

## **Whistleblowing Policy**

### **Policy statement**

Little Greys is an organisation committed to delivering a high quality pre-school and out of school hour's service, promoting organisational accountability and maintaining public confidence.

Employees, volunteers, outside professionals are often the first to realise that something seriously wrong may be happening in the setting.

Particular instances of misconduct or wrongdoing may relate to:

- i. any unlawful act, whether criminal or a breach of civil law;
- ii. maladministration, as defined by the Local Government Ombudsman;
- iii. breach of any statutory Code of Practice;
- iv. breach of, or failure to implement or comply with the Financial Regulations or Standing Orders;
- v. breach of contract;
- vi. any failure to comply with appropriate professional standards;
- vii. fraud, corruption, dishonesty or the abuse of public funds;
- viii. actions which are likely to cause physical danger to any person, or to give rise to a risk of significant damage to property;
- ix. sexual, physical or emotional abuse or neglect of pupils
- x. sexual, physical or emotional abuse of members of staff;
- xi. any breach of the school's Staff Behaviour (Code of Conduct) policy
- xii. loss of income to the school;
- xiii. abuse of power, or the use of the school powers and authority for any unauthorised or ulterior purpose;
- xiv. discrimination in employment or in the provision of education;
- xv. any other matter which cannot be raised under any other procedure;
- xvi. an attempt to cover up any of the above.

The Pre School's whistleblowing policy thus enables staff to raise concerns or allegations, initially in confidence, and for a sensitive enquiry to take place.

### **Procedures**

#### **How to raise a concern**

As a first step you should normally raise your concerns with the manager of the setting. You may choose to raise the concern in writing, but it is helpful to all concerned if an initial and informal discussion can take place. However this depends on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice.

After the initial conversation where it is felt it would be appropriate the member of staff is encouraged to fill in a Whistleblowing form. However if it is an

### **Allegation against a member of staff**

Staff who are concerned about the conduct of a colleague - including visiting professionals and volunteers - towards a pupil are undoubtedly placed in a very difficult situation. They may worry that they have misunderstood a situation and they will wonder whether a report could jeopardise a colleague's career. All staff must remember that the welfare of the child is paramount.

As required by *Working Together to Safeguard Children*, all allegations in respect of an individual who works at the school that fulfil any of the following criteria will be reported to the Designated Officer in the Local Authority (DO) within one working day and if requested a Position of Trust referral form filled in. If the staff member or Director has:

- behaved in a way that has harmed a child, or may have harmed a child
  - possibly committed a criminal offence against or related to a child
  - behaved towards a child or children in a way that indicates they may pose a risk of harm to children.
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- Staff are expected to report all concerns about poor practice or possible child abuse by colleagues - including what may seem minor contraventions of the school's Staff Behaviour Policy (code of conduct) – to the manager; to facilitate proactive and early intervention in order to maintain appropriate boundaries and a safe culture that protect children and reduce the risk of serious abuse in school.
  - The recommended format for all staff in schools to record any such poor practice or possible child abuse by colleagues or other adults who work with children is the pro forma *'Logging A Concern about the behaviour of an adult who works with children'*, also known as the *'Yellow form'*. All such forms should be passed directly to the Headteacher of the school if it is a member of staff from the school and to the manager if it is a Pre School member of staff. Alternatively, staff are free to approach the manager
  - Concerns or complaints about the headteacher should be reported to the chair of governors and the Manager to the DSL Director, whose contact details are displayed in the main room for any member of staff to use in such an instance. *The 'Yellow form' should also be used for that purpose as above.*
  - Staff may also report concerns about suspected abuse or neglect directly to Children's Social Care or the Police if they believe direct reporting is necessary to secure action.
  
  - Staff can also contact the Designated Officer in the Local Authority, who is responsible for the co-ordination of responses to allegations against people who work with children (see contact and referral details in section 15 below). The Designated Officer's contact details are displayed on the safeguarding noticeboard in the main room.
  
  - The NSPCC whistleblowing helpline is also available for staff who do not feel able to raise concerns regarding child protection failures internally. Staff can call 0800 028 0285 between 8.00a.m. and 8.00p.m., Monday to Friday or e mail [help@nspcc.org.uk](mailto:help@nspcc.org.uk).
  
  - The NSPCC whistleblowing helpline and contact numbers for Children's Social Care, the Police and the Designated Officer are all displayed in the main room.

## Managing allegations

The actions taken by the Pre-School will depend upon the nature of the concern. The matters raised may:

- Be investigated internally in the first instance.
- Be referred to the Police immediately where allegations of fraud are apparent
- Be referred to the external auditors.
- Be the subject of an independent enquiry outside of Pre School.

In order to protect individuals and the Pre School, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations, which fall within the scope of specific procedures (for example Child Protection, disciplinary procedures or discrimination issues) will be referred for consideration under these procedures.

- Some concerns may be resolved by agreed action without the need for investigation.
- Some concerns can be handled by the manager. These will be resolved in the form of a letter (copied to the Chair of directors) who will ensure that the issue is being appropriately handled.
- However if it is felt that the concern needs to be taken further the manager/director will conduct an interview with the person making the employee or volunteer making the allegation. within five clear working days will write to the employee making the allegation:
- **Initial Interview**
- The Manager (or DSL Director where the allegation concerns the Manager) will arrange an interview with the employee/ professional/ volunteer/student making the allegation. The interview will be arranged at a time and place which will ensure confidentiality and may therefore be held away from the premises.
- Where the person making the allegation agrees, this interview will take place in the presence of a witness. The employee may be accompanied by a work colleague or their trade union representative.
- The manager will take a full note of the allegation. The manager will invite the employee making the allegation to clarify any matter or record a disagreement with the note. The DSL Director will then ask the employee making the allegation to sign a copy of the note and return it.

The manager will then within 5 working days

- i. acknowledging that the allegation has been received;
- ii. giving an estimate of how long it will take to provide a final response;
- iii. outlining whether any initial enquiries have been made;
- iv. clarifying whether further investigations will take place, and, if not, why not;
- v. where an investigation is to be made, indicating how it will be dealt with and where possible who the investigating officer will be.

### Investigation

Where there appears to be some substance in the disclosure, the manager or Chair of directors will arrange an investigation into the allegation, except where:

- i. the disclosure suggests criminal activity may be involved, in which the Police will be informed.
  - ii. the allegation concerns weak management rather than malpractice. In this case, with the agreement of the employee making the allegation, the Chair of Directors will report the matter to the Manager and will inform the employee making the allegation that the matter will be handled through the normal line management structure. If the allegation concerns the Manager, the Chair of Directors will undertake the investigation. If the allegation concerns the Chair the Vice Chair should attempt to investigate in the first instance so a school response can be given to the matter. The Vice Chair should seek guidance from their HR provider.
- The nature of the investigation will depend on the type of allegation i.e. police matter (with potential criminal allegations) or internal safeguarding/conduct matter. The Chair of Directors will be advised of the approach to match these circumstances as a consideration of the timings may be necessary. For example if there were a police investigation this might need to be concluded before an internal investigation commences. Once the investigation is able to proceed the Chair of Directors should seek guidance from their HR Provider.
  - The Manager may, at his/her discretion seek an external auditor (or appropriately trained or experienced professional) to conduct the investigation.
  - In some cases the manager may consider it appropriate to suspend the employee, who may be the subject of allegations ‘without prejudice’ to allow the impunity of the evidence being investigated. However, a person should not be suspended automatically, or without careful thought being given to the particular circumstances of the case. Schools must consider carefully whether the circumstances of the case warrant a person being suspended from contact with children at the school until the allegation is resolved, and should seek advice from their HR provider.

**However when an allegation is made against a member of staff or children are at risk of significant harm, set procedures must be followed.**

- It is rare for a child to make an entirely false or malicious allegation, although misunderstandings and misinterpretations of events do happen.
- A child may also make an allegation against an innocent party because they are too afraid to name the real perpetrator. Even so, we must accept that some professionals do pose a serious risk to pupils and we must act on every allegation.
- Staff who are the subject of an allegation have the right to have their case dealt with fairly, quickly and consistently and to be kept informed of its progress.
- Suspension is not the default option and alternatives to suspension will always be considered. Where it is appropriate and practical and agreed with LADO, we will seek to offer an alternative to suspension for the duration of the investigation, if an alternative is available that will safeguard children and not place the affected staff or volunteer at risk. However, in some cases staff may be suspended where this is deemed to be the best way to ensure that allegations are investigated fairly, quickly and consistently and that all parties are protected. In the event of suspension the school will provide support and a named contact for the member of staff.
- Where a member of staff or volunteer has been dismissed due to engaging in activities that caused concern for the safeguarding of children or vulnerable adults, we will notify the Disclosure and Barring Service of relevant information, so that individuals who pose a threat to children and vulnerable groups can be identified and barred from working with these groups. We will also inform OFSTED within 14 days of the investigation.

## **Confidential Reporting Procedures**

- All suspicions and investigations are kept confidential and shared only with those who need to know. Any information is shared under the guidance of the Local Safeguarding Children Board/Local Safeguarding Partners and in line with the GDPR, Data Protection Act 2018, and Working Together 2018.
- All efforts are made to protect an employee's identity when they raise a concern and do not want their name to be disclosed; however, it must be appreciated that the investigation process may reveal the source of the information and a written statement by the employee may be required as part of the evidence, especially if the next step is a police investigation and prosecution.
- Little Greg's recognises that the decision to report a concern can be a difficult one to make not least because of fear of reprisal from those responsible for the malpractice. The school will not tolerate harassment or victimisation in any form and will take action and put in place support measures to protect employees who raise a concern. Disciplinary procedures are already in place to address any potential attempts at harassment or victimisation.
- It is accepted by the Pre-school that employees may feel concerned that by raising areas of concern, their future careers may be detrimentally affected. This will not be the case and those raising concerns in the public interest can be assured that those concerns will be treated with the utmost respect and will play no part in future decisions related to an employee's progress or promotion.
- If an employee who raises a concern is already the subject of disciplinary, redundancy or similar procedures, confidential reporting will not halt these procedures but every effort will be made on the part of the investigating officer to ensure that the issues are not inter-related or connected in any way.

### **Anonymous Allegations**

This policy encourages you to put your name to your allegation. Concerns expressed anonymously are much less powerful but they will be considered at the discretion of the Directors against the following criteria:

- The seriousness of the issues raised
- The likelihood of confirming the allegation from attributable sources.
- The setting's best interest
- The protection of the settings assets.

Staff should also bear in mind that if you do choose to raise a concern anonymously it would be more difficult to respond.

