

STAFF WHISTLEBLOWING POLICY

Monkey Puzzle Day Nursery (the 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 report suspected wrongdoings or dangers in relation to our activities with confidence and without having to worry about being victimised, discriminated against or disadvantaged in any way as a result.

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

This policy does not form part of any employee's contract of employment and we may amend it at any time.

What types of concerns?

The Policy is intended to deal with serious or sensitive concerns about dangerous or illegal activity which threatens other people, including but not limited to:

- a criminal offence
- the failure of a safeguarding procedure
- a failure to comply with any legal obligation
- a miscarriage of justice
- unauthorised use of the Organisation's money
- health and safety risks
- fraud or corruption
- the mistreatment of service users
- (or concealment of any of the above)
- Use of Alcohol abuse or illegal drugs

This Policy is not intended to deal with complaints that staff may have about their individual employment which affect them personally. It is intended to deal with wrongdoing of a more general nature. It will normally be inappropriate for an individual grievance to be dealt with under this policy and complaints about individual employment should therefore be dealt with through the Grievance Procedure.

It is not necessary for individuals who raise the concern to prove the wrongdoing 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) it may constitute gross misconduct and the individual may be subject to appropriate disciplinary action.

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.

How to raise a concern in the workplace

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

Depending on the seriousness and sensitivity of the matter and who is suspected of the wrongdoing, the individual should report to the Whistleblowing Officer in the first instance. However, if the matter concerns the Nursery Manager or the individual would prefer not to raise it with the Nursery Manager for some other reason then it should be raised with the Director of the Nursery, Martin Griffiths. The Nursery acknowledges that it may occasionally need to seek the assistance of an external whistleblowing consultant and reserves the right to do so in circumstances that it considers appropriate.

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. The trade union representative or colleague must respect the confidentiality of the individual's disclosure at all stages of the investigation.

External Disclosures

We encourage you to seek advice before reporting a concern to anyone external. In many cases it may not be necessary to alert anyone externally. However, the law recognises that in some circumstances it may be appropriate. If any individual wants independent advice at any stage, they should contact:

- Ofsted whistleblowing on 0300 1233155 or email: whistleblowing@ofsted.gov.uk
- Safeguarding@monkeypuzzledaynurseries.com
- 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 normally be protected under the Public Interest Disclosure Act.

If the individual reasonably believes that the matter relates wholly or mainly to the conduct of a person or body other than Monkey Puzzle 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, the Nursery will take appropriate action to protect the individual from being subject to any harassment, victimisation, bullying or other treatment as a result of raising a genuine concern. 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.

Managers, members of staff and volunteers must not threaten or retaliate against whistleblowers and if they are involved in such conduct they may be subject to disciplinary action.

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 Whistleblowing Officer will discuss with the individual how to proceed.

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

- the seriousness of the matter;
- whether the concern is believable; and
- whether an investigation can be carried out based on the information provided.

Allegation against a member of staff.

If an allegation is made against a member of staff, or if any one witnesses anything, it is their duty to inform the designated lead officer/manager immediately or by the end of the day. An investigation will be conducted, and all parties will be interviewed to clarify events.

The management team and owner will inform the member of staff against whom the allegation has been made.

All meetings will be recorded and securely filed with access from the management team only. If the allegation is against the management team or owner, support will be sought from Monkey Puzzle Day Nurseries Head Office and written reports will be kept by them. All incidents/allegations will be reported to Monkey Puzzle Day Nurseries Head Office, and all written reports will be kept on the staff file and reviewed after an agreed amount of time.

All serious incidents/allegations will be reported to OFSTED within 14 days, and DBS if appropriate. LADO will be informed if appropriate, and professional support sought from the local Hertfordshire team.

All staff meetings will include safeguarding and will always be top of the agenda. Staff will then be regularly reminded of their duties, in the case of an allegation against a member of staff and what to do.

All incidents and allegations will be investigated within 24 hours (or as soon as possible). If the member of staff is sick, on holiday or absent from the setting for any other reason they will be contacted to attend a meeting to discuss the allegation. This will also include if the member of staff has since left the setting. This is in place to safeguard everyone and also to protect children/adults in their future, and any future employment that a member of staff may have. This is included in the staff induction pack and a copy will be placed in the staff handbook to be read and signed by all staff.

DBS will be informed of any allegation/incident which occurs during a member of staff's employment at Monkey Puzzle Day Nursery that may affect their employment in the future. This will be recorded in an incident log which will be filed securely.

How the Monkey Puzzle 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 Monkey Puzzle Day Nursery Whistleblowing 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.

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

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 a genuine 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

Contacts

Ofsted's whistleblowing

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