

# Employment

## 1.14 Whistleblowing

Staff who genuinely believe that people they work with are behaving in a way that seems wrong or have a serious concern about an aspect of our service will be doing their duty and acting in the public interest by speaking out.

The Public Interest Disclosure Act 1998 protects workers who 'blow the whistle' about wrongdoing. It applies where a worker has a reasonable belief that their disclosure tends to show one or more of the following offences or breaches:

- a criminal offence;
- the breach of a legal obligation;
- a miscarriage of justice;
- a danger to the health and safety of any individual;
- damage to the environment; or
- deliberate covering up of information tending to show any of the above.

St. Michael's Community nursery strongly supports measures which protect whistle-blowers from any form of victimisation. St. Michael's Community Nursery ensures that concerns are dealt with effectively and efficiently and will do all that they can to preserve the confidentiality of workers who raise such concerns.

### **Procedures : How to raise a concern**

The procedure seeks to encourage and enable individuals to disclose information through appropriate channels first, rather than going directly to an outside person or body. As a first step, concerns should normally be raised with the nursery manager or the chair of the management committee. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of any wrongdoing. Staff can raise concerns with Surrey Childcare Service as a third option.

Concerns may be raised verbally or in writing. Staff who wish to make a written report are advised to set out the background and history of the concern, giving names, dates and places, where possible, and the reasons for making the disclosure. This will make the investigation easier to complete. Although a member of staff is not expected to prove beyond doubt the truth of the allegation, they will need to demonstrate that they have an honest and reasonable suspicion that malpractice has occurred, is occurring or is likely to occur.

The Nursery will respond to any concerns raised. In order to protect a member of staff who raises a concern and those accused of wrong-doing, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take.

Concerns or allegations which fall within the scope of specific procedures (for example, conduct or discrimination issues) will normally be referred for consideration under those procedures. Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted. Staff will be told how the Nursery proposes to deal with a concern within ten working days of the concern being brought to Nursery's attention.

### **Confidentiality**

All concerns will be treated with confidence and every effort will be made not to reveal a staff member's identity, if they so wish. However, while making all reasonable efforts to maintain the confidentiality of the matter as a whole, at a certain stage in the investigation it may be necessary to make the origin of the complaint known to the person or persons the allegations concern. All concerns raised within the remit of this procedure will be assessed to determine if the confidentiality extends to withholding the name of the complainant. There shall be a substantial reason for doing so, such as a real risk of personal harm.

Complainants should be aware however, that their identity may be revealed by inference.

### **Untrue allegations**

The Nursery accepts that deciding to report a concern can be very difficult and uncomfortable. If a member of staff makes an allegation in good faith, but it is not

confirmed by the investigation, no action will be taken against him/her. If, however, a member of staff makes an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against them.

Policy updated 28/04/2020