



# Charters Ancaster Nursery and Forest School



## Whistleblowing Policy (Public Interest Disclosure)

Reviewed By: Nursery Manager

Date approved by Directors: October 2019 Signature: \_\_\_\_\_

Date for Review: October 2020

## 1. Introduction

This is a 'Whole Nursery Policy' and informs practice in the Forest School and the Nursery.

Charters Ancaster Nursery 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.

As an employee of a nursery, a member of staff may be the first to realise that there may be something seriously wrong within the organisation. However, they may not express their concerns because they feel that speaking up would be disloyal to colleagues or the organisation. They may also fear harassment or victimisation, and think it may be easier to ignore the concern rather than report it.

The Directors of the Nursery 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 nursery's work, to come forward and voice those concerns.

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 Whistle-blowing Policy is intended to encourage and enable staff of the Nursery, to raise serious concerns within the nursery rather than overlooking a problem or discussing it externally.

In addition, the policy provides a means for staff to raise a concern under the Public Interest Disclosure Act 1998, which provides them with a certain level of legal protection if you wish to raise legitimate concerns.

## 2. Aims and Scope of the Policy

- To provide avenues for a staff member to raise concerns and receive feedback on any action taken
- To allow a member of staff to take the matter further if they are dissatisfied with the nursery's response and

- To reassure them that they will be protected from reprisals or victimisation for whistleblowing in good faith.

There are existing procedures in place to enable you to lodge a grievance relating to your own employment with the nursery. This whistle-blowing policy is intended to cover concerns that fall outside the scope of other procedures, although the nursery reserves the right to determine which procedure is appropriate.

**3. Concerns to be reported under this policy may relate to something that:**

- is unlawful;
- is against the nursery's policies;
- falls below established standards or practice; or
- amounts to improper conduct

**4. Safeguards, Harassment or Victimisation.** The nursery 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 nursery will not tolerate harassment or victimisation and will take action to protect a member of staff when they raise a concern in good faith. This does not necessarily mean that if they 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 their whistle blowing.

Where feasible, the member of staff will be contacted when their concern has been investigated to ascertain whether they have suffered any detriment as a result of their whistle blowing. If at any time, either during or after the investigation, they feel that they have suffered any detriment as a result of their whistle blowing they should contact the Nursery Manager/Business Manager, or the Chair of the Board of Directors. Finally if they have no satisfactory response they can contact their union.

**5. Confidentiality:** The Nursery treats the details of all whistle-blowers in confidence and will do its best not to divulge their identity. However, it must be appreciated that the investigation process may reveal the source of the information without the Nursery revealing the member of staff's identity directly, and a statement by them may be required as part of the evidence.

**6. Anonymous Allegations:** Allegations can be made anonymously. However, this policy encourages the staff member to put his/her name to their allegation, as concerns expressed anonymously are often much more difficult to investigate. For example, the

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Nursery may need to contact the member of staff to obtain further information or verify the details that they have already given.

Anonymous allegations will be considered wherever possible at the discretion of the nursery. 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

**7. Untrue Allegations.** If a staff member makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against them. If, however, a malicious or vexatious allegation is made, appropriate action may be taken against the member of staff.

## **8. 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

## **9. How to Raise a Concern**

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

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 Business Manager or Chair of the Board of Directors.

The whistleblower may invite your trade union or professional association to raise a matter on your behalf.

Although member of staff is not expected to prove an allegation, you will need to demonstrate that there are sufficient grounds for your concern.

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

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outcome of the case as evidence has to be collected in accordance with current legislation.

**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 the reporting person is particularly concerned.

#### **10. How the Nursery Will Respond.**

Please see the "Allegations Against Staff" section of the Nursery's Safeguarding Policy for the procedures taken if the allegations pertain to any aspect of keeping children safe.

#### **11. How the Matter can be Taken Further**

This whistle-blowing policy is intended to provide an internal procedure through which concerns can be raised, and the nursery hopes that anyone raising a concern will be satisfied with the action taken. Should a staff member feel unable to raise a concern with their immediate manager, the Nursery Manager, Business Manager or the Chair of Directors, because the allegations relate to them, they should seek independent advice from the Local Authority Designated Officers (LADOs). An employee should not take concerns directly to the media without first complying with this policy. If the member of staff should have concerns about child protection which are not being addressed then they can contact the NSPCC.

#### **12. Support for Whistle-blowers**

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 the LADOs and/or the police. The staff member will be kept informed about the progress of the investigation and the action which has been taken although they may not be told the outcome. In some cases the investigation may result in criminal or disciplinary proceedings. If this happens the staff member may be invited to give a written statement or give evidence at a hearing. The Nursery will support him or her in this process and ensure that they are clear about what will happen.

The Nursery will not tolerate harassment or victimisation and will take action to protect the whistleblower if they have raised a concern in good faith. Any employee who is found to have victimised or harassed another employee who has raised a concern will face disciplinary action.

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### **13. Roles and Responsibilities**

The Nursery'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.

#### **Nursery Manager/Business Manager:**

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

#### **Employees**

- ✓ To raise issues of concern responsibly.

#### **Others (not employed by the Nursery)**

As an employee of a contractor of the nursery or a partner organisation, it is recognised that in some cases, a person may have concerns which they may want to bring to the Management's attention. The Nursery is committed to encouraging all individuals, including non-nursery 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 Nursery employees.

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