

# **Bishop Sutton Pre-school & Forest Club**

Charity Registration Number 1172849

## **WHISTLE BLOWING POLICY**

**Definition:** Whistle blowing is raising a concern about malpractice within an organisation or through an independent structure associated with it (UK Committee on Standards in Public Life).

This policy provides individuals in the workplace with protection from victimisation or punishment where they raise a genuine concern about misconduct or malpractice in the organisation. The policy is underpinned by the Public Interest Disclosure Act 1998, which encourages people to raise concerns about misconduct or malpractice in the workplace, in order to promote good governance and accountability in the public interest. The Act covers behaviour, which amounts to:

- A criminal offence
- Failure to comply with any legal obligation
- A miscarriage of justice
- Danger to health and safety of an individual and/or environment
- Deliberate concealment of information about any of the above.

It is not intended that this policy be a substitute for, or an alternative to the group's formal Grievance Procedure, but is designed to nurture a culture of openness and transparency within the organisation, which makes it safe and acceptable for employees and volunteers to raise, in good faith, a concern they may have about misconduct or malpractice.

Employees and volunteers are entitled to expect fair and reasonable treatment from their employer and colleagues. This group has in place formal procedures that paid or unpaid staff can use if they feel they have been unfairly treated or discriminated against

An employee or volunteer who, acting in good faith, wishes to raise such a concern should normally report the matter to their Manager who will advise the employee or volunteer of the action he or she will take in response to the concerns expressed. Concerns should be investigated and resolved as quickly as possible.

If an employee or volunteer feels the matter cannot be discussed with their Manager, he or she should report it to the Committee Chair. They will decide, in consultation where necessary with OFSTED, what action is to be taken. This may include whether the issue raised can be dealt with through the group's own Grievance Procedure/staff allegation.

A disclosure in good faith to the Manager or Committee Chair will be protected. Confidentiality will be maintained wherever possible and the employee or volunteer will not suffer any personal detriment as a result of raising any genuine concern about misconduct or malpractice within the organisation.

Although a member of staff is not expected to prove beyond doubt the truth of the allegation, they will need to demonstrate that they have an honest and reasonable suspicion that malpractice has/ is occurring or is likely to occur.

**Confidentiality**

All concerns will be treated with confidence and every effort will be made not to reveal a staff member’s identity, if they so wish. However, while making all reasonable efforts to maintain the confidentiality of the matter as a whole, at a certain stage in the investigation it will be necessary to make the origin of the complaint known to the person or persons the allegations concern. All concerns raised within the remit of this procedure will be assessed to determine if the confidentiality extends to withholding the name of the complainant. There shall be a substantial reason for doing so, such as a real risk of personal harm. Complainants should be aware however, that their identity may be revealed by inference.

**Untrue allegations**

The Company accepts that deciding to report a concern can be very difficult and uncomfortable.

If a member of staff makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against him/her. If, however, a member of staff makes an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against them.

**Notes to the policy:** The Public Interest Disclosure Act 1998 came into force in July 1999. The Act encourages people to raise concerns about malpractice in the workplace without fear of dismissal or victimisation and, helps to prevent cover up of serious malpractice.

**Malpractice:** applies to people at work raising genuine concerns about crime, civil offences (including negligence, breach of contract, breach of administrative law), miscarriage of justice, danger to health and safety or the environment and the cover up of any of these. It applies whether or not the information is confidential.

In addition to employees the policy applies to relief staff, trainees and student placements, and unpaid workers.

There are no restrictions under employment law on minimum length of service and age. Under the Act, employees may safely seek legal advice on any concerns they have about malpractice.

The Act does not presently cover volunteers.

.....(position)This policy was adopted at a meeting of

*This Policy was re-adopted on* *7<sup>th</sup> October 2020* *(date)*

*Date to be reviewed* *AGM 2021* *(date)*

*Signed on behalf of the Management Committee  
(Chair)*

*Jen Patterson*

*Signed on behalf of the Staff*

*Lin Oakley*

*(Manager)*