



DEAN CLOSE  
**LITTLE TREES**  
NURSERIES

**DEAN CLOSE NURSERIES LIMITED**

**Independent Day Nursery**

**Whistleblowing Policy  
(NL028)**

Dean Close Nurseries Ltd is wholly owned by The Dean Close Foundation,  
registered Charity No: 1086829

Date of Issue: March 2023  
Review Date: March 2024  
Owner: Area Manager

## **DEAN CLOSE NURSERIES LIMITED**

### **WHISTLEBLOWING POLICY**

(Cross Reference to Safeguarding Policy)

- This policy has been authorised by the Directors of Dean Close Nurseries Ltd for all of its nurseries, (the “Nursery”).
- This policy will be reviewed periodically by the Area Manager, and submitted to the Dean Close Nurseries Ltd Board for oversight and signing off.

### **Introduction**

Dean Close Nurseries Ltd expects all staff to act professionally and in the best interests of children at all times.

1. The Public Interest Disclosure Act 1998 applies to all organisations. It protects workers from victimisation when they blow the whistle (make a disclosure in the public interest) inside and, where there is a good reason, outside an organisation. It encourages people to raise concerns about malpractice in the workplace and helps ensure that organisations are able to focus on the message rather than the messenger so that serious malpractice is not covered up.
2. Employees are often the first to realise that there may be something seriously wrong within a nursery. However, they may not voice their concerns because they feel that speaking out would be disloyal to their colleagues or the Nursery. They may also be worried about being harassed or victimised. In these circumstances, some people might find it easier to ignore the issues, rather than report what may be just a suspicion of malpractice.
3. It is important to strike a balance between the right of the individual member of staff to speak freely and the right of the Nursery or colleagues to protect themselves against false or malicious accusations.
4. It can be hard to raise a concern, especially if it could have an impact on friends, colleagues or managers. A whistleblowing policy/procedure shows how concerns about malpractice, either inside or outside the Nursery, can be raised whilst protecting whistle blowers from the threat of victimisation or dismissal.
5. Any disclosure made in ‘good faith’ will be protected by this policy if the Whistle blower has a reasonable suspicion that malpractice has occurred, is occurring or is likely to occur. In the event of any member of staff /volunteer/adult having concerns about the actions or behaviour of any other person employed, working or volunteering within the setting, they must take appropriate action to their concerns and the person involved.

## Definition

6. Whistle blowing inside the workplace is defined as the reporting by workers or ex-workers of wrong doing such as fraud, malpractice, mismanagement, breach of health and safety law or any other illegal or unethical act either on the part of management, the Trustees or by fellow employees. Employees may include, Trustees, volunteers, contractors and outside agencies or others.

## Principles supporting the procedure

7. The Trustees and Senior Management Teams in the Nursery are committed to the highest possible standards of conduct, openness, honesty and accountability. In line with that commitment they expect staff to tell them about any serious concerns they might have about any aspect of the Nursery's work or colleagues. All staff have a legal duty to pass on any concerns involving the safeguarding or protection of children to someone who can deal with it. This will include concerns about fellow professionals, or anyone who works with, or comes into contact with, children. We recognise that most cases will have to proceed on a confidential basis. All staff have a legal duty to pass on any concerns, however low level, involving safeguarding
8. This policy document confirms that staff will be able to express their concerns without fear of being victimised, or penalised in any way. It aims to encourage and enable staff to raise concerns internally, rather than ignoring the problem or taking it outside the organisation.

## About this policy

9. This policy applies to all employees, students on placement, Trustees, volunteers, agencies and anyone else who has access to children or the Nursery. This includes contractors working on site, school suppliers and those providing services either to children or the Nursery. All staff will be encouraged to re-read this policy at least annually.
10. Where the procedure refers to a manager or supervisor, this will normally mean the Warden, the Bursar, the Area Manager, the Nursery Manager or Deputy Manager.
11. This procedure is separate from the Foundation's adopted procedures regarding grievances. Individuals should not use the whistleblowing procedure to raise grievances about their personal employment situation.
12. This procedure is separate from the Nursery's adopted procedures regarding complaints.
13. This procedure should be used to raise serious concerns.  
These may include:
  - conduct which has failed, or is likely to fail, to comply with a legal obligation;
  - disclosure related to miscarriages of justice;
  - actions which endanger the health or safety of any individual, including risks to children or the public as well as other workers;
  - damage to the environment;
  - theft or misuse of Nursery property or assets;
  - the unauthorised use of Nursery funds;
  - possible fraud or corruption;

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- serious departure from professional standards;
- sexual or physical abuse of children / service users / workers;
- neglect or emotional abuse of children
- serious breach of Nursery regulations;

This is not a complete list.

14. All employees have a duty to report fraud and offences of a criminal or child protection nature. They should use their own judgement but it is better to report suspicions using these procedures rather than ignore concerns.
15. Employees can use these procedures to report concerns about service provision, or the conduct of staff or other people. This might include something that:
  - goes against orders and/or policies of the Nursery,
  - falls below established standards or practice;
  - could be viewed as improper conduct; or
  - makes individuals feel uncomfortable and goes against their experience of right and wrong.

### **Communicating concerns internally in a safe environment.**

16. Where there are serious concerns expressed about wrong doing, these will be dealt with seriously and the whistle blower protected. The Dean Close Foundation does not tolerate harassment or victimisation in any form and will take action to prevent it. Whistle blowers will be treated as witnesses not complainants. Victimising people who raise genuine concerns will be treated as a disciplinary offence.
17. At the same time, it is also a disciplinary offence to make allegations that are untrue or malicious.

### **Reporting concerns**

18. When concerns arise staff should first contact the Warden, the Area Manager, the Nursery Manager, the Deputy Manager or the Bursar.

### **Wider disclosure**

19. Whilst it is preferable that any concerns are not taken to someone outside the Nursery without first going through these internal procedures, there may be a good reason for doing so. Reasons could be that senior managers are involved, a regulatory requirement if a serious allegation has been made or there are serious health and safety issues or possible discrimination.
20. The external sources which could be used are:
  - a) The Local Authority Designated Officer
  - b) Any member of the Board of Trustees
  - c) Police
  - d) Health & Safety Executive

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- e) Audit Commission
  - f) HMRC
  - g) Department of Education
  - h) The relevant inspectorate
21. Staff who decide to take the matter outside the Nursery need to be aware that they should be careful not to reveal any confidential information.
22. Whistle blowers must:
- reasonably believe that they will be victimised if they raise the matter internally;
  - reasonably believe a cover up is likely;
  - have already raised the matter internally and the issues have not been addressed.
23. Contracts of employment usually stipulate a duty not to disclose any matters that could be considered confidential. This prevents employees from publicly disclosing employers' confidential information unless it is in the public interest to do so, or unless the Nursery has failed to deal with the issue properly.

### **Confidentiality**

24. All concerns will be treated in confidence and every effort will be made not to reveal the identity of the whistle blower. However, in order to investigate the matter properly, the investigating officer may need to ask for files or question other employees, so it is impossible to guarantee complete confidentiality.
25. Some cases are clearly so serious that police may have to be involved. In these cases it may be necessary to reveal the identity of individuals.
26. While these procedures are being carried out, all parties will need to agree that the issue will be kept confidential.
27. Children may also have information which should be raised in the public interest. The Nursery will ensure that there are proper procedures and support in place following any guidance from social services, if deemed appropriate.

### **Anonymous allegations**

28. It is far better for staff to put their name to any allegations, because anonymous allegations are not as powerful as those put forward by a named individual. However, anonymous allegations will be investigated as far as possible.

### **Untrue allegations**

29. If allegations are made in good faith but it is not confirmed by the investigation no action will be taken against the whistle blower. If, however, an allegation is considered to be made frivolously, maliciously or for personal gain, disciplinary action may be taken against the individual.

## **Role of trade unions**

30. The Nursery recognises that individuals may wish to seek advice and be represented by their trade union when following these procedures.

## **Responding to a concern**

31. The Nursery will always respond to concerns, but an investigation does not mean that it has accepted or rejected concerns.

32. Where appropriate the matters raised may be:

- investigated by managers, internal audit, or through the disciplinary process;
- investigated under other procedures such as child / adult protection;
- investigated under procedures designed to deal with allegations made against professionals;
- referred to the Police;
- referred to an external auditor or other independent external investigation;
- the subject of an inquiry;
- investigated under other forms of prosecution and inspection such as the protection of public health and safety;

33. The Nursery will make initial enquiries to decide whether an investigation is appropriate and, if so, what form it will take. If the matter falls within the scope of specific procedures (for example, Child Protection or discrimination issues) it will normally be considered under those procedures.

## **The procedures**

34. The person raising the concern should:

- raise their concern with the Warden, the Area Manager, the Nursery Manager or Deputy, the Bursar. They can do this in writing, or by talking to them about it. They have the right to ask for the matter to be treated confidentially;
- if the Warden, the Area Manager, Nursery Manager or Deputy or Bursar believes the concern to be genuine and that it is appropriate to use the Whistle Blowing Procedure, they will contact the Chairman of Trustees;
- if it is alleged that the Chairman of Trustees is involved in the malpractice, another member of Board of Trustees should be contacted;
- if the individual feels unable to discuss the matter with the Warden, the Area Manager, Nursery Manager or Deputy or the Bursar they can take it directly to the Chairman of Trustees. If this is the case, the member of staff will be asked to justify why they feel unable to raise their concern in the normal way;
- if the individual thinks that they might be victimised, or their concerns are being ignored, they may feel unable to raise the issue with any member of the Nursery staff or Trustee body. In these cases, they should contact the relevant inspectorate for the Nursery.

## **The role of the person investigating the complaint (Investigating Officer):**

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35. The Investigating Officer (which in usual circumstances will be the Nursery Manager or the Area Manager) should:
- interview the member of staff privately within five working days, or straight away if there is a risk of loss of life, serious injury or if the matter involves Child Protection;
  - get as much information as they can from the person making the complaint about the malpractice. If it is a Child Protection or safeguarding issue, the Investigating Officer will only need brief facts to decide whether to follow the specific Child Protection / Safeguarding procedures, and what action to take;
  - discuss with the individual what further steps should be taken and keep them informed of any actions;
  - advise on the best way forward if the matter does not fall under the School's Whistle Blowing Procedure;
  - report all matters raised under this procedure to the Chairman of Trustees.
36. A recognised Trade Union representative, work colleague or other person may be asked to attend the interview with the Investigating Officer. The person carrying out the interview may also ask another member of the Nursery Senior Management Team to join them if they wish.
37. Within ten working days of the interview, the Investigating Officer should recommend to the Chairman of Trustees one or more of the following options. That the matter be:
- investigated internally by the Nursery;
  - investigated by external auditors appointed by the Nursery;
  - reported to The Local Authority Designated Officer
  - reported to the Police;
  - reported to the Department of Education;
  - pursued by the whistle blower using other procedures if their concerns do not fall within these procedures;
  - considered closed with no further action by the Nursery.
38. The following examples can be considered grounds on which no further action need be taken:
- The Investigating Officer is satisfied that there is no evidence and it is unlikely that malpractice, as defined by these procedures, has occurred, is occurring or is likely to occur;
  - The Investigating Officer believes that the individual is not acting in good faith;
  - The matter is already (or has been) the subject of proceedings under one of the Nursery's other procedures or policies;
  - The matter is already the subject of legal proceedings, or has already been reported to the Police, Children's Social Care Service the external auditors, the DfE or another public authority;
39. The person who receives the Investigating Officer's recommendations must ensure that it is acted on fully unless there is a good reason for not doing so. If there is a good reason for ignoring the recommendation, it must be reported to the next meeting of the Trustees. The whistle blower's identity will be kept confidential unless they are happy to be named, or unless there are grounds to believe that they have acted maliciously. If there are no such grounds, the identity will only be revealed if:

- they have to do so by law;
  - the information is already known;
  - it is revealed in confidence to a qualified lawyer in order to get legal advice;
  - the whistle blower has to provide evidence at a disciplinary hearing or other proceedings.
40. The whistle blower will be told the outcome of any investigations within 28 days. The information will be sent in writing to the individual's home address or by email. If the individual has not had a response within 28 days, they may appeal to the Chairman of Trustees, but they must inform the Investigating Officer before doing so.
41. The individual may discuss the matter in confidence at any time with a qualified lawyer in order to get legal advice. The Nursery will ensure as far as possible, that the individual is protected from any form of victimisation or discrimination.

### **Recording, monitoring and evaluation**

42. If there are any safeguarding or child protection issues, staff will need to follow the Child Protection and or Safeguarding Procedures.
43. All staff should be fully aware of the Nursery's whistle blowing policy and feel able to voice concerns about the attitude or actions of colleagues. If a member of staff believes that a reported allegation or concern of a safeguarding nature is not being dealt with properly, they should report the matter to the Warden, the Area Manager, the Nursery Manager or Deputy, or Bursar as appropriate.
44. If a member of staff believes that other concerns are not being dealt with appropriately they should contact the Chairman of Trustees. They can also contact their trade union. The most senior member of staff dealing with the disclosure will keep records and monitor progress. These should be kept in a safe location.

### **If the whistle blower is dissatisfied**

45. If any member of staff is unhappy with the response, they can take the matter to a higher level or one of the organisations listed in this policy. Although the Nursery cannot guarantee that they will respond to all matters in the way that the individual might wish, the Nursery will always try to deal with the matter fairly and properly. This policy should help all parties achieve their aims.

### **Review**

46. Trustees will review this policy at least every two years to assess its progress and performance. All staff and people working within the Nursery will be made aware of the policy.



### **Procedure – how to raise a concern**

47. You should first raise your concern with the Warden, the Area Manager, the Nursery Manager or Deputy or the Bursar. You can do this in writing or by talking to them about it. You have the right to ask for the matter to be treated confidentially.
48. If you feel unable to discuss the matter with any of the above you can take it directly to the Chairman of Trustees. If this is this case, you will be asked to justify why you feel unable to raise your concerns in the normal way.
49. If the Chairman of Trustees is allegedly involved in the malpractice, another member of the Board of Trustees should be contacted.
50. If you feel you might be victimised, or there might be a cover up, or your concerns are being ignored, you may feel unable to raise the issue with staff at Nursery. In these cases, you should contact an external organisation such as the Citizen's Advice Bureau.
51. If, at any stage, you feel that your concerns are not being dealt with properly, you should move on to the next stage. You must put your concerns in writing within 48 hours at each stage.

### **Investigating Officer – response to a concern**

52. The Investigating Officer should:
- Interview you within seven working days, in confidence, or straight away if there is a danger to loss of life, serious injury or the matter involves child protection.
  - Get as much information as they can from you about the alleged malpractice.
  - If it is a child protection or safeguarding issue, they will only need brief facts to decide whether to follow specific Safeguarding and Child Protection Procedures, and what action to take.
  - Discuss with you what further steps should be taken, and keep you informed of any actions.
  - Advise you on the best way to deal with your concerns if it does not fall under the Nursery's Whistle Blowing Procedure.
  - Report all matters raised under this procedure to the Chairman of Trustees.