

# Rickmansworth Children's Centre



## Whistle Blowing Policy

*November 2010 – revised April 2011*

This policy represents the agreed principles for Whistle Blowing throughout the Children's Centre. This policy has been agreed by all staff, Advisory Board and lead agency of the Children's Centre.

### Children's Centre aims

Our Children's Centre community (staff, parents and children) aims to:

- Support and empower all families with young children
- Provide a safe environment for all users of the Children's Centre
- Treat everyone with honesty and respect
- Ensure opportunities for all

### Introduction

Rickmansworth Children's Centre expects the highest standards of conduct from all employees and will treat seriously any concern that an employee may have about illegal or improper conduct. Employees will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the designated person any serious impropriety or breach of procedure. This procedure has been introduced according to Hertfordshire County Council guidelines and thereby in consultation with the trade unions and professional associations. The Public Interest Disclosure Act 1998 governs the making of disclosures concerning workplace activities and affords protection against victimisation or dismissal to employees and workers who make a protected disclosure (blow the whistle), provided that the disclosure is made appropriately and in good faith. The Act protects a whistleblower if they raise a concern about wrongdoing internally and in most cases, with an external regulator. However, the whistleblower will not be protected if, in disclosing the information, he or she commits a criminal offence e.g. a breach of the Official Secrets Act 1989.

## **What is the purpose of this procedure?**

The procedure is designed to enable employees to notify the designated person of any reasonable suspicion of illegal or improper conduct. The procedure requires all employees to act reasonably to uphold the reputation of the Children's Centre and to help maintain public confidence. It is a procedure in which the designated person will be expected to act swiftly and constructively in the investigation of any concerns in accordance with the Children's Centre's disciplinary procedure. Concern about a colleague's professional capability should not be dealt with using this procedure.

## **What the Children's Centre will do**

When a report is made under this policy, the person receiving the disclosure will discuss the matter with the next in line (i.e. if disclosure made to Centre Manager, discuss with lead agency head). A decision will then be made as to how to proceed. This person will act as point of contact with the whistleblower, until the matter is finally resolved.

The whistleblower will be written to, within 10 days of the reporting, acknowledging the report, giving an approximation of the time-scale to resolve the issue, and outlining a proposal for dealing with the report.

Should the report concern a senior member of staff, the matter will be discussed with the Advisory Board who will then determine the process necessary to proceed.

If the report is for any reason, not to be investigated, the whistleblower will be informed in writing as soon as possible, but within 10 days.

For the Children's Centre to fully consider a report, a meeting will ensue, with the whistleblower and any other persons involved in the report to fully establish the facts. The person conducting the meeting may be accompanied by a member of the Advisory Board or the school Board of Governors to take notes and advise where necessary.

The whistleblower may be accompanied by a colleague or Trade Union representative if they wish. This person may speak at the meeting but cannot answer questions. The whistleblower will be given notice of the date of the meeting and it is their responsibility to ensure their companion is available. It may be possible to rearrange the date, within an agreed time frame.

If necessary, for instance, there is a child protection issue or in order to protect public funds, the person in charge of the inquiry will take urgent interim action, before any investigation process.

The Investigating Officer will be somebody not implicated in the alleged act or subsequent disclosure, who is impartial and who will be able to investigate the matter thoroughly and confidentially.

Where the disclosure relates to the actions of an individual, the Investigating Officer will normally be at least a management level more senior than anyone implicated in the

disclosure. In other circumstances, a Board Member or Chief Inspector will determine the most appropriate person to undertake the investigation.

### **Confidentiality**

The number of persons informed will be strictly limited to those who need to know at each stage of the process.

You will also be required to keep the fact that you have raised a disclosure, the nature of the disclosure and the identity of those involved, confidential.

Keeping your identity confidential may make it more difficult to carry out a full investigation into the matter or to take action against a wrongdoer. If the situation arises where we are not able to resolve the concern without revealing your identity (for instance because your evidence is needed in court or you are required to be a witness), we will discuss with you whether, and how to proceed. If the investigation leads to prosecution, you are likely to be called to give evidence in court.

Any employee or worker who reveals the whistleblower's identity in breach of this policy may face disciplinary action.

All communication in writing between persons involved in the report and ensuing investigation will remain confidential, wherever possible.

### **Examples of illegal and /or improper conduct**

*Qualifying disclosures are disclosures of information where the worker reasonably believes one or more of the following matters is either happening, has taken place, or is likely to happen in the future:*

- Fraudulent or improper use of the Children's Centre's money or assets.
- Abuse of other employees
- Abuse of children or parents
- Dangerous practices at work
- Corruptly receiving any gift or advantage
- Allowing private interests and those of the Children's Centre to conflict
- A criminal offence
- A failure to comply with a legal obligation
- Deliberate concealment of information relating to any of the above

If, following investigation, any misconduct is discovered, the issue will be referred to the Children's Centre Discipline and Grievance procedure. Should further action be deemed necessary, for instance, onward referral to the police in the case of criminal action, this will be carried out by a member of the Governing body.

A failure to disclose to Rickmansworth Children's Centre any occurrence listed above is regarded as misconduct. A failure to disclose through the internal system

prior to externally disclosing will also be deemed misconduct and will be treated as such.

### **Examples of when this procedure should be used and further clarification**

- Financial regulations require any employee who suspects fraud, corruption or other financial irregularity to ensure this is reported to the Chief Internal Auditor for possible investigation. Normally you must first report any suspicion of such an irregularity to the Head teacher, who will in turn report it to the Chief Internal Auditor. In most cases this will be done through your line management structure.
- No employee who uses this procedure in good faith will be penalised for doing so.
- Employees must act in good faith and must have reasonable grounds for believing that their information is accurate.
- An employee who is not sure whether the conduct he/she is concerned about does constitute illegal or improper conduct or is unsure about how to proceed can contact a member of the Advisory Board or the school Board of Governors.
- The Children's Centre will not tolerate harassment and /or victimisation of any employee raising concerns.
- Employees who are worried about wrong doing at work do not necessarily have a personal grievance.
- This procedure is **not** designed to replace or be used as an alternative to the grievance procedure, which should be used where an employee is only aggrieved about his/her own situation.

### **Can an employee be dismissed for whistle-blowing?**

Workers who 'blow the whistle' on wrongdoing in the workplace can complain to an employment tribunal if they are dismissed or victimised for doing so. An employee's dismissal (or selection for redundancy) will be unfair if it is wholly or mainly for making a protected disclosure.

### **Mechanism for raising concerns**

- Where the issue concerns the Head Teacher, or having made your report, you believe he/she has failed to take appropriate action, then you should bring it to the attention of the Chair of Governors.

- Depending on the nature of the concern, the complainant will be asked to justify and support their claim. Normally the complainant will be asked to do this in writing. It will therefore be helpful to note down any facts and dates as they happen.
- Depending on the severity of the allegation made, the accused person will be suspended on full pay until the investigation is complete
- Employees who want to use the procedure but feel uneasy about it may wish to consult their trade union initially and bring a friend or trade union representative along to any discussions, so long as the third party is independent of the issue.
- Where anonymity is requested, efforts will be made to meet the request where appropriate, but this might not always be possible. The earlier and more open the expression of concern is, the easier it will be to take appropriate action.
- Each case will be investigated thoroughly with the aim of informing the complainant of the outcome of any investigation as quickly as possible.

If you are unsure whether to use this policy or you would like independent advice at any stage, you may contact:

- your trade union
- ACAS
- Public Concern at Work

### **Advisory, Conciliation and Arbitration Service (ACAS)**

ACAS – [www.acas.org.uk](http://www.acas.org.uk) - operates a nationwide network of help lines which deal with queries about employment matters, including the rights and obligations arising out of employment law. The service is available to any individual or organisation free of charge. Any worker who contacts ACAS will wish to bear in mind the distinction between seeking information about the provisions of the Public Interest Disclosure Act 1998, and the requirements attached to making a protected disclosure, as explained in this policy.

### **Public Concern at Work**

Public Concern at Work – [www.pcaw.co.uk](http://www.pcaw.co.uk) - is an independent organisation which can provide guidance and training to employers on whistle-blowing and can also offer free advice to employees unsure whether or how to raise a disclosure about workplace wrongdoing.