



# WHISTLEBLOWING Policy

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Grassroots Day Nursery is committed to being open, honest and accountable. It encourages a free and open culture in its dealings between the Management and workers.

This Policy aims to help Management, members of staff and volunteers to raise any serious concerns they may have about colleagues or their employer with confidence and without having to worry about being victimised, discriminated against or disadvantaged in any way as a result.

It is written in the context of the Public Interest Disclosure Act 1998, which protects employees who 'blow the whistle' on malpractices within their organisation.

## **What types of concerns?**

The Policy is intended to deal with serious or sensitive concerns about wrongdoings, such as the following:

- A criminal offence
- Failure of a safeguarding procedure
- A failure to comply with any legal obligation
- A miscarriage of justice
- Unauthorised use of the Organisation's money
- Breaches and abuses of the Organisation's policies.
- Fraud or corruption
- The mistreatment of service users  
(or concealment of the above)

It is not necessary for individuals who raise the concern to prove the wrong doing that is alleged to have occurred or is likely to occur.

However, if an individual knowingly or maliciously makes an untrue allegation (e.g. in order to cause disruption within the Organisation), the setting will take appropriate disciplinary action against them. It may constitute gross misconduct.



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Individuals should note that they will not be protected from the consequences of making a disclosure if, by doing so, they commit a criminal offence.

This Policy does not deal with any complaints staff may have about their employment. This should be dealt with through the Grievance Procedure.

## **How to raise a concern in the workplace**

Individuals should, in most cases, first report their concern to the Nursery Manager, who is the Whistle Blowing Officer and is expected to respond to the matter.

Dependent on the seriousness and sensitivity of the matter and who is suspected of the wrongdoing, the individual should report to the Whistle Blowing Officer. If the matter concerns the manager it should be raised with Kimberly How.

Individuals are encouraged to raise their concerns in writing where possible, setting out the background and history of their concerns (giving names, dates and places where possible, please use the Safeguarding form) and indicating the reasons for their concerns.

Employees may wish to seek the assistance of their trade union representative, if they have one, before raising the concern. The trade union representative may, where the employee so desires, raise the concern on behalf of the employee. Employees may also invite a trade

Union representative or colleague to be present during any meetings or interviews about the concerns they have raised.

If any individual is unsure about whether to use this procedure, or they want independent advice at any stage, they should contact:

- Ofsted whistleblowing on 0300 1233155 or email: [whistleblowing@ofsted.gov.uk](mailto:whistleblowing@ofsted.gov.uk) or their trade union (if applicable)

Ofsted will be able to advise you on how and with whom to raise a concern about malpractice.

Disclosures made to a legal advisor in the course of obtaining legal advice will be protected under the Public Interest Disclosure Act.



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If the individual reasonably believes that the matter relates wholly or mainly to the conduct of a person or body other than Grassroots Day Nursery, or any other matter for which a person or body other than the Organisation has legal responsibility, the disclosure should be made to that other person or body.

## **Protecting the individual raising the concern**

If an individual raises a concern which they believe to be true, Grassroots Day Nursery will take appropriate action to protect the individual from any harassment, victimisation or bullying. Employees who raise a genuine concern under this policy will not be at risk of losing their job, nor will it influence any unrelated disciplinary action or redundancy procedures.

The matter will be treated confidentially if the individual requests it and their name or position will not be revealed without their permission unless the Organisation has to do so by law. If, in other circumstances, the concern cannot be resolved without revealing the individual's identity, the Whistle Blowing Officer will discuss with the individual whether and how to proceed.

Concerns raised anonymously tend to be far less effective but the Whistle Blowing Officer will decide whether or not to consider the matter taking into account:

- The seriousness of the matter
- Whether the concern is believable
- Whether an investigation can be carried out based on the information provided

## **How Grassroots Day Nursery will deal with the concern**

How the concern will be dealt with will depend on what it involves. It is likely that further enquiries and/or investigation will be necessary. The concern may be investigated by the Grassroots Day Nursery Whistle Blowing Officer and the Owner, through the disciplinary process, or it may be referred

To the police, other agencies like The Referral and Assessment Team of the Local Authority, Ofsted, an external auditor or an independent investigator.

It may be necessary for the individual to give evidence in criminal or disciplinary proceedings.

Grassroots Day Nursery will give the individual feedback on the progress and outcome of any investigation wherever possible.



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If the suspicions are not confirmed by an investigation, the matter will be closed. Staff will not be treated or regarded any differently for raising the concern and their confidentiality will continue to be protected.

This policy is linked with

1. Staff code of conduct
2. Disciplinary policy
3. Grievance policy
4. Data Protection Policy
5. Confidentiality policy
6. Contract of employment

## Ofsted's whistleblowing

**Tel:** 0300 1233155

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**Address:** WBHL, Ofsted, Piccadilly Gate, Store Street, Manchester M1 2WD

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|---|------------------------------------|
| Policy/Procedure name: <b>Whistleblowing Policy</b> |                                    |
| Publication Date: <b>April 2019</b>                 | Date for Review: <b>April 2020</b> |
| Signed:.....(Proprietor)                            |                                    |
| Signed:.....(Manager)                               |                                    |

|   |             |
|---|-------------|
| I _____ confirm that I have read and understood this Whistleblowing policy. |             |
| Signed: _____   | Date: _____ |