

Sunbeams Play

Registered Charity No. 1152188

Safeguarding Children and Young People

12. Whistle Blowing and Handling Allegations within the Group.

Policy Statement

Whistleblowing is the term used when a worker passes on information concerning wrongdoing also referred to as 'making a disclosure' or 'blowing the whistle'. The wrongdoing will typically, although not necessarily, be something witnessed to have taken place at work. To be covered by whistleblowing law, a worker who makes a disclosure must reasonably believe two things:

1. That they are acting in the public interest* and not due to a personal grievance. Personal grievances and complaints are not usually covered by whistleblowing law.
2. That a worker must reasonably believe that the disclosure shows past, present or likely future wrongdoing falling into one or more of the following categories:
 - safeguarding
 - endangering of someone's health and safety
 - criminal offences (this may include, theft or fraud)
 - failure to comply with an obligation set out in law
 - miscarriages of justice
 - damage to the environment
 - covering up wrongdoing in the above categories.

The Whistleblowing law is located in the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998) and provides the right for a worker to take a case to an employment tribunal if they have been victimised at work or they have lost their job because they have 'blown the whistle'.

We are committed to:

- treating all disclosures consistently and fairly
- taking all reasonable steps to maintain the confidentiality of the whistleblower where it is requested (unless required by law to break that confidentiality)
- providing any information on any feedback a whistleblower might receive
- explain that anonymous whistleblowers would ordinarily be unable to receive feedback and that any action taken may be limited
- to ensuring that victimisation of a whistleblower is recognised by all as unacceptable.
- taking any instances of victimisation seriously and manage appropriately
- signposting to information and advice to those thinking of blowing the whistle, such as government guidance, Acas, Public Concern at Work or Trade Unions
- ensuring steps to be taken when blowing the whistle to the relevant prescribed person(s) are clear.

Dealing with disclosures

When a disclosure has been made and if those raising the concern are willing, a meeting will be held with them to gather all the information needed to fully understand their concern and depending on the situation may reach a suitable conclusion through the initial conversation. We are aware that if an investigation concludes that the disclosure was untrue it does not necessarily mean that it was a malicious action by a worker.

We are committed to:

- Treating all disclosures made seriously and through the same process.
- Providing support those raising a concern through access to mentoring, advice and counselling
- Reassuring them that their disclosure will not affect their position at work
- Documenting the whistleblower's request for confidentiality or anonymity
- Producing a summary of the meeting for record keeping, providing a copy to the whistleblower
- Allowing the worker to be accompanied by a trade union representative or colleague at any meeting about the disclosure, if they request it.
- Providing support such as mediation and dispute resolution after a disclosure has been made, to help rebuild trust and relationships in the workplace
- Recording all whistleblowing disclosures received and their nature including the date and content of feedback provided to whistleblowers.

In more serious cases such as safeguarding (Policy No's.1-15) we will inform the relevant authorities as shown below (for full details see Appendix D)

- The Charity Commission for England and Wales
- Children's Commissioner for England
- Ofsted

If a staff member or volunteer decides to whistle blow to a prescribed body rather than our organisation, they must make sure that they have chosen the correct person or body for the issue. The above three bodies can be contacted-see Appendix D for their contact details.

Safeguarding concerns and the role of the LADO

It is important to share **any** child protection concerns or allegations, regarding people who work with children, with Local Authority Designated Officer (LADO) and the social care services enabling a joint and open decision as to how to proceed. As an educational/childcare setting we are also required to inform Ofsted.

Allegations sometimes arise from a differing understanding of the same event, but when they occur, they are distressing and difficult for all concerned. We also recognise that many allegations are genuine and there are some adults who deliberately seek to harm or abuse children. We work to the thresholds for harm as set out in '*Working Together to Safeguard Children*' (2023).

An allegation may relate to a person who works / volunteers with children who has:

- behaved in a way that has harmed a child, or may have harmed a child and/or;
- possibly committed a criminal offence against or related to a child and/or;
- behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children; and/or

- behaved or may have behaved in a way that indicates they may not be suitable to work with children.

The 4th bullet point above recognises circumstances where a member of staff (including locum or supply staff) or volunteer is involved in an incident outside of setting/agency/workplace which did not involve children but could have an impact on their suitability to work with children; this is known as transferrable risk.

At Sunbeams we recognise our responsibility to report/refer allegations or behaviours of concern and / or harm to children by adults in positions of trust known to us, but who are not employed by our organisation to the LADO service directly at lado@norfolk.gov.uk

We will take all possible steps to safeguard our children and to ensure that the adults at Sunbeams are safe to work with children. When concerns arise, we will always ensure that the safeguarding actions outlined in the local protocol and procedures NSCP Protocol 8.3 – Allegations Against Persons who Work/Volunteer with Children and The Management of Allegations Against People Working with Children Procedure are adhered to and will seek appropriate advice.

If an allegation is made or information is received about any adult who works/volunteer in our setting which indicates that they may be unsuitable to work / volunteer with children, the member of staff receiving the information will inform the Safeguarding Lead immediately. This includes concerns relating to agency, supply and specialist staff, students and volunteers. The referral form can be downloaded here, along with more information:

<https://norfolkscp.org.uk/people-working-with-children/how-to-raise-a-concern>

For further information on the role/remit of Norfolk LADO Service, please see NSCP Protocol 8.3 – Allegations Against Persons who Work/Volunteer with Children and The Management of Allegations Against People Working with Children Procedure

It is the duty of everyone in the group to pass on any concerns or allegations of child abuse without delay following guidelines. (Appendix A & B)

- The named Safeguarding Lead is Sue Carr who will refer all safeguarding concerns to the LADO (Local Authority Designated Officer)
- In her absence deputies are Sarah Southernwood and Julie Kiczma.
- In rare situations where the concerns are about the safeguarding lead, it is important to refer to the deputy person. This may not be appropriate; in which case any member may personally refer direct to LADO through a 'consultation form' which can be found at <https://norfolkscb.org/people-working-with-children/how-to-raise-a-concern/local-authority-designated-officer-lado/>
- In an emergency, dialing 999 or 112 (mobile phones outside of the country) may be the only sensible course of action.
- Both LADO and the police will advise, assist and support in any future actions that need to be taken e.g. informing parents/carers.

Any whistle blower disclosing information in good faith will be protected if s/he has reasonable suspicion of 'wrongdoing'.

Disciplinary action and Making a Barring Referral

While an allegation is being investigated we reserves the right to suspend an employee during which time the employee will be paid their normal hourly rate. (fully disciplinary procedure can be read in Appendix E)

Where a member of staff or volunteer has been dismissed due to engaging in activities that caused concern for the safeguarding of children or vulnerable adults, we will *Making a Barring Referral to the Disclosure and Barring Service*.

If an allegation has been made about a staff member or volunteer, then our organisation has a legal duty to make a barring referral if the following conditions are met:

Condition 1

- you withdraw permission for a person to engage in regulated activity with children and/or vulnerable adults. Examples: dismissed, re-deployed, retired, been made redundant or retired.

Condition 2

You think the person has carried out 1 of the following:

- engaged in relevant conduct in relation to children and/or adults. An action or inaction has harmed a child or vulnerable adult or put them at risk or harm or;
- satisfied the harm test
- received a caution for, or a conviction for, or been convicted for a relevant offence

More information on Barring Referrals can be found online at www.submit-a-barring-referral.service.gov.uk where an online referral can be completed

If we need guidance on making a Barring Referral, we will contact the East of England DBS Outreach Advisor for support.

The responsibility for making a barring referral is held by the named Safeguarding Lead Sue Carr. In rare situations where the concerns are about the safeguarding lead, it is important to refer to the Chair of Trustees Ben Dorsett.

There could be times when we might consider that we should still make a referral in the interests of safeguarding children even if the legal duty to refer has not been met. This could include acting on advice of the police or a safeguarding professional, or in situations where there may not be enough evidence to dismiss or remove a person from working with vulnerable groups. DBS are required by law to consider any and all information sent to them from any source. This includes information sent to them where the legal referral conditions are not met. If we do make a referral to DBS where the referral conditions are not met, we will do so in consideration of relevant employment and data protection laws.

Appendix:

- A – Safeguarding flowchart
- B – Reporting concern form flowchart
- C – Raising a concern (Whistleblowing)
- D – Reporting bodies
- E – Disciplinary Procedures

Legal framework

- Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998)

**Public interest – one or more people other than the whistleblower, within or outside of the setting.*

This policy was adopted on

20th April 2015

Policy updated

5th April 2024

Date to be reviewed

April 2025

Signed on behalf of the management committee

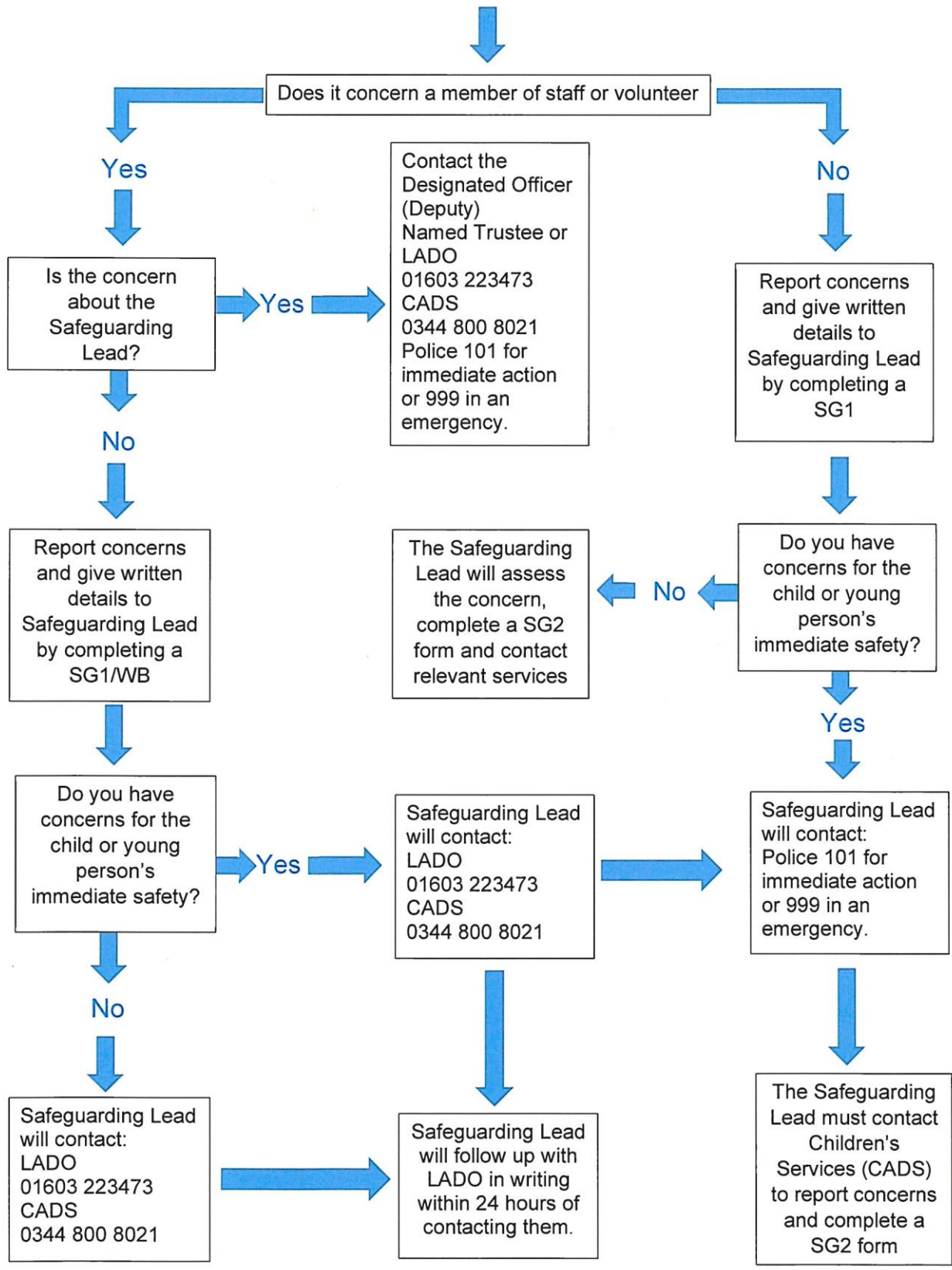
Name of Signatory

Role of Signatory

Reviewed By	Date
Sue Carr	5 th April 2024

Safeguarding Concerns

Do you have a concern about the safety and well-being of a child or young person?



The Safeguarding Lead (or in their absence deputies) must report all concerns raised to the named Safeguarding Trustee.

This chart is for guidance DO NOT delay reporting any concerns to the Safeguarding Team

Concern Form SG1/WB

Please complete this form to record details if you have any concerns about a member of staff or volunteer (do not delay contacting Safeguarding Lead)

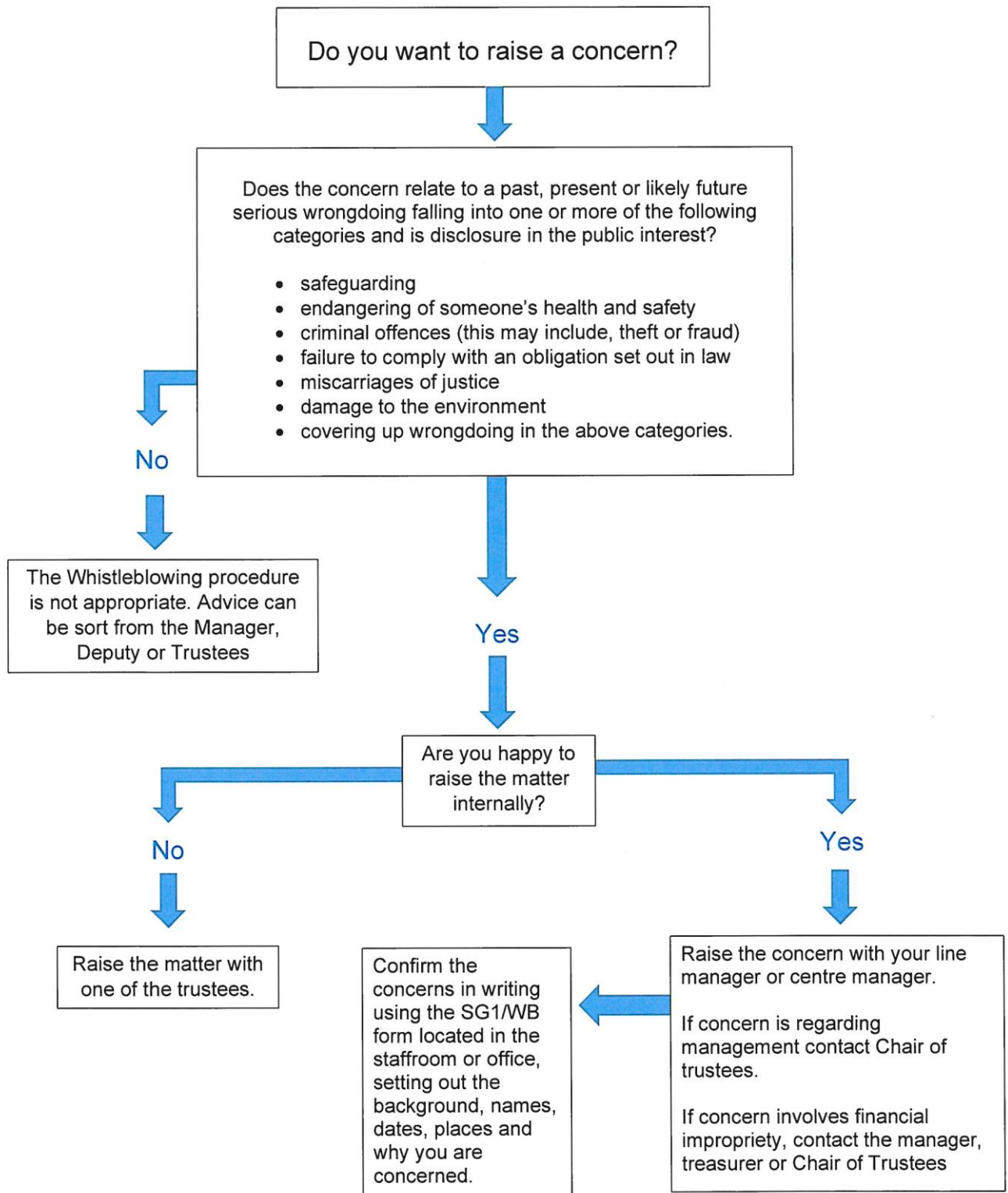
Staff/volunteer's name			
Role		Day/Date/Time	
Member of staff noting concern			

Concern (Please describe as fully as possible) <div style="height: 350px; border: 1px solid black;"></div>	
Date	Signature

Actions Taken			
Date	Action Taken	Person taking Action	Signature

Please pass this form to the Designated safeguarding Lead when completed

Whistleblowing Flowchart



This chart is for guidance (If you are concerned about a child or young person's safety do not delay contacting Safeguarding Lead)

Appendix D

The Charity Commission

You can report things that have happened, are happening or are likely to happen. Only report issues to us that could seriously harm such as:

- the people a charity helps
- the charity's staff or volunteers
- services the charity provides
- the charity's assets
- the charity's reputation

Charity Commission
PO Box 211
Bootle
L20 7YX

Tel: 0300 066 9197
Email: whistleblowing@charitycommission.gov.uk
Website: www.gov.uk/government/organisations/charity-commission

Children's Commissioner for England

Contact them about matters relating to the rights, welfare and interests of children in England.

The Office of the Children's Commissioner
Sanctuary Buildings
20 Great Smith Street
London
SW1P 3BT

Tel: 020 7783 8330
Email: info.request@childrenscommissioner.gov.uk
Website: www.childrenscommissioner.gov.uk

Ofsted

Contact them about matters relating to regulation and inspection of children's social care.

Ofsted
Piccadilly Gate
Store Street
Manchester
M1 2WD

Tel: 0300 123 3155
Email: whistleblowing@ofsted.gov.uk
Website: www.gov.uk/government/organisations/ofsted

Appendix E

DISCIPLINARY PROCEDURE

The employer's aim is to encourage improvement in individual conduct. The following sets out the procedure that will be followed in event of it proving necessary to take action of a disciplinary nature against an employee. This procedure is designed to establish the facts quickly and to deal consistently with disciplinary issues.

The procedure which will be applied will (where appropriate) be consistent with the ACAS Code of Practice "Disciplinary and grievance procedures" (as amended from time to time)

No disciplinary action will be taken until the matter has been fully investigated.

At every stage the employee will be informed of their alleged misconduct in writing and will be given the opportunity to state their case and, if they wish, be represented at hearings. Employees have the right to appeal against any disciplinary decision.

A Disciplinary and an Appeals Panel will be set up, should it be necessary. Both panels will act independently and will be made up of Board members.

Step 1 – The Manager will write to the employee letting them know of the allegations against them and inviting them to a meeting to discuss the allegations and informing the employee of the right to be accompanied.

Step 2 – A meeting will be arranged with the employee and his/her colleague (if they wish to be accompanied). The employee will be notified of the decision and the right to appeal in writing.

Step 3 – If the employee wishes to appeal they should write to the Management Committee within 5 days of the decision. An appeal meeting will be arranged at which the employee has a right to be accompanied. The employee will be informed in writing of the final decision.

DISCIPLINARY ACTION

Stage 1 – Verbal warning

In the case of minor offences the employee will be given a formal verbal warning by the Manager. A note of the verbal warning will be recorded on their personnel file and will be disregarded after 3 months subject to satisfactory conduct and performance.

Stage 2 – First Written Warning

Should there be no improvement following a first verbal warning or in the event of repeated minor offences or a serious offence, the employee will be given a first written warning. A copy will be placed on their personnel file and will be disregarded for disciplinary purposes after 12 months subject to satisfactory conduct and performance. The employee will be required to read and sign the formal written warning.

Stage 3 – Final Written Warning

In the event of repeated minor offences and/or serious offences the employee will be given a final written warning. The employee will be required to read and sign the final written warning. A copy will be placed on the personnel file and will be disregarded for disciplinary purposes after 12 months subject to satisfactory conduct and performance.

Stage 4 – Dismissal

If there is no satisfactory improvement, or in the case of further serious misconduct occurring, the employee will be dismissed. The employee will be given a formal written notice of the decision

together with a statement of the reasons for dismissal, the date on which employment will end and notice of their right to appeal.

APPEALS

An employee who wishes to appeal against any disciplinary decision must do so to the employer within 5 working days. The employer will hear the appeal within 14 days of the decision.

GROSS MISCONDUCT

The following are examples of actions which constitute gross misconduct and will lead to summary dismissal. This list is not exhaustive.

- Refusal to carry out reasonable instructions from the Trustees or Centre Manager.
- Theft or unauthorised possession of any of the employer's goods, materials, products or produce.
- Fraud – any deliberate falsification of records or any deliberate attempt to defraud the employer or fellow employees.
- Violence – any fighting or violence involving any fellow employee or any other person that takes place on the employer's premises or while on the employer's business.
- Indecency which is related to employment with the employer.
- Deliberate damage to employer's or fellow employees' property.
- Intoxication on the employer's premises or inappropriate possession of drugs or alcohol on the employer's premises.
- Serious or repeated failure to comply with the provisions of the employer's Health and Safety Policy.
- Serious or repeated failure to comply with the provisions of the employer's Child Protection Policy.
- Serious or repeated failure to comply with the provisions of the employer's Equal Opportunities Policy.
- Serious or repeated failure to comply with the provisions of the employer's Data Protection Policy.
- Serious or repeated failure to comply with the provisions of the employer's Confidentiality Policy.
- Gross carelessness or negligence.
- Breach of Contract of Employment – any fundamental breach of contract which renders continuation of employment impossible.

Whilst alleged gross misconduct is being investigated the employer reserves the right to suspend an employee during which time the employee will be paid their normal hourly rate.

GRIEVANCE PROCEDURE

The Grievance Procedure is the correct channel for any complaints relating to the disciplinary procedure, discrimination, work practices or concerns regarding management. Every employee has a right to seek redress for grievance about any areas of their employment.

The procedure which will be applied will (where appropriate) be consistent with the ACAS Code of Practice "Disciplinary and grievance procedures" (as amended from time to time)

No action will be taken against an employee for bringing a grievance even if the grievance is not upheld.

The employee has a statutory right to be accompanied by a fellow worker or trade union official. The accompanying person can address the meeting but cannot answer questions on behalf of the employee unless this has been agreed by management.

The following steps should be taken in the event an employee wishes to raise any complaint or grievance relating to any areas of their employment:

Grievance investigations will begin promptly and be concluded within 30 calendar days whenever possible.

Informal Procedure

The employee should first discuss the grievance informally with the Manager, to see if the concern can be resolved.

If the matter cannot be resolved through informal discussion, or the employee prefers to adopt a more formal approach then the employee must raise the grievance formally with management and the following statutory steps should be taken.

Formal Procedure

Step 1 – The employee must set out the grievance in writing to the Manager.

Step 2 – A meeting will take place between the employee and Manager to discuss the grievance.

Step 3 – If there is no satisfactory resolution the grievance will be mailed to a designated member of the Management Committee.

Step 4 – Following investigation the Trustee will inform the employee in writing of the decision as to the response to the grievance and notify the employee of the right of appeal against the decision if they are not satisfied with it.

Step 5 – An appeal can be made to the Management Committee who will carry out an investigation and report to the employee with their decision. There is no further appeal against the Management Committees' decision.

NOTICE PERIODS

The following minimum statutory notice periods must be given to employees who have worked continuously for a period of one month or more:

One week's notice for employees who have worked continuously for one month or more, but less than 2 years.

Two weeks' notice for employees who have worked continuously for 2 years and one additional week's notice for each further complete year of continuous employment up to a maximum of 12 weeks.

Employees must give 1 week's notice during the probationary period of 3 months. Thereafter 4 week's notice is required.

