



WHISTLE BLOWING POLICY

The word whistleblowing in this Policy refers to the disclosure internally or externally by workers of malpractice, as well as illegal acts or omissions at work.

Policy statement

The Mulberry Bush Nursery is committed to achieving the highest possible standards of service and the highest possible ethical standards in safeguarding children in all of its practices. To achieve these ends, it encourages freedom of speech. It also encourages staff to use internal mechanisms for reporting any malpractice or illegal acts or omissions by its employees or ex-employees.

Supporting policies and procedures

The Mulberry Bush has a range of documents, policies and procedures, which deal with standards of behaviour at work; they cover Safeguarding Children, Codes of Behaviour, Rules and Regulations, Guidelines for new Staff, Students and Volunteers, Health & Safety, Risk Assessments, Recruitment and Selection, Equal Opportunities, Code of Practice, EYFS Framework. Employees are encouraged to use the provisions of these procedures when appropriate. There may be times, however, when the matter is not about your personal employment position and needs to be handled in a different way. Examples may be:

- Malpractice, ill treatment or inappropriate behaviour, language or gesture of a child/parent by a member of staff
- Repeated ill treatment of a child/parent despite a complaint being made.
- A criminal offence has been committed, is being committed or is likely to be committed
- Disregard for legislation, particularly in relation to health and safety at work, safeguarding children.
- The environment has been, or is likely to be, damaged.
- Showing undue favour over a contractual matter or to a job applicant.
- A breach of a code of conduct
- Information on any of the above has been, is being, or is likely to be concealed

The Mulberry Bush will not tolerate any harassment or victimisation of a whistleblower (including informal pressures), and will treat this as a serious disciplinary offence, which will be dealt with under the Disciplinary Rules and Procedure.

Safeguarding children is the nursery's first and foremost priority, all staff, students and volunteers have a personal responsibility to ensure they act upon any concerns, observations or disclosures immediately by reporting to the nursery Safeguarding Designated Person or in her absence or if it is regarding the SDP's behaviour then the responsible person in charge. If you do not feel able to report this internally and you feel it is of a serious nature, you have a duty to report it to the Police, Social Care or the Essex Safeguarding Children's Board and Ofsted.

Designated Persons:

The following people have been nominated and agreed by The Mulberry Bush as designated officers for concerns under this procedure. They are or will have direct access to the most senior person in the organisation.

Designated Person: Mrs Cheryl Knight: Nursery Principal

Second Designated Person: Joanna Walton: Nursery Deputy Manager

Leander Trunks: Nursery Deputy Manager

Role of the Designated Person

Where concerns are not raised with the Principal, the first nursery deputy (Jo) will be the point of contact for employees who wish to raise concerns under the provisions of this policy. Where concerns are raised an initial interview will be arranged, which will if requested be confidential, to ascertain the area of concern. At this stage, the whistleblower will be asked whether he/she wishes his/her identity to be disclosed and will be reassured about protection from possible reprisals or victimisation. He/she will also be asked whether or not he/she wishes to make a written or verbal statement. In either case, the designated officer will write a brief summary of the interview, which will be agreed by both parties.

The deputy where appropriate will report to the Principal, (Cheryl Knight, who will be responsible for the commission of any further investigation.

Complaints about the most senior person in the organisation (SDP)

If exceptionally the concern is about the most senior person in The Mulberry Bush (Cheryl Knight) this should then be made to the second designated Person or directly to Ofsted, or

the ESCB who will decide on how the investigation will proceed. This may include an external investigation. **The investigation:** The investigation may need to be carried out under the terms of strict confidentiality i.e. by not informing the subject of the complaint until (or if) it becomes necessary to do so. This may be appropriate in cases of suspected fraud. In certain cases, however, such as allegations of ill treatment of children/parents suspension from work may have to be considered immediately. Protection of the children is paramount in all cases.

- The SDP will keep the whistle blower informed about the investigation and its outcome.
- If the result of the investigation is that there is a case to be answered by any individual, the Disciplinary Rules and Procedure will be used.
- Where there is no case to answer, but the employee held a genuine concern and was not acting maliciously, the Principal should ensure that the employee suffers no reprisals.
- Only where false allegations are made maliciously, will it be considered appropriate to act against the whistleblower under the terms of the Disciplinary Rules and Procedure.

Inquiries: If the concern raised is very serious or complex, an inquiry may be held.

The Mulberry Bush recognises the contribution Ofsted and the ESCB and social care can make to an inquiry, and agrees to consult with them about the scope and details of the inquiry, including the implementation of the recommendations of the inquiry. The Mulberry Bush recognises that in many cases it will be desirable that an Ofsted, social care, LADO representative will be appointed to the panel of the inquiry.

Following the investigation: The principal (SDP) will inform Ofsted as to the outcome of the investigation. The designated officer will then arrange a meeting with the whistleblower to give feedback on any action taken. (This will not include details of any disciplinary action, which will remain confidential to Ofsted and the individual concerned).The feedback will be provided within reasonable time limits (to be specified).

If the whistle blower is not satisfied with the outcome of the investigation, The Mulberry Bush recognises the lawful rights of employees and ex-employees to make disclosures to prescribed persons (such as Ofsted, the Health and Safety Executive, the Audit Commission, or the utility regulators, or, where justified, elsewhere).

The Law: This policy and procedure has been written to take account of the Public Interest Disclosure Act 1998, which protects workers making disclosures about certain matters of concern, where those disclosures are made in accordance with the Act's provisions. The Act is incorporated into the Employment Rights Act 1996, which also already protects employees who take action over, or raise concerns about, health and safety at work.