



## Whistleblowing Policy

**Policy statement:** Creative Stars Day Nursery is committed to the highest possible standards of:

- Openness and inclusiveness
- Accountability
- Integrity in-line with that commitment

The aims of this procedure are to:

- Encourage those working in the nursery to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected.
- Provide guidance on how to raise concerns
- Reassure those raising concerns that they are able to raise genuine concerns “made in the public interest” without fear of reprisals, even if they turn out to be mistaken.

### What is 'Whistleblowing'?

'Whistleblowing' is defined as 'raising concerns about misconduct within an organisation or within an independent structure associated with it' (Nolan Committee on Standards in Public Life). In the legislation it is called a protected disclosure. The Public Interest Disclosure Act 1998 protects employees from suffering a detriment in their employment or being dismissed by their employer if they make disclosures in accordance with the legislation. An employee has certain common law confidentiality obligations to their employer. However, in a limited set of circumstances whistleblowing may override these obligations if an employee reveals information about their employment or the work of the nursery. This guidance sets out the circumstances under which these disclosures may lawfully be made.

Sir Robert Francis's Freedom to speak up' Report sets out 20 Principles and Actions which aim to create the right conditions for NHS staff to speak up, share what works right across the NHS and get all organisations up to the standard of the best and provide redress when things go wrong in future. We, at Creative Stars agree with the principles and code of conduct as set out in this report and will endeavour to work with staff, albeit in a different professional field, in the ways as outlined in the report. We want staff to feel it is safe to raise concerns, confident that they will be listened to and the concerns will be acted upon.

To view the full report, please use the link below:

<https://webarchive.nationalarchives.gov.uk/20150218150512/http://freedomtospeakup.org.uk/the-report/>

A concern must relate to something which:

1. is a breach of the nursery's policies; or
  2. falls below established standards or practice; or
  3. amounts to improper conduct, including something that may be;
- a breach of the law
  - a possible miscarriage of justice
  - a Health & Safety risk



- damaging the environment
- abuse of children
- deliberate concealment of any of these matters.

These issues could have arisen in the past, be currently happening or likely to happen in the future.

## How to Raise a Concern

All concerns will be treated sensitively and with due regard to confidentiality and, where possible, every effort will be made to protect your identity if you so wish. Nevertheless, this information will need to be passed on to those with a legitimate need to have this information and it may be necessary for you to provide a written statement or act as a witness in any subsequent disciplinary proceedings or enquiry. This will always be discussed with you first.

### Step 1

If you wish to raise a concern you should normally raise it with the Manager. This can be done in person or in writing.

The nursery recognises that sometimes it may be inappropriate for you to approach the Manager with your concern. In these circumstances, you can contact any of the following:

- the Deputy Manager
- the Managing Director

Although you are not expected to prove beyond doubt the truth of your concerns, you will need to demonstrate that you have sufficient evidence or other reasonable ground to raise them.

### Step 2

The person with whom you have raised your concern will acknowledge its receipt and will write to you within 5 days to let you know how your concern will be dealt with. The information you can then expect to receive is:

- an indication of how the concern will be dealt with
- an estimate of how long it will take to provide a final response é whether any initial enquiries have been made
- whether further investigations will take place, and if not why not é information about support available for you

The person with whom you have raised your concern will at the same time notify the Managing Director that a whistleblowing allegation has been made.

### Step 3

Initial enquiries will be made to decide whether an investigation is appropriate. Where an investigation is necessary, it may take the form of one or more of the following:

- an internal investigation by the manager, which may, for example, take the form of a disciplinary investigation
- a referral to the LADO.

### Step 4

You will be informed of the outcome of any investigation, in writing, and/or of any action taken, subject to the constraints of confidentiality and the law. If you do not feel your concern has been addressed adequately you may raise it with an independent body such as one of the following as appropriate:

- LADO



- Ofsted
- The Police.

You must make a disclosure “in the public interest”; and in the circumstances it must be reasonable for you to make the disclosure. If there is an issue of an exceptionally serious nature which you believe to be substantially true, then you may disclose the issue to someone other than those listed above. In determining whether it is reasonable for you to have made a disclosure the identity of the person to whom the disclosure is made will be taken into account.

Disclosures to anyone outside of the recognised bodies specified may not be protected disclosures under the Act.

You have a duty to the nursery not to disclose confidential information. This does not prevent you from seeking independent advice at any stage in accordance with the provisions of the Public Interest Disclosure Act 1998.

**This policy was reviewed on: 16.09.21**

**Date of next review: 16.09.22**