



## WHISTLEBLOWING POLICY

### Our Mission Statement

Creating a child centered, safe learning environment which is underpinned by the physical, emotional, mental and spiritual wellbeing of each child; focusing on children's interests whilst providing a challenging curriculum and enabling environments to support children to strive and be prepared for the next stage of their learning journey

LAST REVIEWED ON	SIGNATURE
December 2018	S. MADARI
December 2019	S. MADARI
April 2021	S. MADARI
February 2022	S. MADARI

## **INTRODUCTION**

The Nursery Management Team recognise that a member of staff may be the first to realise if something is wrong within the Nursery. However, the member of staff may not want to express their concerns because they feel that speaking up would somehow be disloyal to their colleagues or to the Nursery. It is important for staff to know that Taqwa Nursery is committed to the highest possible standards of openness, probity and accountability. Part of meeting that commitment is to encourage Workforce Members and others with concerns about any aspect of the Nursery's work to feel able to come forward and voice those concerns. The Nursery recognises the need for confidentiality and the fact that the majority of cases will have to proceed on a confidential basis.

## **SCOPE OF THIS POLICY**

### **Aims of the Policy**

The policy is designed to ensure that staff can raise their concerns about wrongdoing or malpractice within the Nursery without fear of victimisation, subsequent discrimination or disadvantage. It is also intended to encourage and enable them to raise serious concerns within the Nursery rather than ignoring a problem or 'blowing the whistle' outside.

This policy aims to:

- ❖ encourage staff to feel confident in raising serious concerns at the earliest opportunity and to question and act upon concerns about practice;
- ❖ provide avenues for staff to raise those concerns and receive feedback on any action taken;
- ❖ ensure that staff receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied;
- ❖ reassure staff that they will be protected from possible reprisals or victimisation if they have made any disclosure in good faith.

### **Range of the Policy**

This policy is intended to enable those who have concerns regarding wrongdoing or malpractice to report those concerns at the earliest possible opportunity so that they can be properly investigated. The policy is not, however, intended to replace existing procedures, for example:

- ❖ if the concern relates to personal treatment as a member of staff, the staff member should raise this under the existing grievance or disciplinary procedure
- ❖ if a parent/guardian or other user of the Nursery has a concern about services

provided, they should raise this as a complaint to the Nursery; some areas of service have their own specific procedures, e.g. Child Protection procedures.

Where concerns are raised, the subsequent investigation may take the form of any appropriate procedure, either internal or external, e.g. an internal audit enquiry or an external Police Investigation.

The person who has raised the concerns will ordinarily be kept informed of progress and of the outcome of any investigation, although this will be entirely respectful of all GDPR and Data Protection concerns.

### **Who can raise a concern under this Policy?**

The provisions of the policy apply to all:

- ❖ Employees at the Nursery
- ❖ Trustees of the Nursery
- ❖ Employees of contractors working for the Nursery, e.g. agency staff
- ❖ Employees of suppliers
- ❖ Voluntary workers within the Nursery, including students
- ❖ Visitors to the Nursery

### **What should be reported?**

Staff should report any concerns that they have about service provision or about the conduct of Employees or Trustees of the Nursery or others acting on behalf of the Nursery that:

- ❖ make them feel uncomfortable in terms of known standards, or are not in keeping with the Nursery's regulations and policies, or fall below established standards of practice, or are improper behaviour

These concerns might relate to:

- ❖ conduct which is an offence or a breach of the law
- ❖ disclosures related to miscarriages of justice
- ❖ racial, sexual, disability or other discrimination
- ❖ health and safety of the public and/or other Employees
- ❖ damage to the environment
- ❖ unauthorised use of Public/Nursery funds
- ❖ possible fraud and corruption
- ❖ neglect or abuse of clients, or
- ❖ other unethical conduct

This list is not exhaustive.

## **SAFEGUARDS**

### **The Legal Framework**

The Public Interest Disclosure Act 1998 provides legal protection, in certain circumstances, to anyone making disclosures in good faith about malpractice. This Act makes it unlawful for an employer to dismiss anyone or allow them to be victimised on the basis that they have made an appropriate lawful disclosure in accordance with the Act.

### **Harassment or Victimisation**

Taqwa Nursery is committed to good practice and high standards and to being supportive of its staff. The Nursery Management Team recognises that the decision to report a concern can be a difficult one to make. If a member of staff honestly and reasonably believes what they are saying is true, they should have nothing to fear because they will be doing their duty to the Nursery, their colleagues and those for whom they are providing a service

The Nursery Management Team will not tolerate any harassment or victimisation (including any informal pressures) and will take the appropriate action to protect staff when they raise a concern in good faith.

### **Support for the Person Raising Concerns**

Throughout the process the member of staff will be given full support from the Manager and Trustees of the Nursery. Their concerns will be taken seriously and the Nursery will do all it can to help them throughout the investigation e.g. provide access to advocacy services where the individual has no access to Trade Union Support.

If, following discussions with the member of staff, the Manager and Trustees consider redeployment on a temporary basis is appropriate, the Nursery will seek to arrange for this to take place via liaison with other Nursery's and with the Local Authority.

### **Confidentiality**

All concerns will be treated in confidence and any records relating to the case should be handled in accordance with the Data Protection Act and GDPR. Every effort will be made not to reveal the identity of the member of staff who raises concerns, should that be their wish.

If the concerns raised are investigated as part of the disciplinary/grievance procedures, it may be that it is not possible to take the appropriate action on the disclosure without the help of the person raising the concerns. As a result, they may be asked to come forward to act as a witness. If they agree to this, they will be offered the appropriate advice and support.

### **Anonymous Allegations**

This policy encourages staff to put their name to their allegation whenever possible. Concerns expressed anonymously are much less powerful but they may be considered at the discretion of the Nursery. In exercising this discretion, the factors to be taken into account would include:

- ❖ the seriousness of the issue raised
- ❖ the credibility of the concern; and
- ❖ the likelihood of confirming the allegation from other sources.

### **Untrue Allegations**

Some concerns raised may, when investigated, prove to be groundless. If a concern is raised or an allegation made in good faith by someone reasonably believing it to be true and their concerns are not confirmed by investigation, they should have nothing to fear as the Nursery will recognise their genuine motives. However, it needs to be stated, should someone make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against them.

## **RAISING A CONCERN**

### **Who should a concern be raised with?**

As a first step, staff should normally raise concerns with their Manager. This might depend, however, on the seriousness and sensitivity of the issues involved and who is suspected of the wrongdoing.

If this is not appropriate, for example, if they are the person or persons about whom the concerns relate, staff should raise their concerns with the Board of Trustees.

If they are not confident that either of these will deal with their concerns properly, then they may raise the issue with the Strategic Director for Children & Young People's Services, who may bring it to the attention of the Nursery and ask them to investigate or indeed investigate on the nursery's behalf.

If an individual is unsure whether or how to raise a concern or wants confidential advice, they may wish to consult their Trade Union. Alternatively, they can contact the

Independent charity Public Concern at Work on 02074046609 or at [helpline@pcaw.co.uk](mailto:helpline@pcaw.co.uk)

Their lawyers can give individuals free confidential advice on how to raise a concern about serious malpractice at work. It is possible for employers to register for assistance with Public Concern at Work, for a fee. For additional information on Public Concern at Work and how it might help you, please visit [www.pcaw.co.uk](http://www.pcaw.co.uk).

Taqwa Nursery currently has no connection with Public Concern at Work, and would advise anyone seeking advice to speak to Citizen's Advice Bureau or UCAS

### **How to raise concern(s)**

Staff may raise their concern by telephone, in person or in writing. In the interests of confidentiality, staff may raise concerns via their Trade Union. The earlier they express their concern, the easier it is to take action.

They will need to provide the following information:

- ❖ the background and history of the concern (giving relevant dates);
- ❖ the reason why they are particularly concerned about the situation.

Although they are not expected to prove beyond doubt the truth of their suspicion, they will need to demonstrate to the person contacted that there are reasonable grounds for their concern. Staff may wish to consider discussing their concern with a colleague first and they may find it easier to raise the matter if there are two (or more) of them who have had the same experience or concerns.

They may invite their Trade Union, professional association representative or a friend to be present during any meeting or interviews in connection with the concerns they have raised.

### **HOW THE NURSERY WILL RESPOND**

The Nursery will take concerns seriously and will respond to them. In order to be fair to all employees, including those who may have been wrongly or mistakenly accused, initial enquiries will be made to decide whether an investigation is appropriate and, if so what form that investigation should take.

Where concerns or allegations fall within the scope of specific Nursery procedures, then they would normally be referred for consideration under those procedures.

As a result of this, where appropriate, the concerns raised may:

- ❖ be investigated by management staff, internal audit or through the grievance and disciplinary procedures;
- ❖ be referred to external auditors;
- ❖ be referred and dealt with under the established child protection procedures;
- ❖ form the subject of an independent inquiry.

Within 14 working days of a concern being raised the Manager (or Chair of Trustees if raised with the board) will write to the person raising the concern:

- ❖ acknowledging that their concern has been received;
- ❖ indicating how the Nursery propose to move forward with or deal with the issue;
- ❖ stating whether any further investigations will take place (and if not, explaining why this is the case);
- ❖ supplying information on support mechanisms for Employees.

The amount of contact between the person raising the concern and those considering the issues will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. It is likely that the person raising a concern will be interviewed to ensure that their disclosure is fully understood.

A meeting can be arranged away from the workplace, if they wish, and a union or professional association representative or a friend may accompany them in support. The Nursery will do what it can to minimise any difficulties that Employees may experience as a result of raising a concern. For instance, if they are asked to give evidence in criminal or disciplinary proceedings, the Nursery will arrange for them to receive appropriate advice and support and assurances will be provided that the disclosure has been properly addressed. Unless there are any legal reasons why this cannot be done, they will be kept informed of the progress and outcome of any investigation.

## **THE RESPONSE OFFICER**

The Manager has overall responsibility for the maintenance and operation of this policy. The Manager will maintain a record of concerns raised and the outcomes. Records will be kept in such a way so as not to endanger the confidentiality concerning the identity of the person raising concerns and will keep all written documentation as per the Nursery's documentation retention schedule. The Manager will report to the Board of

Trustees as necessary.

## **HOW THE MATTER CAN BE TAKEN FURTHER**

The aim of the policy is to provide Employees and other Workforce Members with an appropriate way to raise their concerns. Hopefully, all actions taken by the Nursery in response to the issues raised will be satisfactory. However, should this not be the case and it is felt as necessary to take the matter outside the Nursery, our prescribed contacts are:

- ❖ the Local Authority's Strategic Director for Children & Young People's Services
- ❖ the External Auditor
- ❖ the relevant Trade Union
- ❖ the Police

This does not prevent staff from seeking their own legal advice. If the Employee or Workforce Member raises their concerns outside the Nursery, they should ensure that it is to one of the above prescribed contacts. A public disclosure to anyone else could take them outside the protection of the Public Interest Disclosure Act and of this policy. Confidential Information should not be disclosed publicly or to others, such as a client or contractor of the Nursery, except to those included in the list of prescribed contacts.

## **REVIEW OF POLICY**

This policy is subject to review every 12 months. As part of this process, views will be sought from Employees and other Workforce Members and relevant Trade Unions, with regard to how effectively the policy has operated and whether any revision is needed.