

# WHISTLEBLOWING POLICY

## Amendment History

Revision	Author	Description of Change	Date
Original	Carol Hooper & Sally Flynn	New policy	January 2012
1	CH	Reviewed; no substantive changes, layout amended	March 2013
2	CH & HS	Reviewed, no change	June 2013
3	CH & SF	Replace reference to local children's board with MASH and new contact details	November 2016
4	CH & SF	Reviewed, no change	February 2018
5	CH & SF	Reviewed, no change	January 2020
6	CH	Replace reference to MASH with LADO	July 2022
7	CH, TH & XF	Reviewed, no change	July 2023
8	TH	Replace MASH with Family Connect	September 2025

# WHISTLEBLOWING POLICY

## Introduction

Members of staff may be the first to realise that there may be something seriously wrong within Playgroup. However, they may not express their concern because they feel that speaking up would be disloyal to their colleagues or Playgroup. They may also fear harassment or victimisation or some other impact on their future careers. In these circumstances it may seem easier to ignore the concern rather than report what may just be a suspicion of malpractice.

Although this procedure is written primarily for employees, Playgroup recognises that it may have other individuals or groups working on its site at any given time. These procedures will apply equally and with equal confidentiality to staff from support services, the Local Authority or volunteers. This procedure is intended to provide a forum for members of staff to raise issues of concern in relation to other individuals or groups within Playgroup. It does not provide a forum for individuals to voice opinions on decisions of the Playgroup Board.

Playgroup is committed to the highest possible standards of openness, probity and accountability. In line with that commitment members of staff and others with serious concerns about any aspect of the Playgroup's work are encouraged to come forward and voice those concerns. It is recognised that in certain cases the person raising the concern will wish to proceed on a confidential basis.

This document makes it clear that wherever possible, confidentiality will be respected and the staff member raising the concern will be kept informed at all times as to the progress of the issue. This policy is intended to encourage and enable staff to raise concerns in order that they can be properly and quickly investigated.

Playgroup is committed to tackling wrongdoing and encourages staff to use the policy to raise concerns in the confidence that they will be treated seriously. It is important that their concerns are given due consideration and dealt with in an appropriate manner.

This confidential reporting procedure is intended primarily to cover concerns that fall outside the scope of other procedures and, in some instances, to provide a clear and speedy route for investigation of issues that may inform the disciplinary procedure. Where the concern may relate to an equality issue, it is also advised to refer to the Equal Opportunities Policy.

Concerns may be that a particular act or issue:

- is unlawful; or
- is against Playgroup's policies or financial regulations; or
- falls below established standards or practice; or amounts to improper conduct or misconduct.

Instances may relate to any of the following, although this list is not exhaustive:

- criminal offences which have been, or are likely to be, committed
- breach of contract
- negligence
- miscarriage of justice
- a danger to health, safety or welfare of employees, the public or the environment
- the abuse of public funds
- sexual or physical abuse of pupils or members of the community
- any act of discrimination
- inappropriate use of power or authority
- a failure to comply with a legal obligation
- an attempt to conceal any of the above

## **Aims and Scope of the Procedure**

This procedure aims to:

- provide an opportunity and formal procedure for you to raise concerns and receive feedback on any action taken
- indicates how you can take the matter further if you are dissatisfied with the Playgroup's response
- reassures you that you will be protected from reprisals or victimisation for confidential reporting in good faith
- put in relevant support measures for you as an individual during the process
- ensure that you as a whistleblower get a response

This procedure is not to be used to raise a terms and conditions issue. There are already procedures in place to enable a grievance relating to the individual's own employment through the Grievance Procedure, or to make a complaint under the Anti-bullying and Harassment procedures, or to follow the Complaints Procedure. Staff should be aware that if they decide to raise a concern related to their own employment at an Employment Tribunal they will be required to raise this as a grievance with their employer in the first instance.

## **Safeguards**

### **Harassment or victimisation**

Playgroup 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 Public Interest Disclosure Act 1998 was introduced to ensure that employees could raise concerns without the fear of reprisals, and this procedure is intended to follow that ethos. Playgroup will not tolerate harassment or victimisation in any form and will make sure action is taken and support measures are put in place to protect you when you raise a concern. Disciplinary procedures are already in place to address any potential attempts at harassment or victimisation. It is accepted by the Board that staff may feel

concerned that by raising areas of concern their future careers may be detrimentally affected. This is not the case and those raising concerns in good faith may be assured that concerns will be treated with the utmost respect and play no further part in future decisions related to progress or promotion. If an individual is personally 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.

### **Confidentiality**

Playgroup will do its best to protect the identity of anyone raising a concern. However, it must be appreciated that the investigation process may reveal the source of the information and that a statement may be required by the person raising the concern as part of the evidence, especially if the next step is a police investigation and prosecution, or there is a need for the whistleblower to act as a witness.

### **Anonymous Allegations**

Playgroup accepts that employees will raise genuine concerns that are based on factual evidence or direct observation. Baring this in mind, employees are encouraged to put their name to any allegation. Concerns expressed anonymously are much less powerful and far more difficult to investigate and prove. However, they will be considered at the discretion of the Board. In deciding whether to investigate an anonymous allegation, it may be necessary to consider the seriousness of the allegation, its validity and whether evidence can be obtained to proceed with an investigation.

### **Exercising Discretion**

In exercising its discretion, the factors to be considered by the Board would include:

- the seriousness of the issues raised.
- the credibility of the concern.
- the likelihood of confirming the allegation from other sources in the face of a flat denial from the accused person.

### **Untrue Allegations**

If an allegation is made in good faith without personal gain, and is based on evidence, observation or a series of unexplainable instances, but is not confirmed by the investigation, no action will be taken against the person making the allegation and they will be fully supported after the event. If, however, a malicious or vexatious allegation is made, then disciplinary action may be taken against the person making that allegation. Equally, if malicious allegations are made against any individual, the Board will ensure that person is fully supported, and that appropriate disciplinary action is taken against the person making such malicious allegations.

### **How to Raise a Concern**

As a first step, concerns should normally be raised with the Manager. It should be made clear from the start that the issue is raised under the

Whistleblowing Procedure. The concern may be raised in writing, but it is helpful to all concerned if an initial and informal discussion can take place in the first instance. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. For example, if it is believed that the Manager is involved, then the approach should be made to the Chairperson of the Playgroup Board or if this is not possible, external sources such as Warwickshire County Council's Early Years team or Warwickshire's LADO.

Disclosures made to other bodies may also qualify for protection, but only if the employee has already raised it internally and believes that not enough has been done in response or has not raised the issue internally because of fears of a cover up or victimisation.

Once initial concerns have been raised, it will be important to translate these into writing; this should set out the background and history of the concern, giving names, dates and places where possible, the reason for particular concern about the situation and setting out any evidence. Any direct or personal interest in the matter should be raised at this.

The earlier the concern is expressed the easier it is to act. It is not expected to prove the truth of an allegation, but sufficient grounds for concern must be demonstrated at the time of making it, to show the allegation is not untrue, vexatious or malicious, and to enable an efficient, prompt and thorough investigation.

### **How Playgroup will respond**

The action taken by Playgroup 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 or child abuse are apparent.
- form the subject of an independent enquiry by the Local Authority or a nominated body outside Playgroup.

To protect individuals and Playgroup, 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 or discrimination issues) will normally be referred for consideration under those procedures.

Some concerns may be resolved by agreed action without the need for an investigation.

Within ten working days of a concern being received the Manager or, where appropriate, the Chairperson of the Board, will write to you:

- acknowledging that the concern has been received.
- indicating how it is proposed to deal with the matter and, where possible, who the investigating officer(s) will be.

- giving an estimate of how long it will take to provide a final response.
- stating whether any initial enquiries have been made.
- stating whether further investigations will take place, and, if not, why not.

Where the matter is being handled by the Manager, a copy of this letter will be sent to the Chairperson of the Board who will ensure that the issue is being appropriately handled.

The amount of contact between the officers considering the issues and the person raising the concern will depend on the nature of the matters raised, the potential difficulties involved, and the clarity of the information provided. If necessary, further information will be sought. When any meeting is arranged, you have the right if you so wish to be accompanied by a friend or a workplace colleague. Playgroup will take steps to minimise any difficulties which have been experienced because of raising a concern. For instance, if it is necessary to give evidence in criminal or disciplinary proceedings, arrangements for release for the person giving evidence from normal duties.

Playgroup accepts that anyone raising such issues needs to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will receive written feedback and information about the progress and outcomes of any investigations. Where such correspondence is with the Manager, a copy will be sent to the Chairperson of the Board who will ensure that the issue is being appropriately handled.

**Where the investigation may deem that further action is necessary in the public interest or that the allegation should be dealt with under alternative procedures**

Examples of further action may include referring the matter to auditors and/or the police or instigating a disciplinary process.

**Taking the Matter Outside Playgroup**

The procedure is intended to provide you with an opportunity to raise concerns within Playgroup and hopefully you will be satisfied with the outcome. If you are not, and you feel it is right to take the matter outside of Playgroup, the following are possible contact points:

- Warwickshire's Early Years team
- Warwickshire Family Connect
- your local Warwickshire County Council Member (if you live in this area)
- relevant professional bodies or regulatory organisations, e.g. PLA
- your solicitor
- the Health and Safety Executive
- the Police
- a Member of Parliament

Where members of staff have concerns relating to the conduct of the Board and/or the Manager of Playgroup, and where it would be unreasonable to

raise these concerns within Playgroup, then Warwickshire County Council's Early Years team or Family Connect should be contacted. If the matter is taken outside of Playgroup, confidential information should not be disclosed as that disclosure is be privileged. This means that confidential documents or confidential information that relates to children, parents or members of staff should be kept confidential unless they should be disclosed in relation to the issue in the public interest.

Where the matter is being dealt with by officers outside Playgroup, your right to be accompanied at meetings by a friend or a workplace colleague remains unaffected. Similarly, you will be kept informed of the progress of any investigations and, subject to legal constraints, will receive feedback and information about the progress and outcome of the investigations.