



Strawberry Hill School Clubs Wrap Around Care

Whistleblowing policy and procedures

Wrap Around Care =
St James Breakfast and After School Club
St Richard Reynolds Breakfast and After School Club
Twickenham Prep Wrap Club

As employees are often the first to realise that there may be something wrong within the setting, it is important that they feel able to express their concerns without fear of harassment or victimisation. The Public Interest Disclosure Act (in force since January 1999) recognises this fact and is designed to protect employees, who make certain disclosures of information in 'the public interest', from detriment and/or dismissal. This policy builds on the provisions of the Act. It is recognised that cases may have to proceed on a confidential basis.

The term 'employee' will include temporary staff, volunteers, contractors and ex-employees except where required otherwise by the context. This policy works in conjunction with our other policies. Other documentation should also be considered such as staff disciplinary procedures and staff code of conduct.

Aims

This policy aims to:

- Raise awareness that expressing concerns about unacceptable practice is the responsibility of all employees
- Provide avenues for employees to raise concerns internally as a matter of course, and receive feedback on any action taken
- Provide for matters to be dealt with quickly and appropriately; and ensure that concerns are taken seriously
- Reassure employees that they will be protected from reprisals or victimisation for whistleblowing in good faith
- Allow employees to take the matter further if they are dissatisfied with the response
- Describe how any employee can raise any concerns s/he may have about working practices and who should be informed about the concerns.

Considerations prior to initiating a procedure

Before initiating the procedure, employees should consider the following:

- Does the concern fall within the scope of the whistleblowing procedure because about something that is unlawful or is against the settings policies, falls below established standard or practice or amounts to improper conduct?
- Employees should use the settings manager or team meetings and other opportunities to raise questions and seek clarification on issues which are of day-to-day concern
- Whilst it can be difficult to raise concerns about the practice or behaviour of a colleague, employees must act to prevent an escalation of the problem and to prevent themselves being potentially implicated.
- All employees have the right to raise concerns, which could be about the actions of other employees, private contractors, volunteers or outside agencies.
- Concerns raised by employees about their own conditions of service or salary should be addressed to the settings Manager.

Harassment or victimisation.

Strawberry Hill School Clubs recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The preschool will not tolerate harassment or victimisation and will take action to protect employees when they raise a concern in good faith. This does not mean that if an employee is already the subject of internal procedures such as disciplinary or redundancy, that those procedures will be halted as a result of that employee raising a concern under the Whistle-Blowing Policy.

Confidentiality

Strawberry Hill School Clubs will do its best to protect an employee's identity if confidentiality is requested. However, it must be understood that should the concern raised need to be addressed through another procedure, e.g., disciplinary procedures, the employee may be asked to provide a signed statement as part of the evidence, thus revealing identity. Failure to provide such a statement may mean that further action cannot be taken by the school to address the concern and in some circumstances, Strawberry Hill School Clubs may have to disclose the identity of the employee without their consent, although this will be discussed with the employee first.

Anonymous allegations

Employees are encouraged to put their name to an allegation. Allegations expressed anonymously are much less powerful and more difficult to address, but they will be considered at the discretion of the preschool. In exercising the 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

Untrue allegations

If an employee makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against that employee. If, however, there is clear evidence that an employee has made malicious or vexatious allegations, disciplinary action may be taken against that employee.

Unfounded allegations

Following investigation, allegations may be confirmed as unfounded. This outcome will be notified to the employee who raised the concern, who will be informed that the setting deems the matter to be concluded and that it should not be raised again unless new evidence becomes available.

Principles of processing data under GDPR

Whilst a large proportion of whistleblowing reports are made anonymously, many contain personal data that is divulged as part of the reporting process. The processing of personal data can greatly aid effective operation of a whistleblowing service because it allows a more detailed investigation to take place. It also enables the receiving party to provide feedback to the reporter on the outcome of an investigation.

Consent Under GDPR

Data Handlers must “demonstrate that the data subject has consented” to the processing of his or her data. The consent must be specific, informed and there must be some form of clear affirmative action. This means the whistle-blower will be more informed about how and where their data is stored and, in turn, can exercise their rights under GDPR should they wish to.

Obtaining consent at outset

Data handlers must obtain the consent of the whistleblowing individual regarding their own data at the outset of data collection. In instances when the reporter shares the data of a third party, all affected employees must be informed that their data may be processed, and their consent must be requested to proceed. Only data relevant to the report must be processed, and that information will only be held until the report has been fully investigated and resolved.

Withdrawal of consent

Whilst employees can be asked to agree to the processing of their data for the whistleblowing report, they are also within their rights to withdraw such consent. Under Article 7(3), it must be as easy to withdraw as to give consent. For example, if consent is obtained by a signed letter, it must also be possible to withdraw consent with a signed letter.

How to raise a concern

- As a first step, an employee should normally raise concerns with their immediate manager or their manager's superior. This depends, however, on the seriousness and sensitivity of the issues and who is involved. For example, if an employee believes that their immediate manager is involved, s/he should approach the settings Owner. If you suspect the owner may

be related to the issue you should contact relevant childcare officer attached to the setting. You can also contact the Social Services Referrals Department for advice and assistance. Contact details are available at the end of this policy.

- An employee (including senior staff and manager) can by-pass the direct management line. In this case please refer below (Raising concerns outside the setting).
- Concerns are better raised in writing. The employee should set out the background and history of the concerns, giving names, dates and places where possible, and the 5 reasons why s/he is particularly concerned about the situation. If an employee does not feel able to put the concern in writing, s/he should telephone or meet the appropriate person. It is important that, however the concern is raised, the employee makes it clear that s/he is raising the issue via the whistleblowing procedure.
- Although an employee is not expected to prove the truth of an allegation, s/he will need to demonstrate to the person contacted that there are sufficient grounds for the concern.
- A manager may be informed by an employee about concern(s) and that s/he is 'blowing the whistle' within the procedure in person or in writing or over the phone. The senior management should respond immediately by arranging to meet with the employee to discuss the concern(s) as soon as possible.

Response Stage one

At the initial meeting the manager should establish that:

- There is genuine cause and sufficient grounds for the concern
- The concern has been appropriately raised via the Whistle-blowing Policy. The manager should ask the employee, to put their concern(s) in writing, if s/he has not already done so. The manager should make notes of the discussions with the employee. The employee's letter and/or senior manager's notes should make it clear that the employee is raising the issue via the whistle-blowing procedure and provide:
 - The background and history of the concerns
 - Names, dates and places (where possible)
 - The reasons why the employee is particularly concerned about the situation
 - The employee should be asked to date and sign their letter and/or the notes of any discussion. The should positively encourage the employee to do this, as a concern expressed anonymously is much less powerful and much more difficult to address, especially if the letter/notes become evidence in other proceedings, e.g. an internal disciplinary hearing.

The senior manager should follow the policy as set out above and explain to the employee:

- What steps s/he intends to take to address the concern
- How s/he will communicate with the employee during and at the end of the process and that a written response will be sent out within ten working days
- That their identity will be protected as far as possible, but should the investigation into the concern require the employee to be named as the source of the information, that this will be discussed with the employee before their name is disclosed
- That Strawberry Hill Preschool will do all that it can to protect the employee from discrimination and/or victimisation
- That the matter will be taken seriously and investigated immediately
- That if the employee's concern, though raised in good faith, is not confirmed by the investigation, no punitive action will be taken against them
- If clear evidence is uncovered during the investigation that s/he has made a malicious or vexatious allegation, disciplinary action may be taken against them
- The investigation may confirm their allegations to be unfounded in which case the Preschool will deem the matter to be concluded and s/he will be expected not to raise the concern again, unless new evidence becomes available

Stage two

The senior manager should consult with the owner to determine whether an investigation is appropriate and, if so, what form it should take. A record should be made of the decisions and/or agreed actions. It may be necessary, with anonymous allegations, to consider whether it is possible to take any further action. When making this decision, senior managers should take the following factors into account:

- The seriousness of the issue(s) raised

- The credibility of the concern(s)
- The likelihood of confirming the allegation(s) from attributable sources
- In some cases, it may be possible to resolve the concern(s) simply, by agreed action or an explanation regarding the concern(s), without the need for further investigation. However, depending on the nature of the concern(s) it may be necessary for the concern(s) to:
 - Be investigated internally
 - Be referred to the police
 - Form the subject of an independent enquiry

Senior managers should have a working knowledge and understanding of other Strawberry Hill School Clubs policies and procedures, eg. disciplinary, safeguarding, child protection procedures, to ensure that concerns raised by employees are addressed via the appropriate procedure/process.

Stage three

Within ten working days of a concern being received, the manager receiving the concern must write to the employee:

- Acknowledging that the concern has been received
- Indicating how they propose to deal with the matter
- Giving an estimate of how long it will take to provide a final response
- Telling the employee whether any initial enquiries have been made
- Telling the employee whether further investigations will take place, and if not why not?
- Letting the employee know when s/he will receive further details if the situation is not yet resolved
- Providing the employee with details of whom to contact should s/he be dissatisfied with this response (see below)

Raising concerns outside Strawberry Hill School Clubs

The Whistle-Blowing Policy is intended to provide employees with a procedure for raising concerns and resolving these within the settings.

If an employee is not satisfied with the response, the manager should ensure that s/he is made aware with whom s/he may raise the matter externally:

Public Concern at Work* <http://www.pcaw.co.uk> tel no 0207 404 6609 7

Recognised trade union

Relevant professional bodies or regulatory organisations.

Gary Pickett (Preschool Co-ordinator)

Ofsted (Whistleblowing Hotline) - 0300 123 3155

Richmond Council Single Point Access Tel: 020 8891 7969

The Health and Safety Executive 0845 300 9923

The Audit Commission 020 7828 1212

The Environment Agency 0800 807 060

The Serious Fraud Office 0207 239 7272

HM Revenue and Customs 020 7239 7388

The Department for Business Innovation and Skills 020 7215 5000

The Charity Commission 0845 300 0218

The Information Commissioner 01625 545 745

Care Quality Commission 0207 448 9200

External Audit 020 88917200

The manager should stress to the employee that if s/he chooses to take a concern outside of Strawberry Hill School Clubs, it is the employee's responsibility to ensure that confidential information is not disclosed, ie. confidential information, in whatever format, is not handed over to a third party.

* Public Concern at Work is a registered charity that employees can contact for advice to assist them in raising concerns about poor practice at work. The charity also provides advice to employers as to the possible ways to address these concerns. Monitoring and review The Principal will be responsible for monitoring the implementation and effectiveness of this policy/procedure. The policy/procedure will be reviewed every three years unless new information and guidance arise.

Policy Reviewed October 2023