

Seedling Nursery

E:seedling@family-tree-club.co.uk
T: 01926 312 820
Ofsted Ur: EY560943

14 Kenilworth Street
Leamington Spa
CV32 4QS

Whistleblowing (Safeguarding) Policy

Policy Consultation & Review

This policy is available on our website and is available on request from the office. We recognise the value our staff bring therefore invite staff to contribute to and shape this policy and associated safeguarding arrangements.

The policy is provided to all staff at induction alongside our Safeguarding policy. In addition, all staff are provided Seedling Nursery HR Reporting Malpractice - 'Whistle Blowing' Policy & Procedure.

The Company Director is responsible for the operation of the policy within the nursery and the overall maintenance of a record of concerns raised in accordance with this policy and the outcomes.

1. Aims

1.1 The nursery has robust safeguarding procedures which are regularly reviewed and updated. However the nursery recognises that there must always be an option for a member of the nursery community to raise a concern if they feel that there has been a child protection failure and that their concerns about the safety or wellbeing of a child are not being acted on.

1.2 The Fair Funding Regulations require LAs from April 2002 to set out a procedure to be followed by all persons working at a nursery, including teachers, support workers, agency workers or nursery governors who wish to complain about financial management or financial probity at the nursery, and how such complaints should be dealt with.

1.3 This nursery is committed to the highest possible standards of openness, probity and accountability and aims to comply with the requirements of the Public Interest Disclosure Act, 1998.

1.4 This Whistleblowing Policy is intended to encourage and enable those covered by the policy to raise serious concerns at an early stage, in the right way and to do so without fear of retribution, victimisation, discrimination or disadvantage.

2. Scope

2.1 The Act provides protection for workers who disclose information which might otherwise be regarded as confidential, if the disclosure falls into one of the categories outlined below:

- a) A criminal offence has been, is being or is about to be committed.
- b) The employer has failed, is failing, or is about to fail to comply with his legal obligations.
- c) A miscarriage of justice has happened, is happening, or is likely to happen.



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- d) An individual's health and safety has been, is likely to be, or is being jeopardised.
- e) The environment is, has been, or is likely to be, damaged
- f) Information falling into any of the above categories has been, is being or is likely to be deliberately concealed.

2.2 By adopting this policy the nursery is reassuring the workforce that they can safely raise concerns about malpractice internally. This will enable the nursery to investigate and deal with such concerns raised and continue to foster a responsible and accountable culture in the organisation.

2.3 Staff and management are expected to notify the nursery of any reasonable and genuine concerns they have about an abuse of the nursery's stated standards, malpractice, theft, fraud, financial abuse, criminal offences, breach of legal obligations, dereliction of the nursery's health and safety responsibilities, damage to the environment, other unethical conduct or the cover up of any of these.

2.4 It is recognised that some cases raised under the Whistleblowing Policy will proceed on a confidential basis. Every effort will be made not to reveal the identity of the individual who raises a concern without their prior consent.

2.5 The policy is not designed to replace the Grievance, Report Malpractice, Disciplinary or Child Protection Procedures. Concerns or allegations that fall within the scope of specific procedures will normally be referred for consideration under those procedures.

2.6 The policy is only about employees and Company Director's and it is not a replacement for the nursery's complaints procedures and other statutory reporting procedures that may apply. The Whistleblowing Policy is primarily to protect the interests of others or of the organisation.

2.7 It is accepted that there may be occasions when a concern turns out to be unfounded but was raised in good faith. The nursery will not take action against the individual in these circumstances. If, an allegation was unfounded and it was clear that it had been raised frivolously, maliciously or for personal gain, then that individual may face disciplinary action.

2.8 The nursery is committed to treating claims of impropriety seriously irrespective of who the alleged perpetrators are. In all cases the nursery will seek the most appropriate sanction against individuals that it considers guilty of malpractice. This includes dismissing employees, taking civil legal action and, in conjunction with the law enforcement agencies, instituting criminal proceedings.

2.9 The aim of the Whistleblowing Policy is to enable employees to raise their concerns in-house and to be assured that action will be taken quickly and effectively. It should not be necessary, in most cases, to take concerns outside the nursery and especially to the media. Staff have a duty of confidentiality towards the nursery. It is a serious matter to disclose confidential information.

3. How the nursery will handle concerns raised

Step One – how to raise a concern



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3.1 There are a number of agreed contacts for employees to raise concerns with under the Whistleblowing Policy. This enables the employee to choose the person to whom they wish to make the disclosure.

3.2 Employees who have a concern about any wrongdoing should normally raise their concerns with their line manager. If however you feel unable to raise the matter with your line manager, for good reason, you may raise the concern with another senior member of nursery staff. If you feel unable to raise your concern with any member of the nursery management you may raise it with the Company Director.

3.3 Concerns may be raised orally or in writing. Make it clear if you want to raise the matter in confidence. The person with whom you raised the concern may have a preliminary meeting with you to discuss the most appropriate route. You may bring a friend/union representative to any meeting that is arranged in connection with the concern you have raised as long as the friend/union representative is not involved in the matter and that the friend agrees to maintain confidentiality.

3.4 You are not expected to prove beyond doubt the truth of an allegation. However, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.

3.5 The nursery hopes that this policy gives you the reassurance you would need to raise concerns internally. However, it recognises that there may be circumstances where progressing through the internal route has failed and you can only properly report your concern to external bodies who have responsibilities to monitor the nursery's compliance to its own standards and legal obligations. Where a staff member feels unable to raise an issue with their employer or feels that their genuine concerns are not being addressed, other whistleblowing channels may be open to them. General guidance can be found at Advice on whistleblowing. The NSPCC whistleblowing helpline is available for staff who do not feel able to raise concerns regarding child protection failures internally. Staff can call 0800 028 0285 – line is available from 8:00 AM to 8:00 PM, Monday to Friday and email: help@nspcc.org.uk

Step Two – What happens once a concern has been raised?

3.7 This appointed person, while maintaining the confidentiality of the complainant, will ensure that any individual who is the subject of the allegation is given details of the allegations in order to respond.

3.8 Once you have raised your concern, the person receiving the whistleblowing allegation will be responsible for ensuring that it is investigated properly. The nature of the investigation will depend upon the concern raised.

3.9 The person receiving your whistleblowing concern is responsible for ensuring you receive feedback on progress, subject to any issues of confidentiality that may be necessary to guarantee a successful conclusion. It may not be possible to inform you of the precise action undertaken where this would infringe a duty of confidence owed by the nursery to another party.

4. Safeguards

4.1 The nursery recognises that the decision to report a concern can be a difficult one to make. The nursery will take appropriate action to safeguard you from recrimination or victimisation as a result of raising a genuine concern.



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4.2 All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. However in some circumstances you may be needed to come forward as witness.

4.3 You are encouraged to put your name to your concern wherever possible. Concerns expressed where the complainant wishes to remain anonymous are much less powerful but the nursery will consider anonymous concerns on a case by case basis.

5. Independent Advice and Helpline

5.1 If you are unsure whether to use the nursery's Whistleblowing Policy, or you want independent advice at any stage, you may contact the independent charity called Public Concern at Work. This organisation seeks to ensure that concerns about serious malpractice are properly raised and addressed in the workplace. The staff will give you free expert and confidential advice about how to raise a concern about serious malpractice at work using a Whistleblowing Policy.

The contact number is: Public Concern at Work on 0207 404 6609.

| This policy was last updated | Signed on behalf of the nursery | Date for review |
|------------------------------|--|-----------------|
| <i>Oct 2019</i> |  | <i>Oct 2020</i> |