

Whistleblowing Policy

Our staff are committed to delivering a high quality education service to children and expect high standards from their staff and contractors. To maintain these high standards a culture of openness and accountability is vitally important.

The aims of this policy are threefold:

- To encourage staff to raise concerns about malpractice within the Provision without fear of reprisal.
- To reassure staff that concerns will be taken seriously.
- To provide information about how to raise concerns and explain how the Directors may respond.

Scope of the Policy:

This policy applies to all employees, agency staff, contractors and volunteers engaged by the Provision. There is a separate procedure for children and parents to raise concerns about Provision related issues.

What is whistleblowing?

In practical terms, whistleblowing occurs when a concern is raised about danger or illegality that affects others. As the person blowing the whistle you will not necessarily be directly affected by the danger or illegality. Consequently, you will not necessarily have a personal interest in the outcome of any investigation into your concerns.

This is different from a complaint or grievance. If you make a complaint or lodge a grievance, you are saying that you personally have been poorly treated. This poor treatment could involve a breach of your individual employment rights or bullying, and you are entitled to seek redress for yourself.

Blowing the Whistle on Malpractice

Malpractice covers a wide range of concerns. The types of activity that should be disclosed include but are not limited to the following:

- The physical, emotional, or sexual abuse of children or staff
- Unauthorised use of Provision funds and/or financial maladministration
- Fraud and corruption
- Failure to comply with legal obligations.
- Endangering of an individual's health and safety
- Damage to the environment
- A criminal offence
- Failure to follow financial and contract procedure rules.
- Showing undue favour to a contractor or a job applicant
- Miscarriages of justice

- Deliberate concealment of information relating to any of the above
- Concerns about the professional practice or competence of colleagues, other members of staff or other workers

Should staff raise their concerns with the Directors of the company or their direct line manager.

The earlier a concern is raised the easier it will be to act. You the whistleblower are a witness to events not the investigator. You do not need to wait for compelling evidence of malpractice before raising concerns, but you must have reasonable grounds for your suspicion. When reporting a concern, you should provide as much information and detail as possible. In you should provide the full names of the people involved or who know about what is happening, including the names of those involved, dates of events and any relevant documentation. This will help the investigator to focus on the main issues quickly.

There will be some cases where it is not appropriate for you to raise concerns with your Line Manager, for example where you suspect your Line Manager already knows about the malpractice or where you suspect your Line Manager may be involved. In those cases, you should report your concerns to the Directors.

Depending on the situation, an appropriate response may involve:

- The police investigating a possible criminal offence.
- Local Child Protection service
- Progressive Sports following relevant disciplinary procedures.
- Employees may also wish to seek advice from 'Public Concern at Work '(PCAW), an organisation which is entirely separate from the Provision or the Council. PCAW have lawyers who provide confidential advice, free of charge, to people concerned about wrongdoing at work.

They can be contacted by telephone on 027 404 6609 or email at whistle@pcaw.co.uk.

Whistleblowers who consider that they have been victimised because of whistleblowing should make a formal complaint to their employer immediately giving details of the way in which they believe they have been subject to detriment and their reasons for thinking that the detriment might be connected with their disclosure. You might also wish to contact the Provisions Human Resources Consultancy Team on 020 8825 9478.

You may also choose to raise the matter with:

- Professional Association/Trade Union
- Councillor
- Member of Parliament
- Legal Adviser

It is the responsibility of your employer to ensure that you are not victimised because of whistleblowing.

Confidentiality:

The Provision understands that you may be reluctant to come forward with information about the wrongdoing of a colleague or manager or indeed at all. As such, the Provision recognises that whistleblowers may wish to raise concerns in confidence. If you (the whistleblower) make a request for the matter to be kept confidential then your identity will not be revealed without discussing the matter with you first.

Anonymous Allegations:

It is recognised that the purpose of a whistleblowing policy is to allow people to make protected disclosure with the protection being against any reprisals or victimisation for disclosures made honestly and in good faith. It is very difficult for some people to come forward and make a disclosure and the prospect of having to identify yourself can make the action of whistleblowing all the more daunting.

You are encouraged to give your name when raising concerns. A concern expressed anonymously is much less powerful and is often more difficult to investigate and can lack credibility. The decision whether to investigate an anonymous allegation will be made by your Line Manager and/or the company Directors. When making this decision they will consider the seriousness of the issues raised, the credibility of what is being said and the likelihood of confirming the allegation from other sources.

Protection for the Whistleblower:

All concerns raised under this procedure will be treated seriously and a decision made about whether or not an investigation is appropriate.

Depending upon the nature of the matter it may be referred to the external auditor or the police.

The person to whom you reported your concern will be responsible for keeping you informed about the progress of the investigation and the action, which has been taken, although you may not be told the outcome.

In some cases, the investigation may result in criminal or disciplinary proceedings. If this happens you may be invited to give a written statement or give evidence at a hearing.

Your Line Manager will support you in this process and ensure that you are clear about what will happen.

Allegations not made in the public interest:

Concerns that are raised frivolously, maliciously, or where they are known to be untrue may result in disciplinary action or, in the case of agency staff, the termination of the agency contract. In the case of contractors, the matter will be reported to the Council's relevant Contract Manager so that a decision can be made about the appropriate action to take.

Blowing the Whistle outside the Provision:

In certain circumstances it may be appropriate to raise concerns outside the Provision to the appropriate 'prescribed regulator.' This should only be done where you are raising a genuine concern in the public interest and where you believe the information is true, i.e., more than just suspicion.

You are advised to discuss your concerns with a legal advisor, professional association, trade union or PCAW (see above) before reporting them outside the Provision.

Examples of prescribed regulators are set out below:

- Ofsted (whistleblowing helpline): 0300 123 3155 or whistleblowing@ofsted.gov.uk
- National Audit Office: 020 7798 7999
- Information Commissioner: 0303 123 1113
- Environment Agency: 03708 506 506
- Health and Safety Executive: 0300 0031 647

As a last resort and provided it is appropriate in all the circumstances, you may choose to raise your concern outside the Provision to someone other than prescribed regulator e.g., the police MP. Provided the disclosure is reasonable in all the circumstances and is not made for personal gain, the preconditions are that you:

- Reasonably believed that you would be victimised if you raised the matter initially within the Provision.
- Reasonably believed that the matter would be “covered up” if you raised the matter internally within the Provision or the Council and there is no prescribed regulator.
- You have already raised the matter internally or with a prescribed regulator.