

# Whistleblowing Policy

The Gooseberry Bush Day Nursery provides a friendly and safe environment for children, families and staff alike. The whistleblowing policy has been put in place to ensure that the GBDN continues to remain a safe environment for the children, their families, and for the staff team.

Whistleblowing often goes hand-in-hand with Safeguarding due to the nature of some concerns. This policy however covers all types of concerns for example: malpractice, criminal activity, unethical behaviour towards others, etc.

Who do I report my concern to?	
Designated Safeguarding Lead (DSL)	Claire Buscombe
Deputy Designated Safeguarding Leads (DDSL)	Jean Scoffin & Jenni Richards
Children in Care (nominated person)	Claire Buscombe
Single Point of Contact (SPOC)	Claire Buscombe
Child Sexual Exploitation Lead	Claire Buscombe
Safeguarding Trustee	Nick Lake
Whistleblowing Trustee	Chris Bray

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## **Introduction and scope of this policy:**

This policy is intended to cover concerns which are in the public interest and may, at least initially, be investigated separately but might then lead to further procedures e.g. disciplinary.

These concerns could include:

- Financial malpractice or impropriety or fraud
- Failure to comply with a legal obligation
- Dangers to Health & Safety or the environment
- Falls below nursery's established standards or practices
- Criminal activity
- Improper conduct or unethical behaviour towards children, colleagues and families
- Attempts to conceal any of the above

## **Safeguards:**

### Protection:

This policy is designed to offer protection to those employees of the Company who disclose such concerns provided the disclosure is made:

- in good faith
- in the reasonable belief of the individual making the disclosure that it tends to show malpractice and if they make the disclosure to an appropriate person. It is important to note that no protection from internal disciplinary procedures is offered to those who choose not to use the procedure. In an extreme case malicious or wild allegations could give rise to legal action on the part of the persons complained about.

## Confidentiality:

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 staff when they raise a concern in good faith. It is recognised that certain cases will have to proceed on a confidential basis.

The nursery's "**Whistleblowing' Policy**" makes it clear that staff can do so without fear of reprisals. It is intended to encourage and enable staff to raise serious concerns within the nursery, rather than overlook a problem or 'blow the whistle' outside.

The nursery will treat all such disclosures in a confidential and sensitive manner. The identity of the individual making the allegation may be kept confidential so long as it does not hinder or frustrate any investigation. However, the investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the evidence required.

## Anonymous Allegations:

This policy encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously are much less credible, but they may be considered at the discretion of the nursery.

In exercising this discretion, the factors to be taken into account will include:

- The seriousness of the issues raised,
- The credibility of the concern,
- The likelihood of confirming the allegation from attributable sources.

## Anonymous Allegations:

If an individual makes an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against that individual.

In making a disclosure the individual should exercise due care to ensure the accuracy of the information. If, however, an individual makes malicious or vexatious allegations, and particularly if he/she/they persists with making them, disciplinary action may be taken against that individual.

## **Procedures for making a disclosure:**

Concerns are better raised in writing. Staff are invited to set out the background and history of their concern, giving names, dates and places where possible, and the reason why they are particularly concerned about the situation. If staff do not feel able to put their concern in writing, they can telephone or meet the appropriate officer. The earlier staff expresses the concern, the easier it is to take action.

On receipt of a complaint of malpractice, the member of staff who receives and takes note of the complaint, must pass this information within 24 hours, to the appropriate designated investigating officer as follows:

- Complaints of malpractice will be reported to LADO (01872 326536).
- The complainant has the right to bypass the line management structure and take their complaint direct to the Chair of Trustees. The Chair of Trustees will inform LADO.

Should none of the above routes be suitable or acceptable to the complainant, then the complainant may report to LADO themselves.

1. Claire Buscombe (Manager)
2. Jean Scoffin (Deputy Manager)
3. Jenni Richards (Deputy Manager)

*OFSTED will be informed within 14 days of complaint being made.*

## **Timescales:**

LADO would take the investigating lead unless they advised DSL to act.

Due to the varied nature of these sorts of complaints, which may involve internal investigators and / or outside agencies, it is not possible to lay down precise timescales for such investigations. The investigating officer should ensure that the investigations are undertaken as quickly as possible without affecting the quality and depth of those investigations.

The investigating officer will send a written acknowledgement of the concern to the complainant and thereafter report back to them in writing the outcome of the investigation and on the action that is proposed. If the investigation is a prolonged one,

the investigating officer should keep the complainant informed, in writing, as to the progress of the investigation and as to when it is likely to be concluded.

All responses to the complainant should be in writing and sent to their home address.

## **Investigating Procedure:**

The investigating officer should follow these steps:

- 1) Full details and clarifications of the complaint should be obtained.
- 2) The investigating officer along with an independent witness should inform the member of staff against whom the complaint is made as soon as is practically possible. The member of staff will be informed of their right to be accompanied by another representative at any future interview or hearing held under the provision of these procedures.
- 3) The investigating officer should consider the involvement of the nursery auditors, OFSTED and the Police at this stage and should consult with the Chairman.
- 4) The allegations should be fully investigated by the investigating officer with the assistance where appropriate, of other individuals / bodies.
- 5) A judgement concerning the complaint and validity of the complaint will be made by the investigating officer. This judgement will be detailed in a written report containing the findings of the investigations and reasons for the judgement. The report will be passed to the management committee.
- 6) The management Chairman will decide what action to take. If the complaint is shown to be justified, then they will invoke the disciplinary or other appropriate nursery procedures.
- 7) The complainant should be kept informed of the progress of the investigations and, if appropriate, of the final outcome.
- 8) If appropriate, a copy of the outcomes will be passed to the nursery Auditors to enable a review of the procedures.

If the complainant is not satisfied that their concern is being properly dealt with by the investigating officer, they have the right to raise it in confidence with the management committee, or one of the designated persons described above.

If the investigation finds the allegations unsubstantiated and all internal procedures have been exhausted, but the complainant is not satisfied with the outcome, the complainant is not satisfied with the outcome of the investigation, the nursery recognises the lawful rights of employees and ex-employees to make disclosures to prescribed persons (such as the Health and Safety Executive, the Audit Commission, or the utility regulators), or, where justified, elsewhere.

This policy was ~~created~~ updated by the GBDN on: 2/11/2020

Reviewed on: .....

Signed by the Manager, on behalf of GBDN: *C. Buscambé* .