



Whistleblowing

June 2020

Statement of intent

Employees are often the first to realise that there may be something seriously wrong within the setting. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues, the childcare setting or other agencies. YMCA Childcare is committed to the highest possible standard of operation, probity and accountability. In line with that commitment, employees and others with serious concerns about any aspect of the provision are encouraged to come forward and voice those concerns. This policy, underpinned by the Public Interest Disclosure Act (1998), makes it clear that employees can do so without fear of reprisals; it is intended to encourage and enable employees to raise serious concerns within the setting rather than overlooking a problem or blowing the whistle outside in an inappropriate way. It is recognised that cases may have to proceed on a confidential basis.

This policy should be used alongside YMCA Trinity Group's organisational Whistle Blowing policy and procedure.

Aim

- 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 whistle-blowing in good faith;
- Allow employees to take the matter further if they are dissatisfied with the response received.

Method

The concern should first be raised internally, with the Childcare Manager. If they feel unable to do this (perhaps because their concern relates to the Childcare Manager), they should raise their concern with the Whistleblowing Policy nominated person.

If you are worried at any stage about how to raise your concern, you should always seek independent advice at the earliest opportunity. This may be to check who is best placed to deal with your concerns or simply to talk the matter through in confidence first. This can be done through the independent whistleblowing charity Public Concern at Work (PCaW) on 0207 404 6609 or by email at





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whistle@pcaw.org.uk. For further information see their website at www.pcaw.org.uk. If you decide to seek advice from a legal advisor, then anything you say to them is automatically protected.

For further advice contact the Information Advice and Assistance (IAA) on 0345 608 0033 or the OFSTED whistleblowing hotline on 0300 123 3155 or email whistleblowing@ofsted.gov.uk.

Step One

The Childcare Manager or the named nominated person may be informed by an employee about concern(s) and that they are "blowing the whistle" within the procedure in person; or in writing or over the phone. Concerns may be raised verbally or in writing. Staff who wish to make a written report are advised to set out the background and history of the concern, giving names, dates and places, where possible, and the reasons for making the disclosure. 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 occurred, is occurring or is likely to occur.

Step Two

The Childcare Manager or the named nominated person should respond immediately by arranging to meet with the employee to discuss the concern(s) as soon as possible.

At the initial meeting The Childcare Manager or the named nominated person should establish that:

- there is genuine cause and sufficient grounds for the concern; and
- the concern has been appropriately raised via the Whistle-blowing Policy.

The Childcare Manager or the named nominated person should ask the employee, to put their concern(s) in writing, if they have not already done so. The Childcare Manager or the named nominated person should make notes of the discussions with the employee.

The employee's letter and/or Childcare Manager or the named nominated person notes should make it clear that the employee is raising the issue via the whistleblowing procedure and provide:

- the background and history of the concerns; and





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- names, dates and places (where possible); and
- 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 Childcare Manager or the named nominated person 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 Childcare Manager or the named nominated person should follow the policy as set out above and in particular explain to the employee:

- what steps they intend to take to address the concern;
- how they 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 the setting 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; and
- 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.

The Childcare Manager or the named nominated person should explain to the employee, as a matter of fact, that:

- if clear evidence is uncovered during the investigation that they have made a malicious or vexatious allegation, disciplinary action may be taken against them; and
- the investigation may confirm their allegations to be unfounded in which case the Nursery will deem the matter to be concluded and they will be expected not to raise the concern again, unless new evidence becomes available.





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Step Three

Following the initial meeting with the employee, the Childcare Manager or the named nominated person should consult with the Childcare Programme Manager (Amanda Spence) Director of Programmes (Vicky Cairney) 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); and
- 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;
- be referred to Ofsted;
- form the subject of an independent inquiry.

Senior Managers should have a working knowledge and understanding of the other setting policies and procedures, e.g. disciplinary, harassment, child protection procedures, to ensure that concerns raised by employees are addressed via the appropriate procedure/process.

Step Four

Within ten working days of a concern being received, the Childcare 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; and/or
- telling the employee whether any initial enquiries have been made; and
- telling the employee whether further investigations will take place, and if not why not; and/or





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- letting the employee know when they will receive further details if the situation is not yet resolved; and
- providing the employee with details of whom to contact should they be dissatisfied with this response.

Safeguards

Harassment or Victimisation

The setting 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 setting 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 whistleblowing policy.

Confidentiality

The setting 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 setting to address the concern and in some circumstances, the setting 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 setting. In exercising the discretion, the factors to be taken into account would include:

- the seriousness of the issues raised;
- the credibility of the concern; and
- 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





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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.

Support to Employees

It is recognised that raising concerns can be difficult and stressful. Advice and support will be made available, as appropriate, to both the employee(s) raising the concerns and the employee(s) subject to investigation.

This policy was adopted on:	Signed on behalf of YMCA Childcare:	Date for review:
29.06.2020	A.Spence	28.06.2021

