

CHARTERS ANCASTER NURSERY



Whistleblowing (Public Interest Disclosure) Policy

Written By:

Date approved by Directors:

Signature:

Date for Review:

1. Policy Summary and Guiding Principles

Introduction

Charters Ancaster at all times conducts itself with the highest standards of integrity and honesty, and with the highest regard for the safety and well-being of the children in its care. It also has the welfare of its employees as a priority, under its duty of care. It expects all employees to maintain the same standards in everything they do.

- 1.1 As an employee of a school, you may be the first to realise that there may be something seriously wrong within the organisation. However, you may not express your concerns because you feel that speaking up would be disloyal to colleagues or the organisation. You may also fear harassment or victimisation, and think it may be easier to ignore the concern rather than report it.
- 1.2 The Directors of the school are committed to the highest standards of openness, probity and accountability. In line with that commitment, we encourage employees, who have serious concerns about any aspect of the school's work, to come forward and voice those concerns.
- 1.3 It is recognised that certain cases will have to proceed on a confidential basis. This policy document makes it clear that staff can do so without fear of reprisals. This Whistleblowing Policy is intended to encourage and enable staff of the school, to raise serious concerns within the school rather than overlooking a problem or discussing it externally.
- 1.4 In addition, the policy provides a means for you to raise a concern under the Public Interest Disclosure Act 1998, which provides you with a certain level of legal protection if you wish to raise legitimate concerns.
- 1.5 Aims and Scope of the Policy
 - provide avenues for you to raise concerns and receive feedback on any action taken
 - allow you to take the matter further if you are dissatisfied with the school's response and
 - reassure you that you will be protected from reprisals or victimisation for whistleblowing in good faith.
- 1.6 There are existing procedures in place to enable you to lodge a grievance relating to your own employment with the school. This whistle-blowing policy is intended to cover concerns that fall outside the scope of other procedures, although the school reserves the right to determine which procedure is appropriate.
- 1.7 Concerns to be reported under this policy may relate to something that:
 - is unlawful;
 - is against the school's policies;
 - falls below established standards or practice; or
 - amounts to improper conduct

1.8 Safeguards Harassment or Victimization. The school recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The school will not tolerate harassment or victimisation and will take action to protect you when you raise a concern in good faith. This does not necessarily mean that if you are already the subject of procedures such as disciplinary, improving performance, grievance or managing attendance, that those procedures will be halted as a result of your whistle blowing.

1.9 Where feasible, you will be contacted when your concern has been investigated to ascertain whether you have suffered any detriment as a result of your whistle blowing. If at any time, either during or after the investigation, you feel that you have suffered any detriment as a result of your whistle blowing you should contact your union, the Nursery Manager or the Chair of the Board of Directors.

Confidentiality: The school treats the details of all whistleblowers in confidence and will do its best not divulge your identity. However, it must be appreciated that the investigation process may reveal the source of the information without us revealing your identity directly, and a statement by you may be required as part of the evidence.

1.10 Anonymous Allegations: Allegations can be made anonymously. However, this policy encourages you to put your name to your allegation, as concerns expressed anonymously are often much more difficult to investigate. For example, we may need to contact you to obtain further information or verify the details you have already given us.

1.11 Anonymous allegations will be considered wherever possible at the discretion of the school. The factors to be taken into account when determining whether an investigation in such a case can proceed would include:

- the seriousness of the issues raised
- the credibility of the concern; and
- the likelihood of confirming the allegation from other, attributable sources

1.12 Untrue Allegations. If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make malicious or vexatious allegations, appropriate action may be taken against you.

2. Main legislative and National Guidance and other relevant documents

Public Interest Disclosure Act 1998
Data Protection Act (1998)
Freedom of Information Act (2000)
Employment legislation Employment policies

3. How to Raise a Concern

3.1 The earlier you express the concern, the easier it is to take action

- 3.2 As a first step, you should normally raise concerns with the Nursery Manager. If you consider that the allegation or some part of your allegation may concern the Nursery Manager, you should approach the Chair of the Board of Directors.
- 3.3 You may invite your trade union or professional association to raise a matter on your behalf.
- 3.4 Although you are not expected to prove an allegation, you will need to demonstrate that there are sufficient grounds for your concern.
- 3.5 There are special rules surrounding the gathering of evidence. Any attempt to gather evidence by people who are unfamiliar with these rules may adversely affect the outcome of the case as evidence has to be collected in accordance with current legislation.
- 3.6 Concerns are best raised in writing. The sort of information required to investigate an allegation are details of the background and history to the case, names, dates, places and, where possible, the reason why you are particularly concerned.
- 3.7 How the School Will Respond. Please see the "Allegations Against Staff" section of the school's Safeguarding Policy for the procedures taken if the allegations pertain to any aspect of keeping children safe.

4. How the Matter can be Taken Further

- a. This whistle-blowing policy is intended to provide an internal procedure through which concerns can be raised, and the school hopes that anyone raising a concern will be satisfied with the action taken. Should you feel unable to raise a concern with your immediate manager, the Nursery Manager or the Chair of Directors, because the allegations relate to them, you should seek independent advice from the Local Authority Designated Officers (LADOs) via SPOA. An employee should not take concerns directly to the media without first complying with this policy.

5. Support for Whistleblowers

- a. All concerns raised under this procedure will be treated seriously and a decision made about whether or not an investigation is appropriate. Depending upon the nature of the matter it may be referred to HR ONE (DCC), the LADOs and/or the police. You will be kept informed about the progress of the investigation and the action which has been taken although you may not be told the outcome. In some cases the investigation may result in criminal or disciplinary proceedings. If this happens you may be invited to give a written statement or give evidence at a hearing. The School will support you in this process and ensure that you are clear about what will happen.
- b. The School will not tolerate harassment or victimisation and will take action to protect you if you have raised a concern in good faith. Any employee who is found to have victimised or harassed an employee who has raised a concern will face disciplinary action.

6. Roles and Responsibilities

6.1 The school's Board of Directors has overall responsibility for:

- maintaining and operating the policy
- annual review of the policy
- annual report on the effectiveness of the policy
- approving amendments to the policy
- promoting the policy periodically
- maintaining a record of concerns raised and the outcomes (but in a form that does not endanger your confidentiality) and will report as necessary to East Sussex County Council.

6.2 Nursery Manager:

- To undertake investigations without undue delay.
- To maintain confidentiality.

a. Employees

- To raise issues of concern responsibly.

b. Others (not employed by the School)

- As an employee of a contractor of the school or a partner organisation, it is recognised that in some cases, you may have concerns which you may want to bring to our attention. The school is committed to encouraging all individuals, including non-school employees to raise serious concerns with the organisation. Whilst we would seek always to protect the anonymity of individuals raising concerns in good faith, the Whistleblowing Policy does not protect employees of external organisations in the same way as school employees.

