



Little LODGE

0 - 4 YEARS CO-EDUCATIONAL DAY NURSERY

Whistleblowing Policy

Approved by: David Preston, Director

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Last Reviewed: August 2024

Review Period: Annually

Next Review Due: August 2025

About this Policy

The Public Interest Disclosure Act 1998 (the “Act”) places a legal responsibility on employers to ensure that matters of serious public concern can be addressed.

This policy applies to all employees; however, the Act also covers those contractors working for the Nursery on its premises. It also covers suppliers and those providing services under a contract to the Nursery.

Introduction

Arnold Lodge Nursery has procedures in place to enable individuals to raise grievances about their own employment. This policy is intended to cover concerns that fall outside of grievance and other statutory reporting procedures and seeks to encourage you to raise your concerns - protected/qualifying disclosures - internally within the organisation.

We encourage an open culture in all our dealings with teaching and support staff and all the people with whom we come into contact. Effective and honest communication is essential if malpractice is to be dealt with effectively. The procedure below provides guidelines to all of staff, fulltime, part time, fixed term or supply and our business partners who feel they need to raise certain issues relating to Arnold Lodge in confidence.

The Public Interest Disclosure Act 1998 (commonly known as the ‘Whistle Blowing Act’) protects workers who raise legitimate concerns about specified matters from being dismissed by the Nursery or being subjected to detrimental treatment or victimised by either the Nursery or colleagues as a result, provide certain criteria are met. Certain kinds of disclosures qualify for protection and there are set out below. These are disclosures of information which a worker reasonably believes are made in the public interest and tend to show one or more of the following relevant failures is either happening now, took place in the past, or is likely to happen in the future:

- A criminal offence has been committed including offences such as theft, fraud or acts of bribery
- A person has failed, is failing, or is likely to fail to comply with a legal obligation which they are subject to
- A miscarriage of justice
- A danger to health and safety of any individual
- Damage to the environment
- Deliberate covering up of information tending to show any of the above five matters
- Specific concerns about an individual safeguarding case or incident
- A general concern about the manner in which safeguarding is handled

The procedure is not a substitute for the Nursery’s Resolving Problems Policy and is not a channel for staff to raise matters in relation to their terms and conditions of employment. The procedure allows individuals to have their concerns treated in confidence.

Safeguarding

If a member of staff suspects that there is a serious safeguarding issue that they feel that the head teacher is not taking seriously or that they believe there is a serious safeguarding issue involving the head teacher they should, in the first instance, contact the Designated Director for Safeguarding, Di Gardner, dgardner@arnodlodge.com. For information on the handling of safeguarding concerns, please see the ALS Child Protection Policy.

Your Protection

If you raise a genuine concern, you will not be at risk of damaging your position as a result. Provided you are

acting in the public interest it does not matter whether or not your concern proves to be well founded. You must however make your complaint to the right person and in the right way as detailed in this policy. The Nursery does not of course extend this assurance to someone who acts from an improper motive and raises a matter they know to be untrue.

Your Confidence

Arnold Lodge will not tolerate the victimisation of anyone raising a genuine concern and anyone responsible for such conduct will be subject to disciplinary action. You may decide that you want to raise a concern in confidence. Therefore, if you ask for your identity to be protected, it will not be disclosed without your consent. If a situation arises where it is not possible to deal with the concern without revealing your identity (for instance because your evidence is needed in court or a disciplinary hearing), there will be a discussion as to whether and how we can proceed. This policy does not cover the situation where information about malpractice is received anonymously; however, discretion will be used in the investigation of such information.

Qualifying Disclosures

'Qualifying disclosures' are disclosures as set out below and which an individual reasonably believes is happening now, took place in the past or is likely to happen in the future:

- any unlawful act, whether criminal or a breach of civil law
- miscarriage of justice has occurred, is occurring or is likely to occur
- maladministration e.g. examination management
- breach of any statutory Code of Practice
- breach of, or failure to implement or comply with the Nursery policy or procedure
- failure to comply with appropriate professional standards
- corruption or fraud including obtaining money (e.g. grants) without entitlement
- misuse of assets, equipment, vehicles, buildings computer hardware/software
- a danger to the health or safety of any individual
- failure to take reasonable steps to report and rectify any situation which is likely to give rise to significant avoidable cost, or loss of income, to the Nursery or would have otherwise seriously prejudice the Nursery
- abuse of power, or the use of the Nursery's powers and authority for an unauthorised or ulterior purpose
- deliberate covering up of information relating to the above matters
- any concerns in relation to safeguarding. Staff must follow this policy if they have a concern that a disclosure or allegation of abuse has not been dealt with properly or has not been referred on to external agencies; or if they believe that another member of staff or other person working with children has displayed inappropriate behaviour towards a child.

An individual does not have to raise a grievance in order to make a 'protected disclosure'; however, if the employee intends to raise the matter as a grievance, this intention must be clearly stated.

Staff may approach external organisations (ISA, ISI, Ofsted, Social Services, The Children's Commissioner, The Health and Safety Executive, The Environment Agency etc) depending on the nature of the issue raised.

Protected Disclosure

In making the disclosure, an individual must have a reasonable belief that the information disclosed shows one or more of the offences or breaches listed above. The belief need not be correct, but the individual must show that they held the belief and that it was a reasonable belief in the circumstances, at the time of the disclosure.

The Nursery recognise that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisals from those responsible for the malpractice. As far as possible the Nursery will seek to respect the confidentiality and anonymity of the individual raising the concern and will seek to protect him/her from reprisals.

In this regard, the Nursery will not tolerate any harassment or victimisation of the individual who has raised the concerns, nor will any attempt to prevent individuals from raising concerns in good faith be acceptable.

Raising a Concern (Protected Disclosure)

The earlier concerns are raised, the easier it is to take action.

How to Raise Your Concern

Stage 1: Internal Line Management

If you have a concern about malpractice, we hope you will feel able to raise it first with your Head of Department or the head teacher. This may be done orally or in writing. It will help if you state the facts of the matter clearly. You can outline how you would like it to be investigated. If you have a direct or personal interest in the matter, you should also tell us at this stage. If you are writing, remember to give details of how you can be contacted.

Stage 2: Alternative Contacts

If you feel unable to raise the matter with someone in direct line management, for whatever reason, please speak to our Safeguarding Director (Di Gardiner, dgardiner@arnoldlodge.com). You can also contact the NSPCC Whistleblowing Advice Line on 0800 028 0285 or help@nspcc.co.uk.

If you want to raise the matter in confidence, we will ensure that practical measures are put in place to protect your identity. We will contact you by the most secure means. We will not disclose your identity without your consent, unless we are required to do so by law.

Once you have reported your concern, the Nursery will look into it to assess initially what action should be taken. If your concern falls more appropriately within other policies, we will tell you. An appropriate manager will be asked to carry out the investigation.

The disclosure will be treated seriously and promptly investigated and as part of the process the worker will be interviewed and asked to provide a written statement.

Once the Nursery has finalised the investigation any necessary action will be taken.

While the purpose of this policy is to enable us to investigate possible malpractice and take appropriate steps to deal with it, we will give you as much feedback as we properly can. If requested, we will confirm our response to you in writing. Please note, however, that we may not be able to tell you the precise action we take where this would infringe a duty of confidentiality owed by us to someone else.

Investigation

The action taken by the Nursery will depend on the nature of the concern. The matters raised may for example:

- be investigated internally,

- be referred to the Police, or other appropriate body
- be referred to an External Auditor, or form the subject of an independent inquiry

In order to protect individuals, the Manager/Director will conduct initial enquiries to determine whether an investigation is appropriate and, if so, what form it should take.

Raising Unfounded or Malicious Concerns

If an allegation is made in good faith, but is not confirmed by the investigation, no action will be taken against the individual raising the concern. However, if an employee makes an allegation which – through the internal investigation process - is found to be malicious, mischievous or vexatious, or a disclosure made for personal gain, such actions will be considered as a disciplinary offence and is likely to result in disciplinary action being taken against the employee.

Conflict of Interest

The requirements are based on three principles and relate to the activities of all employees.

- Teachers will not allow their outside activities to interfere with their work at Arnold Lodge nor allow any conflict between their duties and their private interests to affect their ability to carry out these duties effectively.
- Teachers will not make use of or exploit Arnold Lodge or information obtained in the course of their duties to further their own private interests or those of any outside organisation to the detriment of the Nursery
- Teachers will not act in a manner likely to bring the Nursery or the Directors into disrepute or to affect its reputation for integrity.

Outside Activities

Teachers have a responsibility to ensure that their outside activities neither conflict, nor could reasonably be regarded by others as being in conflict with these principles.

Teachers are asked to consider whether any interests of their family members or close personal contacts could, by association, cause embarrassment to Arnold Lodge. This includes situations where staff have knowledge or involvement which could influence decisions concerning the commercial relationships between the Nursery, the Directors and other organisations in which family members or close personal contacts are employed. In many cases, provided the head teacher has given specific permission in writing, employees will be permitted to continue their interest.

If, on joining the Nursery, teachers are in any doubt about the propriety of an outside activity in which they are already engaged, or which they are contemplating, they should seek advice from the head teacher. In particular, employees that join the Nursery on a fixed-term contract or part-time contract and who hold public office, should seek advice.

In making a judgment about the appropriateness of an outside activity, the head teacher will consider whether the involvement damages the individual's ability to do their job or if public knowledge of the involvement would damage the reputation of the Nursery.

Employees are reminded that any information gained in the course of their work at Arnold Lodge regarding pupils, their families, colleagues or the Directors is strictly confidential.