

# Thanet Early Years Project

## Whistleblowing Policy (Disclosures in the Public Interest)

### Introduction

At Thanet Early Years Project we are committed to the highest possible standards of openness, probity and accountability and we encourage staff and others working with us to raise any concerns about any aspect of our work to come forward and voice those concerns. In some instances, concerns may need to be expressed on a confidential basis. Staff must acknowledge their individual responsibility to bring matters of concern to the attention of TEYP higher management.

The **Public Interest Disclosure Act 1998** protects employees who raise legitimate concerns about specified matters. It makes provision about the kinds of disclosure which may be protected and the circumstances in which disclosures are protected. These rules are therefore intended to comply with the Act by encouraging employees to make disclosures about fraud, misconduct or wrongdoing to the Thanet Early Years Project (TEYP), without fear of reprisal, so that problems can be identified, dealt with and resolved quickly.

This policy aims to encourage staff to raise serious concerns promptly in order to help and protect both staff and children.

By following this policy you are acting to:

- Prevent a problem from getting worse
- Safeguard children and young people
- Reduce the potential risks to others.

This policy applies to all staff, volunteers and students working for TEYP.

It is recognised that whistle blowing may engender feelings of disloyalty to colleagues or that staff may fear harassment or victimisation. These feelings, however natural, must never result in the behaviour that is causing concern, continuing.

## **Don't think what if I'm wrong - think what if I'm right**

### **Qualifying disclosures**

Certain kinds of disclosure qualify for protection. These are disclosures of information which may be in the public interest. You should use this policy if you believe that one or more of the following matters is either happening now, took place in the past, or is likely to happen in the future:

- ✓ conduct which is, has been or is likely to be an offence or breach of law
- ✓ conduct that has occurred, is occurring or is likely to occur, the result of which TEYP fails to comply with a legal obligation. For example possible fraud and corruption, verbal, sexual or physical abuse, or other unethical conduct discrimination of any kind.
- ✓ disclosures related past, current or likely miscarriages of justice
- ✓ past, current or likely health and safety risks, including risks to the public as well as other employees
- ✓ past, current or likely damage to the TEYP property.

### **Reasons for whistle-blowing**

- ✓ Each individual has a responsibility for raising concerns about unacceptable practice or behaviour.

- ✓ To prevent the problem worsening or widening.
- ✓ To protect or reduce risks to others.
- ✓ To prevent becoming implicated yourself.
- ✓ You believe that your disclosure is in the public interest.

***What stops people from whistle-blowing***

- ✓ Starting a chain of events which spirals.
- ✓ Disrupting the work or project.
- ✓ Fear of getting it wrong.
- ✓ Fear of repercussions or damaging careers.
- ✓ Fear of not being believed.

Your concern must be reasonable, but it need not be correct. It might be discovered subsequently that you were, in fact, wrong, but you must be able to show that your concern was in the public interest and that it was a reasonable one to hold in the circumstances at the time. Note that it is not your responsibility to investigate the matter. That is the TEYP's responsibility.

***Anonymous Allegations***

Whenever possible you should put your name to your allegation as concerns expressed anonymously are much less powerful than those that are attributed to a named individual. However anonymous allegations will be considered and investigated at TEYP's discretion.

***In exercising the discretion, the factors to be considered would include:***

- ✓ the seriousness of the issues raised
- ✓ the credibility of the concern; and
- ✓ the likelihood of confirming the allegation from attributable sources.

***Self reporting***

There may be occasions where a member of staff has a personal difficulty, perhaps a physical or mental health problem, which they know to be impinging on their professional competence. Staff have a responsibility to discuss such a situation with the Project Manager so professional and personal support can be offered to the member of staff concerned. Whilst such reporting will remain confidential in most instances, this cannot be guaranteed where personal difficulties raise concerns about the welfare or safety of children.

***The disclosure procedure***

In order to qualify for protection, there are specified methods of disclosure, or procedures, which you must have followed in order to disclose one of the above matters. TEYP encourages you to raise your concerns under this procedure in the first instance. If your concern relates to a breach of your own contract of employment, you should use the TEYP's grievance procedure. This procedure applies to all employees. In addition, agency workers and contractors who perform functions in relation to TEYP are encouraged to use it.

***The procedure is as follows:***

1. If you wish to make a qualifying disclosure, you should, in the first instance, report the situation to your line manager. If you do not wish to speak to your line manager, you can instead speak to an alternative manager.
2. Such disclosures should be made promptly so that investigation may proceed and any action taken expeditiously.
3. All qualifying disclosures will be treated seriously. The disclosure will be promptly investigated, and, as part of the investigatory process, you will be interviewed and asked to provide a written witness statement setting out the nature and details of your qualifying disclosure and the basis for it. Confidentiality will be maintained during the investigatory process to the extent that this is practical and appropriate in the circumstances. However, in order to effectively investigate a disclosure, TEYP must be able to determine the scope of the investigation and the individuals who should be informed of or interviewed about the

disclosure. TEYP reserves the right to arrange for another manager to conduct the investigation other than the manager with whom you raised the matter.

4. TEYP will also invite you to attend at least one meeting at a reasonable time and place at which your disclosure can be discussed. You should take all reasonable steps to attend that meeting and you have the right to be accompanied by a fellow employee of your choice.
5. Once the investigation has been completed and after the meeting with you has taken place, you will be informed in writing of the outcome and TEYP's conclusions and decision as soon as possible. You will also be notified in writing of your right to appeal against TEYP's decision if you are not satisfied with it. TEYP is committed to taking appropriate action with respect to all qualifying disclosures which are upheld.
6. If you wish to appeal against TEYP's decision, you must do so in writing within five working days of TEYP's decision. On receipt of an appeal, a more senior manager (who may not be the person to whom you addressed your appeal) shall make arrangements to hear your appeal at an appeal meeting. At that meeting you may again, if you wish, be accompanied by a fellow employee of your choice. You should take all reasonable steps to attend the appeal meeting. Following the meeting, you will be informed in writing of TEYP's final decision on your appeal.
7. You will not be penalised for raising a qualifying disclosure even if it is not upheld, unless the complaint was both untrue and malicious. In the event of a malicious complaint, TEYP will refer to the disciplinary procedure when considering further action.
8. Once TEYP's conclusions have been finalised, any necessary action will be taken. This could include either reporting the matter to an appropriate external government department or regulatory agency and/or taking internal disciplinary action against relevant members of staff. If no action is to be taken, the reasons for this will be explained to you. At this point any statements made by you may need to be shared if disciplinary action is being taken.
9. If, on conclusion of the above stages, you reasonably believe that appropriate action has still not been taken, you may then report the matter to the proper authority if you consider it is in the public interest to do so. The Act sets out several prescribed bodies or persons to which qualifying disclosures may be made. However, TEYP always encourages all employees to raise their concerns directly in the first instance, rather than externally. This enables issues to be dealt with promptly and speedily.

### **General principles**

- ✓ be aware of the importance of eliminating fraud or wrong-doing at work. Report anything that you become aware of that is illegal
- ✓ you will not be victimised, subjected to a detriment or dismissed for raising a legitimate matter under this procedure
- ✓ victimisation of an employee for raising a qualifying disclosure under this procedure will be a disciplinary offence and will be dealt with under TEYP's disciplinary procedure
- ✓ covering up someone else's wrong-doing is also a disciplinary offence. Never agree to remain silent about a wrong-doing, even if told to do so by a person in authority
- ✓ maliciously making a false allegation is a disciplinary offence
- ✓ finally, any employee found to be bullying or displaying detrimental behaviour against an individual who has used the whistleblowing policy correctly and in the public interest, will be subject to TEYP disciplinary procedures and may find themselves subject to a personal liability claim.

### **Ofsted**

- Ofsted's whistle blowing dedicated hotline (0300 1233155) was launched in April 2009. It is staffed from 8am to 6pm, Monday to Friday.
- Whistle blowing disclosures can also be submitted to Ofsted by email to the Ofsted

whistle blowing team ([whistleblowing@ofsted.gov.uk](mailto:whistleblowing@ofsted.gov.uk)) or by post to: WBHL, Ofsted,  
Piccadilly Gate, Store Street, Manchester M1 2WD