



**St. Thomas a Becket Nursery School**  
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Registered Charity No. 1097448

# Whistle Blowing

**Responsibility:** Trustees  
**Review Cycle:** Every three years

<b>Date of adoption / last review:</b>	<b>Signed / Role</b>	<b>Date of next review:</b>
March 2022	C.Harrison	March 2025

# **St Thomas a Becket Nursery** **Whistle Blowing Policy**

## **Policy Statement**

This policy is designed to give people the confidence to raise and disclose serious concerns within the nursery and provides a clear framework to report practice concerns in good faith without fear of reprisal or victimisation.

## **Procedure**

- This policy will cover major concerns that fall outside the scope of other policy & procedures.
- Please also refer to other relevant policies regarding staff conduct and safeguarding that need to be read in conjunction with this policy.
- All concerns will be treated in confidence and your identity will not be revealed without your prior agreement and you will not be penalised for making a disclosure.
- This policy is informed by the Public Interest Disclosure Act 1998 and the Employment Rights Act 1996 which provide specific rights for workers who disclose information about alleged wrongdoings in certain specific circumstances.

### **1. Who does this policy apply to?**

All employees and contractors and their staff, working in the nursery, including trustees, volunteers, agency staff, also providers of services including external contractors and those providing services under a contract with the or nursery.

### **2. What is the purpose of this policy?**

This policy aims to:

- Encourage employees to feel confident to make a disclosure of concerns about issues that fall under this policy.
- Provide avenues for employees to raise those concerns.
- Re-assure employees that they will be protected from being penalised or suffering detriment.

### **3. What kind of concerns would I disclose under this policy?**

This policy covers any serious concerns about any aspect of service provision. This could be something that makes you feel uncomfortable in terms of known standards; is against the nursery's policy; falls below established standards of practice or amounts to improper conduct.

Concerns that fall within this policy could include:

- A criminal offence has been committed, is being committed or is likely to be committed;
- A person has failed, is failing or is likely to fail to comply with any legal obligations;
- Disclosures relating to miscarriages of justice;

- Health and Safety risks, including risks to the public;
- Damage to the environment;
- Information relating to any of the above categories is being or is likely to be deliberately concealed.

**Grievance Procedure** Please note that the Grievance Policy and Procedures exist to enable you to lodge a grievance relating to any matter concerning your own employment that you are unhappy about, in particular, matters that fall outside this policy. This policy should not be used to raise individual grievances, and nor is it to be a mechanism for challenging decisions, practices and policies with which you disagree.

#### 4. **Can I remain anonymous?**

You are encouraged to put your name to allegations as anonymous concerns are much less powerful. However, anonymous concerns will still be considered by the nursery trustees, who will not tolerate harassment or victimisation and will take appropriate action to protect you.

#### 5. **How do I raise a concern or make a disclosure?**

You can do so either orally or in writing to the Nursery Manager. In cases where your concerns relate to the Manager, you can approach the Nursery Lead or the Chair of Trustees. Where your concerns relate to the Nursery Lead, you can approach the Chair of the Trustees – Urszula Tompsett 07918 743556 or the Secretary to the Trustees – Julie Simmonds [julie.ellen.simmonds@gmail.com](mailto:julie.ellen.simmonds@gmail.com)

You will be expected to give as much background and history as you can and, whilst you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate that you are making the disclosure in good faith and that you reasonably believe that the information disclosed, and any allegation contained within it, are substantially true. None of this policy will apply unless you act in good faith.

#### 6. **How will the Nursery respond?**

In order to protect all individuals concerned with any disclosure, initial enquiries will be made to decide whether an investigation is appropriate. Where appropriate, the matters raised may be:

- Investigated by management, internal audit or through disciplinary procedures.
- Be referred to the LADO via SPOA, police and /or other appropriate agencies.
- Form the subject of an independent enquiry.
- Resolved by agreed action without the need for investigation.

Within 10 working days, the appropriate representative of the Manager or Trustees will:

- Acknowledge receipt of your concern.
- Indicate how it is proposed to deal with the matter and give an estimate of how long this will take.
- Provide information on staff support mechanisms.

Should there be a need for investigating officers to meet you, this can be off-site if you wish and you can be accompanied by a trade union representative or someone else who can support and advise you. All parties will be expected to maintain strict confidentiality.

The Nursery Trustees will take steps to minimise any difficulties which you may experience as a result of raising a concern, and if you are required to give evidence at a criminal or disciplinary hearing the Nursery Trustees will support you.

## **7. Making an external disclosure**

It is hoped that this policy gives you the reassurance to raise matters within the Nursery structure; however as a last resort it may be appropriate to contact SPOA 01323 464 222 or the Police.

If you were to disclose the matter outside the Nursery, you should ensure that you do not disclose confidential information and you must ensure that you satisfy the following five conditions in order to gain the specific rights under this policy or the relevant legislation referred to above:

- You must have made the qualifying disclosure in good faith,
- You must reasonably believe that the information disclosed, and any allegation contained in it, is substantially true,
- The disclosure must not have been made for the purposes of personal gain,
- One of the following three conditions must apply:
  1. At the time of the disclosure, you reasonably believe that you will be subjected to detriment by raising the concern with the employer or a prescribed person (listed in the Schedule to the Public Interest Disclosure (Prescribed Persons Order 1999),
  2. Where there is no prescribed person in relation to the relevant failure, you reasonably believe that it is likely that evidence will be concealed or destroyed if you make a disclosure to your employer,
  3. You have previously made a disclosure of substantially the same information to either your employer or a prescribed person,
- In all of the circumstances of the case, it is reasonable to make a disclosure.