

Information and Records

Staff Complaints and Whistleblowing Policy

Any person employed by Handsworth Pre-School can expect prompt, careful consideration of any comments or complaints they make about their own experience at Pre-School.

In terms of complaints, ‘staff’ refers to those who are under a contract of employment with the Pre-School

Public interest disclosure – or whistleblowing – can be undertaken by any member of staff, or adult associated with the Pre-School, and can relate to other members of staff or any adult associated with the Pre-School.

Complaints or Grievances

We would expect any formal complaints about a staff member’s experience to be raised by the person themselves.

We aim to resolve most issues informally and through discussion. We expect that most staff complaints can be dealt with by the staff management team – the Pre-School Leader, Deputy Pre-School Leader and the Business Manager. Staff may involve the Chair, or Vice Chair or Treasurer of the Parent Committee if they consider that the management team are not dealing with their complaint adequately or in line with the procedures set out below.

This policy covers day-to-day issues that may arise in the workplace. Staff subject to disciplinary action cannot complain about the disciplinary action unless they think they are subject to discrimination on the grounds of Disability; Race; Gender Reassignment; Religion or Belief; Sex; Sexual Orientation; Age; Pregnancy and Maternity; and Marriage and Civil Partners.

Staff cannot complain about decisions taken by the management team about the future development of the Pre-School (strategic decisions). They can complain about the operational impact of those decisions.

Any concerns about the safety and welfare of children at Pre-School should be dealt with in line with the procedures set out in the “Safeguarding Protecting Children from Abuse” policy. Staff should speak to the Designated Safeguarding Lead if they have concerns that the behaviour of any other member of staff has harmed or may harm a child.

Staff can ‘Whistleblow’ if they think that the actions of any other staff or Committee member may cause harm to another or to the Pre-School as an organization.

Stage 1: Verbal or Informal Complaints

Informal day-to-day issues should be discussed with the Pre-School Leader. Supervision meetings are held regularly and provide an opportunity for staff to raise any concerns about their role.

Staff should request a meeting with the Pre-School leader if an issue arises in between supervision meetings or if they feel they need a separate opportunity to discuss a specific concern. Meetings are noted, and each party is asked to sign the record of the meeting.

Stage 2: Written Complaints

If the matter has not been resolved satisfactorily following an informal meeting, staff may put their complaint in writing. The complaints letter should be addressed to the Pre-School Leader.

If the concern is about the action of the Pre-School Leader, staff may go to another member of the Pre-School management team. This person will then lead the complaints procedure in line with the actions for the Pre-School Leader, set out below.

Within five working days of a complaints letter being received, the Pre-School Leader will confirm receipt in writing and will set out the next steps s/he will take and the timescale. Any timescales set will take account of Pre-School working hours, term dates and holidays and, if appropriate, the availability of the other staff members, the Chair/named members of the parent Committee whom it may be appropriate to consult. We also reserve the right to seek professional legal or other advice as necessary, which again may impact on how quickly we are able to respond.

Complaints may also be escalated to the Parent Committee at this point, if the Pre-School Leader (or whoever is dealing with the complaint) feels it is appropriate to do so.

Stage 3: Investigating Complaints and Complaints Meetings

Once a written complaint has been received it may be necessary to investigate the details of the complaint. This may include holding separate meetings with the parties involved to find out more information or gain clarification of the issues. Pre-School may also seek external professional advice if necessary.

Once the complaint has been investigated, the staff member will be offered a meeting to discuss the complaint and the next steps.

The meeting will be scheduled during session time. The meeting will be attended by the Pre-School Leader and one other member of the Pre-School management team; or by one member of the management team and the Chair of the Committee (or their Committee

nominee). Meetings will be held on the Pre-School premises during Pre-School hours (9am-12pm).

Staff members may have someone to accompany them to the meeting if they wish. This may be a representative from their trade union, another employee of the Pre-School not involved in the complaint, or another supporter. Names of attendees from the Pre-School and from the staff member should be informed in advance.

Discussion during the meeting will be noted and the outcomes recorded. All parties present at the meeting will be asked to sign the record of the meeting and will receive a copy of the signed version. Should the outcomes of the meeting be satisfactory to all, the signed record will signify that the complaints procedure has been completed. If follow-up action and/or subsequent meetings are required, this will be detailed in the notes of the meetings.

The Pre-School aims to ensure that further action to progress a complaint is taken promptly and within an agreed timescale. If the Pre-School Leader responds to a complaint only in writing, copies of all correspondence will be placed on file. The matter will be considered closed with the Pre-School Leader's response unless the parent responds again in writing.

Stage 4: Escalation and/or Mediation

If it is proving impossible to resolve the complaint, the Pre-School Leader and/or the staff member may escalate the complaint to the Chair of the Committee. This should be done in writing.

If the Chair of the Committee (or their nominee) is already involved in the complaint, either party may propose the involvement of an external mediator. The person proposed as an external mediator should be acceptable to both parties, be able to listen to both sides and offer advice. The mediator has no legal powers but can help define the problem, review the action so far and suggest steps towards resolution. The mediator must work within Pre-School confidentiality and data protection policies.

The Chair/mediator will investigate the details of the complaint. S/he may hold separate meetings with the parties involved, if that is considered helpful. The Chair/mediator must keep an agreed written record of any meetings that are held and any advice he/she gives.

Once s/he has completed his/her investigations, the Chair/mediator will call a final meeting between the Pre-School Leader and the staff member. The purpose of this meeting is to offer the outcome of the investigation and to resolve the complaint. Discussion during the meeting will be noted and the outcomes recorded. All parties present at the meeting will be asked to sign the record of the meeting and will receive a copy of the signed version.

Public Interest Disclosure – Whistleblowing

Staff may Whistleblow when they consider that the actions of others may cause harm to another person or to the organization. This excludes concerns relating to child protection

which must be reported promptly to the Designated Safeguarding Lead, in line with the Safeguarding: Protecting Children from Abuse Policy.

The whistleblower should reasonably believe the information or allegation to be substantially true.

Whistleblowing relates to concerns that rarely have a direct personal impact on the whistleblower. If concerns relate personally to the staff member, they should follow the complaint/grievance procedure set out above.

Staff can whistle-blow on other employees of Pre-School, parents, volunteers, Committee members or any other adult with whom the Pre-School works regularly, should the member of staff have reason to believe that the actions of that person may be of detriment to the Pre-School and/or the welfare of the staff or children.

Actions that could result in whistleblowing include, but are not limited to:

- Activities that may result in criminal offences
- Failure to comply with legal obligations
- Health and safety risks
- Fraud or corruption
- Unauthorised use of Pre-School funds
- Breaches and abuses of Pre-School policies

Staff who raise a genuine concern under this policy will not be at risk of losing their job, nor will it influence any unrelated disciplinary action or redundancy procedures. Any bullying, harassment or victimization of the staff member making the disclosure will not be tolerated and will be dealt with promptly. This may include disciplinary proceedings for others who are considered to be bullying, harassing or victimizing the whistleblower.

Staff who knowingly or maliciously make untrue accusations may be subject to disciplinary proceedings and may be subject to gross misconduct.

Staff who Whistleblow are not protected from the outcomes of their actions if whistleblowing breaks the law. If this is the case, staff may be subject to criminal proceedings as a result of their disclosures.

Making a Public Interest Disclosure

In the first instance, staff should raise their concerns with the Pre-School Leader. Concerns should be put in writing, if possible. If the member of staff is not comfortable putting their disclosure in writing, then they will be offered a meeting with the Pre-School Leader and/or another member of the management team.

Staff members may also ask their trades union representative to make the disclosure on their behalf. Staff may also contact Public Concern At Work's legal helpline on 020 7404 6609 for further advice.

Disclosures made to a legal advisor in the course of obtaining legal advice are protected under the Public Interest Disclosures Act.

Disclosures concerning a third-party person or organization should be made directly to the other organization or employer as appropriate.

Disclosures concerning the actions of the Pre-School Leader should be made in parallel to the Chair of the Committee, who is our nominated Committee lead for Whistleblowing, and one other member of the Pre-School management team who is not involved in the actions giving concern.

Investigating a Public Interest Disclosure

The Pre-School Leader will acknowledge the receipt of a public interest disclosure in writing. She will inform the Chair of the Committee, that a disclosure has been received.

The allegation will be investigated in line with the steps set out above for managing written complaints and complaints meetings. If the allegation relates to potential breaches of the law, referrals to other agencies may be made. If allegations relate to third parties, onward disclosures and/or investigations may be made. The Pre-School reserves the right to seek outside legal or other professional advice in responding to a disclosure and in setting out the next steps. Where matters are referred to other statutory bodies, we will follow their advice on the next steps.

Confidentiality and Data

Matters concerning complaints and whistleblowing will be considered confidential unless they relate to child protection or possible breaches of the law. In these cases, we are required to pass on information to the Local Authority, the Police, other relevant statutory agencies, OFSTED etc, as appropriate.

Verbal complaints received by the Pre-School leader, and the subsequent actions agreed, may be noted by the Pre-School Leader and a copy held on file.

Any written complaints, public interest disclosures and subsequent actions taken and agreed will be noted and held on file for 7 years in line with our data protection policy. OFSTED, the Local Authority, and other statutory agencies may request to view the information held on the Pre-School's Complaints file.

his policy was adopted at a meeting of	Handsworth Pre-school	name of setting
Held on	26 November 2019	(date)
Date to be reviewed	25 November 2020	(date)
Signed on behalf of the management committee		
Name of signatory	Johnny Cooper	
Role of signatory (e.g. chair/owner)	Chair	