

14.1 Whistleblowing

Definition

“Whistle blowing occurs when a worker raises concerns about misconduct within an organisation or within an independent structure associated with it”

The Public Interest Disclosure Act 1998 amended the Employment Rights Act 1996 and it provides protection for individuals who raise legitimate concerns about specified matters, outlined below. These are called qualifying disclosures. A qualifying disclosure is one made in good faith by an individual who has a reasonable belief that:

- a criminal offence (including fraudulent and corrupt behaviour, eg theft, fraud or malpractice)
- a miscarriage of justice
- an act creating risk to health and safety
- an act causing damage to the environment
- a breach of any other legal obligation, or
- concealment of any of the above.

It is not necessary for you to have proof that such an act is being, has been, or is likely to be, committed. You do, however, need to hold a reasonable belief of such an action having been, being or likely to be carried out. If you make such a protected disclosure, you have the right not to be dismissed, subjected to any other detriment, or victimised. This is the case even were it to materialise that you were genuinely mistaken. We will not tolerate any individual being subjected to a detriment as a result of their making a disclosure in good faith. Under the law, interns, contractors or volunteers, are not afforded the same legal protection that is afforded to employees.

We want to promote and encourage an open and honest environment in which concerns can be freely raised. We will therefore, in so far as is possible, aim to treat all individuals making a disclosure in the spirit of the Public Interest Disclosure Act 1998.

You can raise your concern at any time about a current incident or in relation to something that happened in the past or you believe will happen in the

near future. We recognise that children cannot be expected to raise concerns in an environment where staff fail to do so. For this reason, all staff are aware that they have a duty to raise concerns about the attitude or actions of colleagues via the settings whistleblowing and complaints policies and that they have a right to seek appropriate advice from the following

- LADO & safeguarding team telephone number 02084963646 (9-5pm Monday to Friday) email Safeguardingineducation@walthamforest.gov.uk
- Ofsted telephone number call our whistleblowing hotline on 0300 1233155 (8am to 6pm, Monday to Friday) email whistleblowing@ofsted.gov.uk
write to: WBHL, Ofsted, Piccadilly Gate, Store Street, Manchester, M1 2WD
- NSPCC Contact the Whistleblowing Advice Line
- Call 0800 028 0285 or Email help@nspcc.org.uk
- If you have a whistle-blowing question or concern you can contact *Protect* (formerly Public Concern at Work) Charity
Email [Protect - Speak up stop harm \(protect-advice.org.uk\)](mailto:Protect-Speak up stop harm (protect-advice.org.uk)) or call 020 3117 2520

Procedure for disclosure

The Lloyd Park Children's Charity encourages staff to raise concerns internally. If you believe that the actions of anyone (or a group of people) working or volunteering for TLPC, do or could constitute malpractice you should raise the matter with your line manager or member of the SLT. If the concern is regarding a senior staff, a member of the SLT or CEO you can contact a member to the Trustee Board directly (contact details of members of the Trustee Board are displayed in front reception areas).

You may raise your concern verbally or in writing and should include full details and if possible supporting evidence. You must state that you are using the Whistleblowing Policy and specify whether you wish your identity to be kept confidential.

In addition, the disclosure itself must be reasonable and in considering this, an investigation would look at:

- The identity of the person to whom the disclosure was made.
- How serious the concern is
- Whether the issue causing concern still remains.

- Whether the disclosure breached a duty of confidence which the employer owed a third party.

All reasonable steps will be taken to protect your identity. But there may be circumstances in which, because of the nature of the investigation or disclosure, it will be necessary to disclose your identity. This may occur in connection with associated disciplinary or legal investigations or proceedings. It is possible the whistleblower could still become apparent to third parties during the course of an investigation. Equally, should an investigation lead to a criminal prosecution, it may become necessary for you to provide evidence or be interviewed by the police. In these circumstances, again, the implications for confidentiality will be discussed with you.

Anonymous Reporting

All whistleblowing disclosures are taken very seriously. Anonymous disclosures are more difficult to act upon as there may be little or no corroborated evidence to substantiate the allegations. TLPCC does not encourage anonymous reporting as it feels it is more appropriate for individuals to come forward with their concerns.

Support for Whistleblowers

Once a disclosure is made, a named contact will be allocated to keep you up to date with the matter and provide any specific support that you may need.

Detriment includes unwarranted disciplinary action and victimisation. If you believe that you are being subjected to a detriment within the workplace as a result of raising concerns under this procedure you should inform your allocated contact immediately. Workers who victimise or retaliate against those who have raised concerns under this policy will be subjected to disciplinary action.

How a disclosure will be handled

All disclosures will be taken seriously and the following procedure will be used;

1. If you have any personal interest in the matter you have raised, you must disclose this at the outset. Your disclosure under this policy will be acknowledged in writing confirming that the matter will be

investigated. The **Chair of the Trustee Board /Chief executive** will get back to you in due course.

2. A suitable person will be identified to manage the disclosure. This will be someone who is in a position to take any necessary action as an outcome.
3. A suitable person will be instructed to conduct an investigation into the allegation (this person will have had no previous involvement in the matter). We aim to start the investigation within 14 working days of the disclosure and will keep you informed. The length and scope of the investigation will depend on the subject matter of the disclosure. In most instances, there will be an initial assessment of the disclosure to determine whether there are grounds for a more detailed investigation to take place or whether the disclosure is, for example, based on erroneous information.
4. You may be asked to provide more information during the course of the investigation.
5. The investigation report will be reviewed by the person appointed to manage the disclosure.
6. Appropriate action in line with the Charity's policies and procedures will be taken – this could involve initiating a disciplinary process, or informing external authorities to include Ofsted if a criminal action has been committed e.g. fraud or theft. We will endeavour to inform you if a referral to an external authority is about to, or has, taken place, although we may need to make such a referral without your knowledge or consent if it is considered to be appropriate.
7. If it is found that there is not sufficient evidence of malpractice, or the actions of the individual(s) are not considered serious enough to warrant disciplinary action (in line with the Centre's policy), it may be more appropriate for the Manager to take a more informal approach to dealing with the matter.
8. You will receive written notification of the outcome of the investigation, though not all the details or a copy of the report.
9. Possible outcomes of the investigation could be that:
 - The allegation could not be substantiated; or
 - Action has been taken to ensure that the problem does not arise again. You will not, however, be given details about the action taken as this could breach the human rights of the person (s) involved.
10. If you are not satisfied with the response you have received you should raise the matter with the Chair of the Trustee Board outlining your reasons.

11. If you have asked to remain anonymous, care will be taken to respect this request (see section on confidentiality above).

Corrective Action and Compliance

As part of the investigation into disclosures made under this policy, recommendations for the change will be invited from the investigator to enable **Wendy Fields, Chief Executive** to minimise the risk of the recurrence of any malpractice or impropriety which has been uncovered.

The Senior Leadership Team will be responsible for reviewing and implementing these recommendations in the future and reporting back to the Trustee Board on any changes required.

False Disclosures

TLPCC will treat all disclosures of malpractice seriously and protect employees who raise concerns in good faith. However, appropriate disciplinary action will be taken in accordance with the Charity's Disciplinary Procedure against any employee, volunteer or student who is found to have made a disclosure maliciously that they know to be untrue, or without reasonable grounds for believing that the information supplied was accurate. This may result in dismissal.

Policy Name	Whistle Blowing Policy
Version Number	V2
This policy was developed by	Provision of Childcare for Employees Policy
These people were consulted/involved in developing the policy	The Public Interest Disclosure Act 1998 Member of SLT and Deputy manager Governance Group Independent Safeguarding Service
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Signed	
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