Whistleblowing Policy

Hove Village Day Nursery Ltd RP905848

Applies to:

Bloomsbury on the Beach (Ofsted ID: 2739436)

Bloomsbury Street Day Nursery (Ofsted ID: 2677115)

Hove Village Day Nursery Ltd (Ofsted ID EY492059)

Hove Village Preschool Nursery at Hove Library (Ofsted ID:2524856)

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1. Scope and Application

1.1 This policy applies to: **Hove Village Day Nursery Ltd RP905848**

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1.2 This policy applies to all employees, including directors, apprentices, casual workers, whether on permanent or temporary contracts and volunteers (collectively '**staff**'). This policy does not form part of any contract of employment or consultancy agreement and Hove Village Day Nursery Ltd may amend it at any time. This policy does not include agency workers, consultants or contractors except where otherwise stated.

2. Policy Aims

2.1 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace.

2.2 At Hove Village Day Nursery Ltd, we are committed to promoting a culture of safety and of raising concerns. We recognise that staff are often the first to realise that there may be something wrong within the nursery environment. We also recognise they may not express their concerns because they feel that speaking up would be disloyal to their colleagues, or they may fear harassment or victimisation. In these circumstances, it can feel safer to ignore a concern rather than report what may just be a suspicion of malpractice.

2.3 This policy may be used by staff who have reason to suspect that one or more person(s) involved with Hove Village Day Nursery Ltd might have committed poor or unsafe practice, including:

2.3.1 a crime or other unlawful act or miscarriage of justice;

2.3.2 a discriminatory act;

2.3.3 a substantive breach of Hove Village Day Nursery Ltd Health and Safety Policy;

2.3.4 damage to the environment or property;

2.3.5 unauthorised use of funds or other fraud;

2.3.6 a failure to comply with legal obligations;

2.3.7 inappropriate behaviour or unethical conduct;

2.3.8 any other act constituting possible gross misconduct or a breach of any other internal policies and procedures;

2.3.9 unauthorised disclosure of confidential information;

2.3.10 conduct likely to damage the Hove Village Day Nursery Ltd reputation, including when using social media;

2.3.11 inappropriate or harmful conduct towards a child (or children), including but not confined to:

- bullying, humiliation, or any other kind of abuse (See Appendix 1 of Safeguarding and Child Protection Policy);
- contravening health and safety guidelines in place to protect children;
- serious breaches of the staff Code of Conduct;
- professional practice that falls short of normally accepted standards;
- compromising children's welfare but in a way that does not meet the threshold for child protection intervention; or
- the deliberate or attempted concealing of any of the above.

2.4 Staff will receive whistleblowing training as part of their induction and will be provided with ongoing access to this policy.

2.5 This policy should not be used for complaints relating to your own personal circumstances, such as the way you have been treated at work. In those cases, you should use the Grievance procedure.

3. What is Whistleblowing?

3.1 '**Whistleblowing**' means the reporting of suspected wrongdoing or dangers in relation to Hove Village Day Nursery Ltd activities. The aim of this code is to encourage staff who have genuine concerns about any aspect of Hove Village Day Nursery's work, including poor, inappropriate or unsafe workplace practice, including unacceptable conduct and attitudes towards children, to raise those concerns promptly. Staff are informed of how and when to report concerns, including concerns about colleagues or management, and understand the process that will be followed once a concern is raised. Hove Village Day Nursery Ltd is committed to dealing with all genuine concerns raised appropriately, openly, responsibility and professionally.

3.2 A '**whistleblower**' is a person who raises a genuine concern relating to Hove Village Day Nursery Ltd activities. If you have any genuine concerns relating to suspected wrongdoing or dangers in relation to the nursery's activities (a whistleblowing concern), you should report it under this procedure.

3.3 The primary area of concern relates to children's welfare and safeguarding. In such cases this document should be read in conjunction with the Safeguarding and Child Protection Policy which lists further sources of advice and guidance.

3.4 Hove Village Day Nursery Ltd aims to follow the best practice principles set out by ACAS.

4. Confidentiality and Anonymity

4.1 Child protection issues warrant a high level of confidentiality, not only out of respect for the child and staff member involved, but also to ensure that any information released into the public domain does not compromise evidence.

4.2 In other whistleblowing cases, all concerns will be treated in confidence. During the process of investigating the matter, every effort will be made to keep the identity of the staff member raising the concern unknown, except to the minimum number of individuals practicable. Absolute confidentiality cannot be guaranteed in all eventualities.

4.3 If there is evidence of criminal activity, the police will be informed in all cases.

4.4 Hove Village Day Nursery Ltd aims for staff to be able to feel safe voicing whistleblowing concerns openly under this procedure. However, staff may raise concerns anonymously or request that their identity is known only to the individual whom they have reported to. Such instances will still be investigated; however, it must be recognised that such a degree of anonymity could hinder the investigation and that in certain situations (such as court or criminal proceedings) anonymity cannot be maintained.

5. Whistleblowing Procedures

5.1 If the concern is in the realm of children's welfare and safeguarding, staff should follow the procedures laid out in the Child Protection and Safeguarding Policy.

5.2 All other concerns e.g. fraud, misconduct or health & safety may be addressed to the relevant manager in the first instance. If there are concerns about doing so, or about the process of any investigation once raised, the report should be made directly to the Senior Head of Nursery or Principal.

5.3 Timescales will depend on the complexity of the initial inquiry, but feedback should be provided normally within 5 working days and an investigating manager will be allocated. The investigating manager will respond to you in writing, acknowledging that the concern has been received and outlining how the matter is proposed to be dealt with. We may then arrange a meeting with you to discuss the concern. You may bring a work colleague or Trade Union representative to any meetings held under this procedure, although companions must respect the confidentiality of disclosures and any subsequent investigations.

5.4 Following on from an initial review of the concern that has been received, a decision will be made by the Senior Head of Nursery or Principal as to whether the matter requires further investigation.

5.5 The investigation may involve the relevant staff member and other individuals involved giving a written statement. The statements will be considered, and the whistleblower will be asked to comment on any additional evidence obtained. The whistleblower may be asked to attend a meeting (or further meetings) to provide further information. The investigation manager will then report to the Senior Head of Nursery or Principal, who will take any necessary action, including reporting the matter to any appropriate government department or regulatory agency. The whistleblower will be provided with a written response within ten working days of the conclusion of the investigation which will include:

5.5.1 details of how the issue was investigated;

5.5.2 conclusions drawn from the investigation; and

5.5.3 who to contact should the staff member want to raise the matter further.

5.6 If disciplinary action is required, the investigating manager will report the matter to the Head of the Safeguarding and Compliance who will consider next steps in line with the Staff Code of Conduct.

5.7 The amount of feedback the whistleblower receives relating to the issue will vary depending on the nature and result of the investigations. Sometimes the need for confidentiality may prevent us giving specific details of the investigation or any disciplinary action taken as a result. However, where possible and subject to third party rights, you will be kept informed of the progress and eventual conclusion of investigations. You should treat any information about the investigation as confidential.

6. Protection from Victimisation

6.1 Hove Village Day Nursery Ltd recognises that the decision to report a concern is a difficult one to make. At all stages during any ensuing investigation, this will be considered. Hove Village Day Nursery Ltd aims to encourage openness and will support whistleblowers who raise genuine concerns under this policy, even if they turn out to be mistaken.

6.2 The Public Interest Disclosure Act 1998 protects whistleblowers from detrimental treatment or dismissal as a result of raising a genuine concern. We will take whatever action is necessary to protect a staff member who has raised a genuine concern. If you believe you have suffered any such treatment, you should inform Head of Safeguarding and Compliance immediately. If the matter is not remedied, you should raise it formally using our Grievance Procedure.

6.3 Staff must not threaten or retaliate against whistleblowers in any way. Any such behaviour, or any direct or indirect harassment or victimisation will not be tolerated and may result in disciplinary procedures against those concerned.

7. Malicious Accusations

7.1 If Hove Village Day Nursery Ltd concludes that a whistleblower has made false, malicious, vexatious or frivolous accusations, the whistleblower may be subject to disciplinary action under the Hove Village Day Nursery Ltd Staff Code of Conduct.

8. External Disclosures

8.1 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases staff should not find it necessary to alert anyone externally.

8.2 However, if all internal procedures have been exhausted, you shall have a right of access to an external person/body. This may include (depending on the subject matter of the disclosure) HMRC, the Audit Commission, the Health & Safety Executive and/or the LADO (where the disclosure relates to a child protection issue).

8.3 The law recognises that in some instances it may be appropriate for you to report your concerns to an external body such as a regulator. We strongly encourage you to seek advice before reporting a concern to anyone external.

8.4 Protect operates a confidential helpline. Their contact details are set out below:

- **Protect (Independent whistleblowing charity)**
    - Helpline: 0203 117 2520
    - Contact Advice Line here
    - Email: whistle@protect-advice.org.uk

8.5 Other channels are open to a staff member where they feel unable to raise their concerns with Hove Village Day Nursery Ltd or feels that their concerns have not been addressed:

- Ofsted provides guidance on how to make complaints about a childcare provider: Complaints procedure – Ofsted.
- NSPCC whistleblowing advice line:
- Staff can call 0800 0280285 – 08:00 to 20:00, Monday to Friday and 09:00 to 18:00 at weekends.
- Email address: help@nspcc.org.uk.
- Staff can write to: National Society for the Prevention of Cruelty to Children (NSPCC), Weston House, 42 Curtain Road, London EC2A 3NH.
- General guidance on whistleblowing can be found here.