BENHALL PRESCHOOL'S WHISTLE BLOWING POLICY

Benhall Preschool is committed to the highest standards of openness, probity and accountability.

An important aspect of accountability and transparency is a mechanism to enable staff and other members of the organisation to voice concerns in a responsible and effective manner.

It is a fundamental clause of every contract of employment that an employee/volunteer will faithfully serve his or her employer/organisation 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, and there should be arrangements to enable this to be done independently of line management (although in relatively minor instances the line manager/nominated person would be the appropriate person to be told). The Public Interest Disclosure Act, which came into effect in 1999, gives legal protection to employees/volunteers against being dismissed or penalised by their employers/organisation as a result of publicly disclosing certain serious concerns. The organisation has endorsed the provisions set out below so as to ensure that no members of staff and or volunteer should feel at a disadvantage in raising legitimate concerns.

It should be emphasised that this policy is intended to assist individuals who believe that they have discovered malpractice or impropriety. It is not designed to question financial or business decisions taken by the organisation nor should it be used to reconsider any matters which have already been addressed under harassment, complaint, disciplinary or other procedures. Once the "whistleblowing" procedures are in place, it is reasonable to expect staff to use them rather than air their complaints outside the organisation.

Scope of Policy.

The policy is designed to enable employees or volunteers of the organisation to raise concerns internally and at a high level and to disclose information which the individual believes shows malpractice or impropriety. This policy is intended to cover concerns which are in the public interest and may at least initially be investigated separately but might then lead to the invocation of other procedures e.g. disciplinary. These concerns could include:

Financial malpractice or impropriety or fraud, Failure to comply with a legal obligation or statutes, Dangers to health & safety or the environment, Criminal activity, Improper conduct or unethical behaviour, or Attempts to conceal any of these.

Safeguards

1. Protection.

This policy is designed to offer protection to those employees of the organisation who disclose such concern provided the disclosure is made in good faith in the reasonable belief of the individual making the disclosure that it tends to show malpractice or impropriety and they make the disclosure to an appropriate person (see below). It is important to note that no protection from internal disciplinary procedures is offered to those who choose not to use the procedure. In an extreme case malicious or wild allegations could give rise to legal action on the part of the persons complained about.

2. Confidentiality

Benhall Preschool will treat all such disclosures in a confidential and sensitive manner. The identity of the individual making the allegation may be kept confidential so long as it does not hinder or frustrate any investigation. However, any investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the evidence requested.

3. Anonymous Allegations.

This policy encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously are much less credible, but they may be considered at the discretion of the organisation.

In exercising this discretion, the factors to be taken into account will include:The seriousness of the issues raise; the credibility of the concern, the likelihood of confirming the allegation from attributable sources.

4. Untrue Allegations

If an individual makes an allegation in good faith, which is not confirmed by subsequent investigation, no action may be taken against that individual.

5. Procedures for Making a Disclosure.

On receipt of a complaint of malpractice, the member of staff who receives and takes note of the complaint, must pass this information as soon as is reasonably possible, to the appropriate designated investigating officer as follows: complaints of malpractice will be investigated by the Line Manager or designated officer unless the complaint is against the Line Manager or is in any way related to the actions of the Line Manager/designated person. In such cases, the complaint should be passed to the Manager for consideration/referral.

In the case of a complaint, which is any way connected with but not against the Line Management, the Trustees will nominate another Independent person to act as the alternative investigating officer.

Complaints against the Line Management/Trustees should be passed to the Designated person who will nominate an appropriate investigating Officer.

The complainant has a right to bypass the line management structure and take their complaint direct to the Senior trustee.

The Senior Trustee has the right to refer the complaint back to management if he/she feels that the management without conflict of interest can more appropriately investigate the complaint.

If there is evidence of criminal activity then the investigating officer should inform the police. The organisation will ensure that any internal investigation does not hinder a formal police investigation.

6. Timescales

Due to the varied nature of these sorts of complaints, which may involve internal investigators and/or possibly the police, it is not possible to lay down precise timescales for such investigations. The investigating officer should ensure that the investigations are undertaken as quickly as possible without affecting the quality and depth of those investigations.

The investigating officer, should as soon as practically possible, send a written acknowledgement of the concern to the complaint and therefore report back to them in writing the outcome of the investigation and on the action that is proposed. If the investigation is a prolonged one, the investigating officer should keep the complainant informed, in writing, as to the progress of the investigation and as to when it is likely to be concluded.

All responses to the complaint should be in writing and sent to their home address.

7. Investigating Procedure

The investigating officer should follow these steps:
Full details and clarifications of the complaint should be obtained The investigating officer should inform the member of staff against whom the complaint is made as soon as is practically possible. The member of staff/volunteer will be informed of their right to be accompanied by a trade union or in the absences of a union a work colleague at any future interview or hearing held.

The investigating officer should consider the involvement of the Organisation auditors and the police at this stage and should consult with the Senior trustee.

The allegations should be fully investigated by the investigating officer with the assistance where appropriate, of other individuals/bodies

.A judgement concerning the complaint and validity of the complaint will be made by the investigating officer. This judgement will be detailed in a written report containing the finding of the investigations and reasons for the judgement. The report will be passed to the Trustees as appropriate.

The Trustees will decide what action to take. If the complaint is shown to be justified, then they will invoke the disciplinary or other appropriate procedures.

The complainant should be kept informed of the progress of the investigations and, if appropriate, of the final outcome.

If appropriate, a copy of the outcomes will be passed to the Trustees to enable a review of the procedures.

If the complainant is not satisfied that their concern is being properly dealt with by the investigating officer, they have the right to raise it in confidence with the Trustees, or one of the designated persons described above.

If the investigation finds the allegations unsubstantiated and all internal procedures have been exhausted, but the complaint is not satisfied with the outcome of the investigation.

If the situation is not resolved or you feel you can not report to Benhall Preschool, we recognise the lawful rights of the employees/volunteers and ex-employees to make disclosures to prescribed persons (such as the Health and Safety Executive, Ofsted, LADO, or local authority), or, where justified, elsewhere.

• NSPCC whistleblowing advice line is available.

Staff can call 0800 0280285 – 08:00 to 20:00, Monday to Friday and 09:00 to 18:00 at weekends. The email address is: help@nspcc.org.uk.

Alternatively, staff can write to: National Society for the Prevention of Cruelty to Children (NSPCC), Weston House, 42 Curtain Road, London EC2A 3NH.

• Ofsted provides guidance on how to make complaints about a childcare provider: Complaints procedure - Ofsted - GOV.UK (www.gov.uk).

• General guidance on whistleblowing can be found via: Whistleblowing for employees.

key:
Line Manager = Room Leader or Deputy Manager
Designated Person = Safeguarding Lead