should be watchful and report any wrongdoing. Wrongdoing could include:
  - abuse of a child or vulnerable person
  - a child, parent, employee or volunteer being put at risk of harm
  - unsafe working practices
  - discrimination against a service user, staff member, or person that interacts with the setting,
  - Sexual harassment or other harassment against a service user, or person that interacts with the setting,
  - a failure to comply with statutory or legal obligations
  - a criminal offence which has or is about to be committed
  - the use of unsafe equipment
  - falsification of financial records
  - bribery and/or corruption which has taken or is about to take place
  - covering up wrongdoing or malpractice

## How to raise concerns

Report any concerns to your line manager. If this is not possible, then report your concerns to the chairperson. It is important that you clearly set out:

- the details of the suspected wrongdoing,
- the names of any individuals involved; and  
and what action (if any) you are seeking.

## 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](mailto: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](mailto: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](mailto:lado@essex.gov.uk)

For any member of staff who feels unable to raise concerns internally, or where they feel their concerns have not been addressed, they may contact the NSPCC whistleblowing helpline on: 0800 028 0285 (line is available from 8:00 AM to 8:00 PM, Monday to Friday) or by email at: [help@nspcc.org.uk](mailto:help@nspcc.org.uk).

Parents / carers or others in the wider setting community with concerns can contact the NSPCC general helpline on 0808 800 5000 (24-hour helpline) or email: [help@nspcc.org.uk](mailto:help@nspcc.org.uk).

### **Our key commitments under this policy are**

- You have the right not to be subjected to any harmful or damaging treatment (including being discriminated against, unfairly penalised, disciplined or dismissed) because of raising a whistleblowing concern.
- If you raise a whistleblowing concern in accordance with this policy, you will be treated with respect and provided with adequate support and protection.
- If you believe that you have been subjected to detrimental treatment because of raising a whistleblowing concern, then please raise it under our Grievance Procedure or report the matter to the HR officer. This behaviour will not be tolerated and will be treated as a disciplinary offence.
- If we find that you knowingly raised false allegations, this will also be treated as a disciplinary offence and will be dealt with under our disciplinary procedure.