



Poppleton Road OOSC

Whistleblowing

'Whistleblowing is the term used when someone who works in or for an organisation wishes to raise concerns about malpractice, wrongdoing, illegality or risk in the organisation... and/or the cover up of any of these. The malpractice has a public interest aspect to it, usually because it threatens others. It applies to raising a concern within the organisation as well as externally, such as to a regulator.' -OFSTED

The Public Interest Disclosure Act 1998, known as the Whistleblowing Act, is intended to provide protection for employees who 'blow the whistle' on their employers where the employee has a reasonable belief that his/her disclosure tends to show one or more of the following offences or breaches:

- A criminal offence
- The breach of legal obligation (a civil offence)
- A miscarriage of justice
- A danger to the health and safety of an individual
- Damage to the environment
- Deliberately covering up information tending to show any of the above

The purpose of this policy is to ensure employees are aware of the Club's approach to whistle blowing and that they understand the procedure to follow should they suspect any wrongdoing occurring. As Ofsted states in their 'Policy and Guidance for Whistle-blowers' (April 2014):

In the case of local authority safeguarding services, whistleblowing allegations are likely to be about a dangerous or illegal activity, or widespread or systemic failure in the provision or management of services for children and young people.

The risk to others, particularly children, in such circumstances would be very high and it is therefore imperative that staff understand the importance of 'blowing the whistle' and the procedure to follow to do so.



Responsibilities

- The implementation of this policy will ultimately be the responsibility of the Manager, the Deputy Manager and the Trustees for Poppleton Road OOSC.
- The policy will be reviewed annually and updated accordingly.
- The co-operation of all employees is essential for the success of this Policy.
- Any member of staff or volunteer who has concerns about possible abuse, theft, fraud or other misconduct must bring the matter to the attention of the manager.
- If the informant believes that their manager is party to the wrong doing s/he should inform the Trustees.
- If the informant believes the Trustees are party to the wrongdoing, s/he should inform the Chair of Trustees or another Trustee.
- If the informant is a Trustee, then they should inform the Chair of the Board of Trustees. If that is not considered a viable option, then the person with the concern can inform, as appropriate:
 - the Health & Safety Executive
 - the Charity Commission
 - any statutory or non-statutory body that funds the work of the organisation

Whistleblowing Procedure

In the event of an informant coming forward the following will happen, dictated by the circumstances listed previously:

- The manager, in conjunction with the Trustees, will first of all decide whether the matter would be better dealt with under the Grievance or complaints procedures, where the complaint is personal to the complainant.
- If it is not a matter to be dealt with through the Grievance or complaints procedures, the manager will then investigate the complaint and if



appropriate will take every possible step to maintain the anonymity of the employee who has made the allegation of wrongdoing.

- The investigating manager will involve outside agencies if this is appropriate (for example in cases where there is a suspicion of criminal activity).
- Any investigation may involve the person reporting the matter being required to give further assistance by way of clarification or further evidence to support the complaint.
- The employee who has raised the issue of a wrongdoing will be kept informed of any investigation that is taking place.
- The employee will also be informed of the outcome of the investigation whilst protecting the confidentiality of others involved. It might not always be appropriate to tell the employee the detail of any action that is taken, but the employee will be informed if action is taken.
- If the outcome of the enquiry does not satisfy the complainant, then s/he will have the right to raise the matter with a higher authority internally (if one is available), or one of the outside authorities referred to above.

If unsure about the concern, there are various ways of finding more information, such as the Local Authority. Ofsted can also be contacted for advice; information is in the following document. The independent whistleblowing charity 'Public Concern at Work', can be contacted:

- By phone on **020 7404 6609**
- On the website: www.pcaw.co.uk
- Or via email: whistle@pcaw.org.uk

Remember:

If your concern is about an immediate or current risk to an individual child or children, the Safeguarding and Child Protection procedures are brought into action as the safety of the child supersedes this policy.

These concerns will be forwarded to the local authority teams as per the Safeguarding policy. Ofsted does not have any statutory powers to directly investigate or intervene in individual cases.

The Difference Between 'Whistleblowing' and a 'Complaint or Grievance'



Whistleblowing is very different from a complaint or a grievance. The term 'whistleblowing' is used when a person has witnessed misconduct or malpractice which threatens, or has the potential to threaten, other people.

A grievance is when a staff member has a dispute about their own employment position. These are dealt with internally and staff should notify the manager or the Board of Trustees if they wish to make a grievance or complaint. Ofsted cannot take action over grievances as it does not have the powers to do so.

A complaint is when a staff member wishes to raise a concern as they feel that they have personally, or believe that another person has, been mistreated. In these circumstances, a staff member may be expected to provide evidence of the mistreatment as they have a personal interest in the outcome of the complaint. Ofsted has limited powers to deal with complaints (they can only deal with complaints which may show a breach of the childcare regulations) and on the whole, they will be dealt with internally.

Principles and Confidentiality

The Public Interest Disclosure Act 1998 offers protection for staff from 'any detriment from their employer that arises from the worker making a protected disclosure' (Ofsted, 2014), known as a 'qualifying disclosure'.

A qualifying disclosure is any disclosure of information that the whistleblower believes is made in the public interest and demonstrates one or more of the offences and breaches mentioned previously. A disclosure of information is not a qualifying disclosure if the person making it commits an offence by doing so. The disclosure must be made to the appropriate individual listed in the procedure.

The Club's staff and volunteers may, in properly carrying out their duties, have access to, or come into contact with information of a confidential nature. The terms and conditions of employment or volunteer agreements provide that except in the proper performance of their duties, employees and volunteers are forbidden from disclosing, or making use of, such confidential information. However, the law allows employees to make a 'protected disclosure' of certain information. In order to be 'protected', a disclosure must relate to a specific subject matter involving the offences and breaches listed previously, and the disclosure must also be made in an appropriate way. The staff member must:



- Make the disclosure in good faith
- Not make the disclosure for the purposes of personal gain
- Reasonably believe that the information and any allegations are substantially true

There will be no negative repercussions for anyone invoking the whistle blowing procedure even if the issue proves not to be well-founded, providing the 'whistle blower' adheres to these three points.

Normally, it is a matter covered under the list of offences and breaches detailed that will be raised via the whistle blowing procedure. However, a staff member may have a concern which would normally be addressed via the Grievance Procedure but because of the nature of the grievance, they may not feel able to raise the concern via the Grievance procedure, in which case a whistle blowing procedure provides an alternative.

It must be kept in mind that the following situations may result in disciplinary action:

- Any staff member with knowledge of abuse, theft or fraud who does not report this
- Any staff member who makes a malicious complaint or abuses this policy and procedure
- Any staff member who tries to stop or discourage another staff member from coming forward to express a serious concern
- Any staff member who criticises or victimises a staff member after a concern has been expressed

The manager is always available to discuss concerns or enquiries of any nature with all staff and will keep these confidential except in circumstances where the safety and welfare of children or staff is the issue.



This policy was adopted at a meeting of	Poppleton Rd OOSC
Held in:	Nov 2023
To be reviewed in:	Nov 2024
Signed on behalf of the setting:	
Name of Signatory:	
Role of Signatory:	Manager Deputy Manager