**Whistle Blowing**

**Policy**

At Chapel Break OSC CIC we’re committed to the highest possible standards of openness & accountability. In line with that commitment we expect employees, and others that we deal with, who have serious concerns about any aspect of our work to come forward and voice those concerns. This policy makes it clear that you can do so without fear of victimisation, subsequent discrimination or disadvantage – to achieve this we recognise that most cases will need to proceed on a confidential basis.

This policy aims to:

* Encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice within the setting rather than overlooking a problem or ‘blowing the whistle’ outside
* Provide avenues for you to raise those concerns and receive feedback on any action taken
* Ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied
* Reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made any disclosure in good faith.

The public interest disclosure Act 1998 amended the Employment Rights Act 1996 to provide protection for workers who raise legitimate concerns about specified matters. These are called "qualifying disclosures". A qualifying disclosure is one made in good faith by an employee who has a reasonable belief that:

* a criminal offence;
* 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;

Is being, has been, or is likely to be, committed. It is not necessary for the person to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient. The person has no responsibility for investigating the matter, it is the responsibility of the setting to ensure that an investigation takes place.

A person who makes such a protected disclosure has the right not to be dismissed, subjected to any other detriment, or victimised, because he/she has made a disclosure.

This policy applies to all employees. It also covers users of our services, and suppliers as well as those providing services under a contract with the setting in their own premises. This policy is written with regard for the Employment Rights Act 1996.

**Procedure**

All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At the appropriate time, however, you may need to come forward as a witness. We encourage you to put your name to your allegation whenever possible. Concerns expressed anonymously are much less powerful but will be considered at the discretion of the manager. In exercising this 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.

If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. It is unlawful for a person raising a concern in good faith to be victimized at the time of raising the concern, or in the future.

If, however, you make an allegation frivolously, maliciously or for personal gain:

* Disciplinary action may be taken against you if you are an employee
* We may no longer be able to welcome you onto the premises or offer your child a place with us if you are a parent or carer.
* We may discontinue the use of your services if you are a supplier or contractor.

**How to Raise a Concern**

As a first step, you should normally raise concerns with the manager, or the deputy in the manager’s absence. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that the managers are involved you should contact OfSTED

The National Business Unit

Piccadilly Gate

Store Street

Manchester

M1 2WD

0300 123 1231

Concerns may be raised verbally or in writing. Those who wish to make a written report are invited to use the following format:

* the background and history of the concern (giving relevant dates);
* the reason why you are particularly concerned about the situation.

The earlier you express the concern the easier it is to take action. Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.

If you are an employee you may invite your trade union, professional association representative, colleague or friend to be present during any meetings or interviews in connection with the concerns you have raised.

An instruction to cover up wrongdoing is itself a disciplinary offence. If you are told not to raise or pursue any concern, even by a person in authority such as a manager, you should not agree to remain silent. In this event you should report the matter to the manager, or OfSTED if it was the manager who gave you this instruction.

**How the Setting will respond**

The setting will respond to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them. Where appropriate, the matters raised may:

* Be investigated by management, or through the disciplinary process
* Be referred to the police, or other enforcement body

In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which the setting will have in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.

Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

Within ten working days of a concern being raised, the manager (or deputy in the manager’s absence) will write to you:

* Acknowledging that the concern has been received
* Indicating how we propose to deal with the matter
* Giving an estimate of how long it will take to provide a final response
* Telling you whether any initial enquiries have been made
* Telling you whether further investigations will take place and if not, why not.

The amount of contact between the officers considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the setting will seek further information from you. The setting accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform you of the outcome of any investigation.

If misconduct is discovered as a result of any investigation under this procedure our disciplinary procedure will be used, in addition to any appropriate external measures.

**How the Matter Can Be Taken Further**

This policy is intended to provide you with an avenue within the setting to raise concerns and we hope you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside the setting, the following are possible contact points

* Public Concern at Work – by phone on 020 7404 6609, by email at helpline@pcaw.co.uk
* Norfolk Early Years and Childcare Service – 01603 222900
* Ofsted’s on 0300 123 1231, The National Business Unit, Piccadilly Gate, Store Street, Manchester, M1 2WD

Updated: 20/12/2016