

Staff Policy - Whistle Blowing Policy

We work within the Statutory Framework for the Early Years Foundation Stage (EYFS), published by the Department for Education (DfE) in March 2021, effective from September 2021

Links to:

Data Protection Act 1998	Public Interest Disclosure Act 1998
Discipline & Grievance	Rehabilitation of Offenders Act 1974
Equality Act 2010	Special Educational Needs & Disability Regulations 2014
Employment Act 2002	Staffing and Employment Policy
Freedom of Information Act 2000	

Merry go Round Day Nursery is committed to the highest standards of openness, probity and accountability.

An important aspect of accountability and transparency is a mechanism to enable staff to voice concerns in a responsible and effective manner. It is a fundamental term of every contract of employment that an employee will faithfully serve his or her employer and not disclose confidential information about the employer's affairs. Nevertheless, where an individual discovers information which they believe shows serious malpractice or wrongdoing within the organisation then this information should be disclosed internally without fear of reprisal.

The Public Interest Disclosure Act (1999) gives legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns. Merry go Round has endorsed the provisions set out below to ensure that no members of staff should feel at a disadvantage in raising legitimate concerns.

It should be emphasised that this policy is intended to assist individuals who believe they have discovered malpractice or impropriety. It is not designed to question financial or business decisions taken by Merry go Round nor should it be used to reconsider any matters that have already been addressed under harassment, complaint, disciplinary or other procedures. Once the "whistle blowing" procedures are in place, it is reasonable to expect staff to use them rather than air their complaints outside the nursery.

Scope of Policy

This policy is designed to enable employees of Merry go Round to raise concerns internally and at a high level and to disclose information which the individual believes shows malpractice or impropriety. This policy is intended to cover concerns that are in the public interest and may at least initially be investigated separately but might then lead to the invocation of other procedures e.g. disciplinary. These concerns could include

- Financial malpractice or impropriety or fraud
- Dangers to Health & Safety or the environment
- Criminal activity
- Improper conduct or unethical behaviour
- Attempts to conceal any of these

Safeguards

i. Protection

This policy is designed to offer protection to those employees of Merry go Round who disclose such concerns provided the disclosure is made:

- in good faith
- in the reasonable belief of the individual making the disclosure that it tends to show malpractice or impropriety and if they make the disclosure to an appropriate person (see below). It is important to note that no protection from internal disciplinary procedures is offered to those who choose not to use the procedure. In an extreme case malicious or wild allegations could give rise to legal action on the part of the persons complained about.

ii. Confidentiality

Merry go Round will treat all such disclosures in a confidential and sensitive manner. The identity of the individual making the allegation may be kept confidential so long as it does not hinder or frustrate any investigation. However, the investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the evidence required.

iii. Anonymous Allegations

This policy encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously are much less credible, but they may be considered at the discretion of the Manager.

In exercising this discretion, the factors to be taken into account will include:

- The seriousness of the issues raised
- The credibility of the concern
- The likelihood of confirming the allegation from attributable sources

iv. Untrue Allegations

If an individual makes an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against that individual. In making a disclosure the individual should exercise due care to ensure the accuracy of the information. If, however, an individual makes malicious or vexatious allegations, and particularly if he or she persists with making them, disciplinary action may be taken against that individual.

Procedures for Making a Disclosure

On receipt of a complaint of malpractice, the member of staff who receives and takes note of the complaint, must pass this information as soon as is reasonably possible, to the appropriate designated investigating officer as follows:

- Complaints of malpractice will be investigated by the Manager unless the complaint is against the Manager or is in any way related to the actions of the Manager. In such cases, the complaint should be passed to the Directors for referral.
- In the case of a complaint, which is any way connected with but not against the Manager, the Supervisor will act as the alternative investigating officer.
- The complainant has the right to bypass the line management structure and take their complaint direct to the Directors. The Directors have the right to refer the complaint back

to management if he/she feels that the management without any conflict of interest can more appropriately investigate the complaint.

Should none of the above routes be suitable or acceptable to the complainant, then the complainant may approach the Local Authority or Ofsted.

If there is evidence of criminal activity then the Manager should inform the police. Merry go Round will ensure that any internal investigation does not hinder a formal police investigation.

Timescales

Due to the varied nature of these sorts of complaints, which may involve internal investigators and / or the police, it is not possible to lay down precise timescales for such investigations. The Manager should ensure that the investigations are undertaken as quickly as possible without affecting the quality and depth of those investigations.

The Manager should, as soon as practically possible, send a written acknowledgement of the concern to the complainant and thereafter report back to them in writing the outcome of the investigation and on the action that is proposed. If the investigation is a prolonged one, the Manager should keep the complainant informed, in writing, as to the progress of the investigation and as to when it is likely to be concluded.

All responses to the complainant should be in writing and sent to their home address.

Investigating Procedure

The Manager should follow these steps:

- Full details and clarifications of the complaint should be obtained.
- The Manager should inform the member of staff against whom the complaint is made as soon as is practically possible. The member of staff will be informed of their right to be accompanied by a representative at any future interview or hearing held under the provision of these procedures.
- The Manager should consider the involvement of the Police at this stage.
- The allegations should be fully investigated by the Manager with the assistance where appropriate, of other individuals / bodies.
- A judgement concerning the complaint and validity of the complaint will be made by the Manager. This judgement will be detailed in a written report containing the findings of the investigations and reasons for the judgement.
- The Manager will decide what action to take. If the complaint is shown to be justified, then they will invoke the disciplinary or other appropriate procedures.
- The complainant should be kept informed of the progress of the investigations and, if appropriate, of the final outcome.

If the complainant is not satisfied that their concern is being properly dealt with by the Manager, they have the right to raise it in confidence with the Directors.

If the investigation finds the allegations unsubstantiated and all internal procedures have been exhausted, but the complainant is not satisfied with the outcome of the investigation, Merry go Round recognises the lawful rights of employees and ex-employees to make disclosures to prescribed persons, or, where justified, elsewhere.

Adoption Date: 1st September 2020.

Signed:

Nm Orel .

Annual Review

Reviewed 1st September 2021

Reviewed 1st September 2022

Reviewed 1st September 2023

Next review 1st September 2024