

Banwell Buddies Whistle Blowing Policy

Whistle Blowing is the term given to workers who make public wrong doing by colleagues.

Statement of Intent:

Banwell Buddies operates within legal requirements and regulations and expects all employees to co-operate in this by adhering to all laws, regulations, policies and procedures. Any employee becoming aware of another employee acting inappropriately is obliged and encouraged to report this activity.

This policy sets out the procedure for employees who wish to notify any suspicions and also how the setting should respond.

Aim:

- To encourage employees to feel confident in raising serious concerns, to question and act upon their concerns about practice.
- To provide them with a method of raising concerns and receive feedback on how this is being followed up.
- To ensure employees receive a response to their concerns and they are aware of how to pursue them if they are not satisfied.
- To reassure employees that they will be protected from possible reprisals or victimisation if they have reasonable belief that they have made any disclosure in good faith.

Scope:

This policy applies to all employees and applies equally to those designated as casual, temporary, work experience students and apprentices.

The Disciplinary and Grievance Procedure is in place to enable employees to lodge a concern relating to their employment. The Whistle Blowing Policy is intended to cover major concerns that fall outside the scope of other procedures.

These include:

- Dangerous procedures or practice risking Health and Safety, including risks to the public as well as other employees;
- The unauthorised use of public funds;
- Inappropriate use of financial procedures;
- Practice which falls below established standards or practice;
- Sexual, emotional, physical abuse or bullying of children, staff or others and other unethical conduct.

Procedure Description:

- Banwell Buddies is committed to tackling malpractice and employees should know that any matter regarding malpractice and other illegal acts will be dealt with seriously.
- An employee representative or other representative of their choice may accompany any employee involving this procedure.

- If a matter results in any disciplinary action, the Disciplinary Procedure will apply.

The Whistleblowing Policy encourages and enables employees to voice their concerns without fear of victimisation, subsequent discrimination or disadvantage.

Employees are often the first to see or suspect something that may be seriously wrong 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 authority. They may also fear harassment or victimisation.

Banwell Buddies will not tolerate any harassment or victimisation and will take appropriate action to protect employees when a concern is raised in good faith.

Maintaining Good Practice:

Banwell Buddies are committed to the highest standards of openness, honesty and accountability. In line with that commitment we encourage employees and others that we deal with, who have serious concerns about any aspect of the service we provide to come forward and voice those concerns. It is recognised that certain cases will have to proceed on a confidential basis.

Employees should ensure that they are aware of the standards expected of them as set out in the policies, procedures and guidelines, job descriptions, code of practice and legal requirements and guidelines. If they are in any doubt they should discuss this with their line manager.

Banwell Buddies recognises that the decision to report a concern can be a difficult one to make. If what employees are saying is true, they should have nothing to fear because they will be doing their duty to their employer and those who are providing a service.

Promoting Good Practice:

There are several ways of promoting good practice as follows:

- Sharing an understanding of the settings policies and procedures and inform others who do not.
- Ask questions. If a colleague does something strange we should question it. There is no need for aggression but by asking why something is done in a certain way and how it will improve the service will ensure standards are maintained.
- Talk to fellow professionals to learn from best practice.
- Cooperate as fully as possible with any investigation into work practices arising from complaints from a service user and share any knowledge or concerns.
- Know what is happening in the setting, read memos and newsletters.
- Do not wait until something becomes a major problem. Act early, if we do not we may be condoning bad working practices.

Concerns Confidentiality

All concerns will be treated in confidence and every effort will be made not to reveal employees' identities if that is their wish. However, this cannot be guaranteed, if the matter is considered by an external body, outside of the setting's control, e.g. legal proceedings.

How to Raise a Concern

When an employee feels concerned about bad practice he or she will need to identify the issues carefully. An employee must be clear about the standards against which he or she is judging practice:

- Is it illegal?
- Does it contravene professional codes of practice?
- Is it against government guidelines?
- Is it about one individual's behaviour or is it about general working practices?
- Does it contradict what the employee has been taught?
- Has the employee witnessed the incident? If so he or she should write it down.
- Did anyone else witness the incident at the same time? If so they should write it down.

Who the employee should raise concerns with, depends upon the seriousness and sensitivity of the issue involved and who is suspected of the malpractice. For example, there may be exceptional occasions when they are concerned about poor or bad care practice by colleagues at work or where they are aware of a colleague acting in a way that is illegal, immoral or unethical.

As a first step an employee should normally raise concerns with the Lead Safeguarding Practitioner. However if their concern is about the Lead Safeguarding Practitioner they should contact the Deputy Safeguarding Practitioner or the Safeguarding Officer. If an employee's concern is about the Committee Chair or another member, he or she should contact the North Somerset Early Years Team.

A basic flow chart is attached showing how discussions in respect of all allegations that appear to fit the criteria within Working Together 2010 are dealt with.

Once an employee is certain that bad practice exists the following action should be considered:

- Concerns may be raised verbally or in writing. Employees who wish to make a written report should give the background and history of the concern and the reason why they are particularly concerned about the situation. The earlier concerns are expressed the easier it is to take action.
- If the employee wishes he or she may ask for a private confidential meeting with the person to whom he or she wishes to make the complaint.
- An employee may take another person with them as a witness or for support.
- The employee should take to the meeting – if possible – dated and signed written supporting statements from anyone who can confirm the allegations.
- When making the complaint verbally, the employee should write down any relevant information and date it. Keep copies of all correspondence and relevant information.
- The employee should ask the person to whom he or she is making the complaint what the next steps will be and if anything more is expected of them.
- Ask to be informed of the outcome of the investigation into the complaint.

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

An employee may wish to consider discussing their concern with a colleague first and they may find it easier to raise the matter if there are two people who have had the same experience or concerns.

Employees will not be victimised, disciplined or disadvantaged in any way for raising genuine concerns. All employees have legal protection under the Public Interest Disclosure Act 1998. This Act protects employees from victimisation by their employer as a result of raising genuine concerns both inside and outside their organisation. However, this does not apply where allegations are found to be malicious or deliberately false. Such behaviour will be dealt with under the Disciplinary Procedure.

Employees also have the right to raise matters of concern under the Grievance Procedure.

Anonymous Allegations

This policy encourages employees to put their name to any allegation whenever possible.

Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Pre-School.

In exercising its discretion the factors to be taken into account would include:

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

How the Pre-School will Respond

The individual hearing the concern is encouraged to take advice from their line manager. 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 the Management Committee.
- be referred to the Designated Officer for Allegations (DOFA) Julie Bishop.
- be referred to the police.
- be referred to Ofsted.
- form the subject of an independent inquiry.

Key contacts can be found on page 6 of this policy.

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 the setting will have in mind is the public interest. Concerns or allegations, which fall within the scope of specific procedure, for example child protection or discrimination, 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 ten working days of a concern being raised, the individual hearing the concern will write to the employee and:

- acknowledge the concern has been received.
- indicate how the matter will be dealt with and who will be involved.
- where possible, give an estimate of how long it will take to provide a response.
- tell the employee where any initial enquiries have been made.
- check whether he or she needs any personal support.
- tell the employee whether further investigations will take place and if not why not.

The setting will take steps to minimise any difficulties which employees may experience as a result of raising any concerns. For instance, if they are required to give evidence in criminal or disciplinary proceedings, the setting will arrange for them to receive support.

The Pre-School accepts that individuals need to be assured that the matter has been addressed. Thus, subject to legal constraints and the bounds of confidentiality, we will inform them of the outcome of any investigation, and the action that is to be taken against those whose action caused the concern. Also if appropriate, what changes are to be made to monitor procedures to ensure that a similar concern is not raised in the future.

Untrue Allegations

If employees make an allegation in good faith, but it is not confirmed by the investigation no action will be taken against them. If however, they make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against them. In such cases, the Disciplinary Procedure will apply.

How Matters can be Taken Further

If the employee is dissatisfied with the response from the Pre-School and North Somerset Early Years Team, and subject to the concern being a matter covered by the Act he/she can raise the matter, as appropriate with one of the following:

- An individual's local councillor, if he or she lives within the Council's boundary.
- The local citizen's advice bureau.
- Relevant professional bodies or regulatory organisations.
- Ofsted.
- Your solicitor.
- The police.
- 'Public Concern at Work', is a voluntary organisation who offers confidential legal advice to employees of any organisation. The service is offered free and they can assist in helping individuals to decide if and how to take a concern forward. Tel: 02074046609.

If employees take their concerns outside of the Pre-School, this policy does not apply. They should take advice about their rights and responsibilities. Employees should also make sure that as far as possible the matter is raised without personal information relating to other employees being disclosed.

Any employee who unreasonably and without justification raises such issues on a wider basis, such as with the press, without following the steps and advice in this procedure may be liable to disciplinary action.

Key Contacts

North Somerset Single Point of Access (SPA) service: **01275 888808**

Out of Hours Emergency Duty Team: **01454 615165**

Local Authority Designated Officer (DOFA), Julie Bishop: **01275 888211**

Ofsted: **0300 123 1231** – choose option 2, then option 1 and enter your EY number to be put through to an operator.

Links to Essential Guidance Documents and Information

- LSCB website – <http://www.northsomersetlscb.org.uk>
- The Guidance for safer working practice for those working with children and young people in education settings can be found here - <http://www.northsomersetlscb.org.uk/national-guidance.htm>
- North Somerset Safeguarding Procedure for Early Years and Play Providers can be found here: <http://www.northsomersetlscb.org.uk/early-years-play-providers.htm>
- Working Together to Safeguard Children 2015 – guide to inter-agency working to safeguard and promote the welfare of children can be found here: <http://www.northsomersetlscb.org.uk/national-guidance.htm>

This Policy was adopted at the meeting of: Banwell Buddies

Held on: October 2018

Signed on behalf of the Committee: 

Role of Signatory: Chair of Management Committee

Last update: 06/06/2017