



Whistle Blowing Policy

The word 'Whistleblowing' in this policy refers to the disclosure internally or externally by employees of malpractice as well as illegal acts or omissions at work.

It should be emphasised that this policy is intended to assist individuals who believe they have discovered malpractice or impropriety. It is not designed to question financial or business decisions taken by the group nor should it be used to reconsider any matters that 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 group. However, it should also be highlighted that whistleblowing is not intended to replace normal grievance procedures.

Elworth Pre-school Group is committed to the highest standards of openness, integrity and accountability. An important aspect of accountability and transparency is a mechanism to enable staff and other members of the group to voice concerns in a responsible and effective manner. It is fundamental term of every contract of employment that an employee will faithfully serve their employer and not disclose confidential information about the employer's affairs. Nevertheless, where an individual discovers information that they believe shows serious malpractice or wrongdoing within the group then this information should be disclosed internally without fear of reprisal.

The Public Interest Disclosure Act, which came into force on 2nd July 1998, gives legal protection to employees against being dismissed or penalized by their employers as a result of publicly disclosing certain serious concerns. Elworth Pre-school Group has endorsed the provision set out below so as to ensure that no member of staff should feel at a disadvantage in raising legitimate concerns.

Elworth Pre-school Group will comply with:

The terms and conditions of the Public Interest Disclosure Act 1998, Data Protection Act 1998 and Freedom of Information 2000.

Elworth Pre-school Group has a range of policies and procedures, which deal with standards of behaviour at work, they cover Discipline, Grievance, Complaints, and Recruitment and Selection amongst others. Employees are encouraged to use these procedures when appropriate. However, there may be times when the matter is not about your personal employment.

This policy is designed to enable employees of the Group to raise concerns internally and at a high level and to disclose information that the individual believes shows malpractice or impropriety. The policy covers all employees and trainees. The usual employment law restriction on minimum qualifying period and age do not apply, however, it does not cover

volunteers. The Act protects people who raise concerns about past, present and future malpractices in relation to:

- A criminal act
- A failure to comply with legal duty (e.g. negligence or breach of contract)
- A miscarriage of justice
- Danger to health and safety
- Damage to the environment
- Deliberately covering up any of these

This policy is designed to offer protection to those employees of the Group who disclose such concerns 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 if they make the disclosure to the appropriate person

Harassment or Victimisation

Harassment or victimisation of individuals, who have raised concerns, including informal pressures, will not be tolerated and will be treated as a serious disciplinary offence that will be dealt with under the disciplinary procedure. Any investigation into allegations of malpractice will not influence or be influenced by any discipline or redundancy procedures that may already affect you. Neither does it mean that any discipline or redundancy procedures to which you are already subject will be halted as a result of raising concerns.

Confidentiality

Elworth Pre-school Group 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 the 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 required.

Anonymous Allegations

This policy encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously maybe viewed as less credible, but they may be considered at the discretion of the Management Committee.

In exercising this discretion, the factors to be taken into account will include:

- The seriousness of the issue raised
- The credibility of the concern
- The likelihood of confirming the allegation from attributable sources

Untrue Allegations

If an individual makes an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against that individual. In making a disclosure the

individual should exercise due care to ensure the accuracy of the information. If, however, an individual makes frivolous or malicious allegations and particularly if they persist with making them, disciplinary action may be taken against that individual.

Raising a Complaint

If you have a concern you should not approach or accuse individuals directly or attempt to investigate the matter yourself.

You should raise the complaint with your line manager (where the complaint is not directed at them) who will take note of the complaint and then pass this information on as soon as is practically possible, to the appropriate investigating officer.

If you do not feel comfortable or feel it is inappropriate to raise your complaint with your line manager, then you can approach a committee member who will take note of the complaint and then pass this information on as soon as is practically possible to the appropriate designated investigating officer, as follows:

- The Chairperson will investigate complaints of malpractice unless the complaint is against the Chairperson or is in any way related to the actions of the Chairperson. In such cases, the complaint should be passed to the Vice-Chair or Secretary (whichever is appropriate) who will nominate an appropriate investigating officer.
- In the cases of a complaint, which is any way connected with but not against the Vice-Chair or Secretary (whichever is appropriate), the Chairperson will nominate another Committee Member to act as the alternative investigating officer.
- The complainant has the right to bypass the line management structure and take their complaint direct to the Chairperson. The Chairperson has the right to refer the complaint back to the line manager if they feel that the line manager without any conflict of interest can more appropriately investigate the complaint.

The designated investigating officer may use the services of a consultant on receipt of a complaint of malpractice. The complainant may invite a trade union representative to raise the matter on their behalf.

If the complainant is unsure whether to use this policy or wants independent advice at any stage, they may contact the independent charity Public Concern at Work on 020 7404 6609 or by emailing whistle@pcaw.co.uk who can give free confidential advice at any stage about how to raise concerns about serious malpractice at work.

If there is evidence of criminal activity (e.g. fraud) then the investigating officer should inform the police. The Group will ensure that any internal investigation does not hinder a formal police investigation.

Timescales

Due to varied nature of these sorts of complaints, which may involve internal investigators and / or the police, it is not possible to lay down precise timescales for such investigations.

The investigating officer, should as soon as practically possible, send a written acknowledgement of the concern to the complainant and thereafter 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 complainant should be in writing and sent to their home address Marked 'Private and Confidential'.

The Investigation

The investigating officer should follow these steps:

- Full details and clarifications of the complaint should be obtained.
- The investigating officer should inform the person against whom the complaint is made as soon as is practically possible. The person will be informed of their right to be accompanied by a trade union or other representative at any further interview or hearing held under the provision of these procedures.
- The allegations should be fully investigated by the investigating officer with the assistance where appropriate, of other individuals or bodies e.g. Treasurer, auditor, Police.
- The investigating officer will make a judgment concerning the validity of the complaint. This judgment will be detailed in a written report containing the findings of the investigations and reasons for the judgment. The report will be passed to the Chairperson/Vice-Chair or Secretary as appropriate.
- The Chairperson/Vice-Chair will decide what action to take if the complaint is shown to be justified, and 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 Treasurer or auditor. These outcomes may result in the group reviewing and up-dating their policies and 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 another committee member, or one of the designated persons described above.

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

the group recognizes the lawful rights of the employees and ex-employees to make disclosures to the following prescribed persons:

- Health and Safety Executive
- Audit Commission Anti-Fraud and Corruption Unit
- Relevant Professional Bodies or Regulatory Organisations
- The police
- Public Concern at Work

This policy has been adopted by Elworth Pre-school Group committee at a meeting on

_____ **Witnessed by** _____

Position on committee _____ **Date** _____

Signed on behalf of management committee _____

Position on committee _____ **Date** _____

Review date _____