**VICTORIA COLLEGE BELFAST**

(incorporating Richmond Lodge School)

**Day Care**

**Whistleblowing Policy- Victoria College**

**Referencing Standard 1**

**1. Rationale**

Victoria College aims to support and maintain high standards of conduct and discipline among its staff.

This policy is intended to assist members of Victoria College Day Care staff who believe they have discovered malpractice or impropriety. It cannot be used to question financial or business decisions made by the Board of Governors of the College. Likewise it may not be used to revisit any matters which have already been addressed under harassment, complaints or disciplinary procedures. The policy should be read in conjunction with the Day Care staff handbook.

The Public Interest Disclosure Act 1998 provides legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns. This policy takes account of the provisions of that Act. Those provisions apply where a person discovers information which he or she believes shows malpractice or wrongdoing within an organisation. When that occurs the disclosure can be made without fear of reprisal, and independent of line management.

It is expected that employees will faithfully serve their employer and not disclose confidential information about an employer’s affairs.

**2. Definition**

2.1 The term ‘whistleblowing’ in this policy refers to the disclosure by members of the Day Care staff, or by ex-employees, of malpractice, including illegal acts or negligence within the Day Care setting.

2.2 The policy has been developed in recognition of the fact that staff have a right and a duty to raise with the Day Care management any matter of concern that they might have.

2.3 The policy seeks to encourage staff to use internal mechanisms to report such concerns in the first instance.

2.4 The policy does not replace or alter existing complaints procedures but complements any existing professional and ethical rules, guidelines and codes of conduct used by the setting relating to complaints and freedom of speech.

2.5 The Day Care management recognises that existing policies and procedures which deal with conduct and behaviour at work, for example those relating to disciplinary, grievance and harassment matters or complaints procedures, may not always be appropriate and that extremely sensitive issues may need to be handled by a different procedure (see Day Care staff handbook). This may also apply in other circumstances such as where there is a fear of retribution or because of certain loyalties or relationships.

Examples of the above may be:

* malpractice or ill treatment relating to pupils, parents/guardians or members of staff by any other member of the Day Care community;
* repeated ill treatment of pupils, parents/guardians or members of staff where a complaint has already been made;
* when a criminal offence has been committed, is being committed or is likely to be committed;
* where there is reason to suspect fraud or there is evidence of such fraud;
* failure to comply with legal obligations, for example in respect of health and safety issues or equality and fair treatment;
* the environment has been, or is likely to be damaged;
* a miscarriage of justice has occurred, is occurring, or is likely to occur;
* there is a breach of standing financial instructions;
* undue favour has been shown over a contractual matter or job applicant;
* information on any of the above has been, is being, or is likely to be concealed.

The above list is not intended to be exhaustive or restrictive.

**3. Aims and Objectives**

3.1 The aim of the policy is to promote a culture of openness, transparency and dialogue within the Day Care setting, which at the same time:

* upholds children’s and parents’ rights to confidentiality;
* meets the obligations of members of the College community to their employer;
* does not undermine confidence in the work of Day Care unreasonably
* reassures members of the Day Care staff that they will not be penalised for raising a concern and gives them a process to follow;

3.2 Victoria College Day Care management recognises that in exceptional circumstances – such as an allegation of assault - a member of staff may wish to contact an external agency or the police immediately. Where it is at all possible the management would encourage the use of the internal procedure as set out in this policy.

3.3 The policy should not be used by members of staff who are aggrieved about a personal issue that should properly be pursued through the existing procedures for staff grievance.

3.4 The policy applies to all members of staff including those employed in a temporary capacity.

**4. Responsibilities**

4.1 Victoria College Day Care management has a responsibility to:

* ensure that this policy enables issues raised under it to be dealt with effectively;
* promote a culture of openness and trust in which when issues are raised they are taken seriously and dealt with responsibly.
* ensure that members of staff who raise any issues in good faith, believing them to be of sufficient importance to justify disclosure, but which are not subsequently upheld, are not penalised for doing so.
* where, an individual makes malicious or vexatious allegations and particularly if he or she persists in making them, disciplinary action may be taken against the individual concerned.

4.2 The Day Care Manager, Mrs Rachel Moffitt and Deputy Manager, Mrs Kirsty Hrabovsky have a responsibility to:

* take any concerns reported to them seriously and consider them fully, fairly and sympathetically;
* recognise that raising a concern can be a difficult experience and offer appropriate support;
* seek advice, where appropriate, from other senior colleagues within the setting;
* if it appears appropriate to do so, invoke the formal procedure as set out in paragraph 5.2 of this policy.

4.3 All members of the Day Care staff have a responsibility to:

* recognise that it is their duty to draw to the Day Care management’s attention any matter of serious concern;
* adhere to the procedures set out in this policy;
* maintain their duty of confidentiality to pupils, parents and the College.

If the disclosure of confidential information to the Designated Person (Mrs Rachel Moffitt or Mrs Kirsty Hrabovsky) or an outside agency appears to be justified, a member of staff should first, where appropriate, seek specialist advice from their line manager or trade union/professional body representative or the Designated Person.

**5. Procedure**

5.1 Informal Procedure

If a member of the Day Care staff is concerned about what they believe might be malpractice and have an honest and reasonable suspicion that the malpractice has occurred, is occurring, or is likely to occur, then the matter should be raised in the first instance with their line manager, or if there are specific reasons for not doing so, the appropriate senior manager.

Anyone wishing to proceed in this way is entitled to involve a trade union/professional body representative or work colleague in assisting them.

The Day Care Manager, Mrs Rachel Moffitt, or Deputy Manager, Mrs Kirsty Hrabovsky, will endeavour to obtain information as to the veracity of the allegations.

If this procedure does not allay concerns, then the formal procedure as outlined below may be invoked.

5.2 Formal Procedure

5.2.1 In the event that the matter raised cannot be dealt with informally or under any of the Day Care’s other policies or procedures for dealing with conduct and behaviour at work then the following formal procedure, which involves the active participation of a Designated Person (Mrs Rachel Moffitt or Mrs Kirsty Hrabovsky), should be followed.

5.2.2 The Designated Person for formal procedures will be the Registered Person (Mrs Rachel Moffitt) where a disclosure concerns a member of staff, or the Chairman of the Board of Governors (Mrs Wendy Blundell) if a disclosure concerns the Registered Person. If a disclosure concerns a member of the Board of Governors, then the Designated Person (Mrs Rachel Moffitt or Mrs Kirsty Hrabovsky) will be the Chairman of the Board. In circumstances where the Chairman of the Board is the subject of concern then the Vice-Chairman of the Board will act as the Designated Person.

5.2.3 The Designated Person (Mrs Rachel Moffitt or Mrs Kirsty Hrabovsky) will arrange an initial interview with the member of staff making the disclosure, which will be strictly confidential and will ascertain the area of concern. That person may be accompanied by a member of their trade union/professional body or work colleague. The Designated Person (Mrs Rachel Moffitt or Mrs Kirsty Hrabovsky) will reassure the member of staff about protection from possible reprisals or victimisation and provide them with a copy of the Day Care’s Whistleblowing Policy. The Designated Person (Mrs Rachel Moffitt or Mrs Kirsty Hrabovsky) will write a summary report of the interview, which should be agreed by both parties.

5.2.4 If a disclosure concerns the improper use of public funds then, if the DesignatedPerson is not the Chairman of the Board of Governors, the Designated Person should make the Chairman of the Board of Governors (Mrs Wendy Blundell) aware of the facts.

5.2.5 The Designated Person (Mrs Rachel Moffitt or Mrs Kirsty Hrabovsky) will be responsible for commissioning an investigation. An Investigating Officer will be appointed, drawn from senior members of the College’s staff or the Board of Governors to conduct an investigation under terms of strict confidentiality and in accordance with the Day Care’s disciplinary procedures.

5.2.6 In serious cases, for example, allegations of mistreatment of pupils or fraud an Investigating Panel may be appointed comprising either senior members of the College’s staff, or members of the Board of Governors, or members of both groups to conduct the investigation.

In such a circumstance consideration may have to be given to immediate precautionary suspension from work of the person under investigation. This precautionary suspension should be carried out under the Day Care’s disciplinary procedure.

If as a result of the investigation there is a case to be answered and it is deemed appropriate for formal disciplinary action, a disciplinary hearing will be convened under the Day Care’s disciplinary procedure. Any investigation will be carried out in accordance with the principles, time periods and rights to representation as set out in those disciplinary procedure.

5.2.7 Following the investigation the Investigating Officer/Panel will produce a report and inform the Designated Person (Mrs Rachel Moffitt or Mrs Kirsty Hrabovsky) who will ensure that appropriate action is taken, which may include changes in practice or disciplinary action.

5.2.8 The Designated Person (Mrs Rachel Moffitt or Mrs Kirsty Hrabovsky) may conclude in circumstances where false or malicious allegations have been made, that it is appropriate to invoke the Day Care’s disciplinary procedure against the person or persons who made them.

5.2.9 The Designated Person (Mrs Rachel Moffitt or Mrs Kirsty Hrabovsky) will provide the individual who raises concerns with as much feedback on the outcome of the investigation as is proper in the circumstances. However, the setting may not be in a position to disclose the precise action taken where it would infringe a duty of confidentiality owed to someone else. In particular, precise details of any disciplinary action will not be provided.

**6. Role of Trade Unions and Other Organisations**

A member of the Day Care community involved in any of the above proceedings has the right to consult and seek guidance and support from their professional organisation or trade union.

**7. Review and Evaluation**

This policy will be reviewed at least once a year by the Board of Governors. The policy will be kept under review by senior members of staff who will keep Governors informed should any changes become necessary.

**Whistleblowing at work- Process for Formal Procedure**

A Concern is raised to the Day Care Manager (MrsAmy Baker) / Deputy Manager (Mrs Kirsty Hrabovsky)

The Registered Person, Mrs Amy Baker(or the Chairman of the Board of Governors, Mrs Wendy Blundell, if the complaint is about the Registered Person) will arrange a meeting with the complainant who may be accompanied by their Trade Union representative.

The Registered Person, Mrs Amy Baker (or the Chairman of the Board of Governors, Mrs Wendy Blundell, if the complaint is about the Registered Person) will write a report of the meeting which will be agreed by both parties.

The Registered Person, Mrs Amy Baker (or the Chairman of the Board of Governors, Mrs Wendy Blundell, if the complaint is about the Registered Person) will commission an investigation.

As a result of the investigation, if there is a case to be answered and if disciplinary is required the Displinary Policy will be employed.

The Registered Person, Mrs Amy Baker, will provide feedback to the person who raised the concern but no confidential information will be shared.