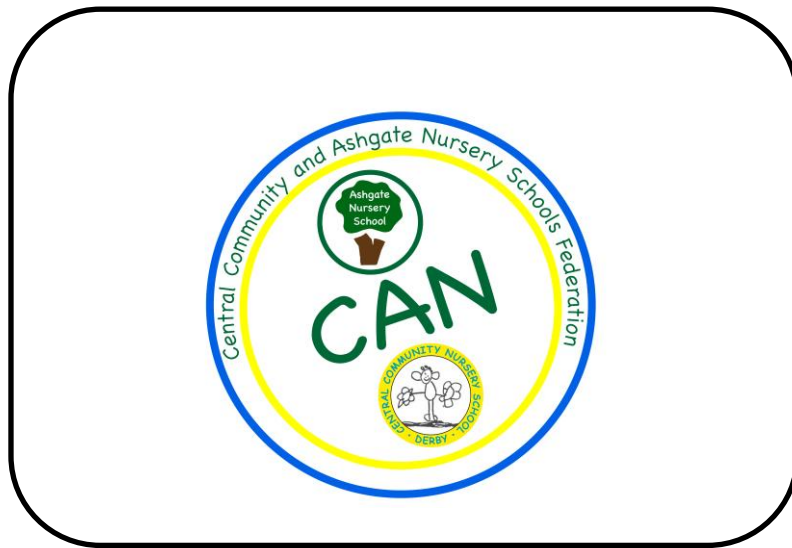


# Central Community and Ashgate Nursery Schools' Federation



## Whistleblowing Policy

---

Signed by:

*[Handwritten signature]*

Head teacher

14 September 2023

Date:

*C. Menick*

Chair of governors

14 September 2023

Date:

---

## 1. Introduction

The Central and Ashgate Nurseries Federation takes seriously its responsibilities for good governance, the delivery of effective public services and the appropriate and efficient use of public money and resources. Where any member of staff has a concern that might fall within the scope of this document they are encouraged to report the matter to their line manager, head teacher or the Chair of Governors, as appropriate.

The Central and Ashgate Nurseries Federation is committed to the highest possible standards of transparency and accountability. The Central and Ashgate Nurseries Federation is also committed to improving the performance of all its functions.

This Code is intended to encourage and enable workers to raise serious concerns within the Central and Ashgate Nurseries Federation by setting out the process to make a disclosure under the Public Interest Disclosure Act 1998.

The Central and Ashgate Nurseries Federation accepts that some staff may prefer to do this in a confidential way to avoid any public disclosure of their identity. This Code makes it clear that workers can raise concerns of illegal or improper conduct without fear of victimisation, subsequent discrimination or disadvantage.

The Code applies to all **workers** of the Central and Ashgate Nurseries Federation. To be a **'worker'** an individual must –

Work for the Central and Ashgate Nurseries Federation under a contract of employment:

1. Be contractually required to perform personal work or services for the Central and Ashgate Nurseries Federation is not either a client or customer of a profession or business undertaking work carried out by that individual
2. Be on a work experience placement provided pursuant to a training course or programme or training for employment (or both)

## 2. Legal Framework

This policy has due regard to all relevant legislation and guidance including, but not limited to, the following:

- Public Interest Disclosure Act 1998
- Employment Rights Act 1996
- DfE (2021) 'Keeping children safe in education 2021'

- GOV.UK (2012) 'Whistleblowing for employees'
- DfE (2014) 'Whistleblowing procedure for maintained schools'
- Sir Robert Francis (2015) 'Freedom to speak up report'

This policy operates in conjunction with the following school policies:

- Disciplinary Policy and Procedure
- Records Management and Retention Policy
- Complaints Procedures Policy
- Data Protection Policy

### **3. Aims and Scope**

As a worker at this Central and Ashgate Nurseries Federation this Code aims to:

Encourage you to feel confident in raising serious concerns of illegal or improper conduct, and to question and act upon concerns about practice.

1. Provide a way for you to raise those concerns and to be told of any action taken to address concerns.
2. Ensure that you receive a response to your concerns and that you are aware of how to pursue them if internal processes is not successful.
3. Reassure you that you will be protected from possible reprisal or victimisation if you have a reasonable belief that you have made any disclosure in the public interest.

### **4. Qualifying Disclosures**

The law provides protection for workers who raise legitimate concerns about specified matters. These are called "qualifying disclosures". This code is not designed to replace or be used as an alternative to the grievance procedure.

A qualifying disclosure is one made in the public interest by a worker who has a reasonable belief that one of the following is being, has been or is likely to be committed:

- a criminal offence;
- a miscarriage of justice;
- an act creating risk to health and safety;
- an act causing damage to the environment;
- unauthorised use of public funds

- an act of fraud or corruption
- Sexual or physical abuse of pupils
- a breach of any other legal obligation; or
- concealment of any of the above;

## 5. Protected Disclosures

The Central and Ashgate Nurseries Federation is committed to good practice and high standards and wants to be supportive of workers. Any disclosure of information as detailed above will only be a protected disclosure if it is made in the reasonable belief of the worker that the disclosure is **in the public interest**.

No worker who uses this procedure in the reasonable belief that the disclosure is in the public interest will be penalised for doing so. A worker has the right not to be subjected to a detriment by any act or deliberate omission by another worker employed by the Central and Ashgate Nurseries Federation on the ground that he or she has made a protected disclosure. The Central and Ashgate Nurseries Federation will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect workers when they raise a concern that they believe is in the public interest to disclose.

Any worker that is found to have made an allegation frivolously, maliciously or for personal gain may be subject to disciplinary procedures.

## 6. Distinction with Individual Grievances

An employee disclosure about breach of their employment contract or an individual work concern will generally not be protected; these concerns should be raised using the Central and Ashgate Nurseries Federation complaints and grievance procedure.

*NB. Any general concerns about a colleague's professional capability should not be dealt with using this procedure*

## 7. Confidentiality and Anonymous allegations

A concern reported under this Code will be treated confidentially. Unless the worker agrees, their identity will not be disclosed by the Central and Ashgate Nurseries Federation in dealing with their concern within this Code.

However this Code encourages workers to put their name to allegations whenever possible. Concerns expressed anonymously will be considered at the discretion of the Central and Ashgate Nurseries Federation.

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

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

In the event of a concern disclosing alleged criminal activity, the worker may be asked to help the police or other appropriate enforcement agency. In the event of disciplinary action taken by the Central and Ashgate Nurseries Federation the worker may be asked to give evidence under the disciplinary procedure.

If a worker believes that the claim was made in the public interest, but the claim is not confirmed following investigation, no action will be taken against the worker. However, maliciously making a false allegation is a disciplinary offence. If a claim is made frivolously, maliciously or for personal gain, then disciplinary action may be taken against the worker.

## **8. How to Raise a Concern**

As a first step, workers should raise concerns with their immediate manager or the Head teacher. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if the worker believes that Senior Management or the Head teacher are involved, they should approach the Chair of Governors.

The earlier a concern is expressed, the easier it is to take action.

Depending on the nature of the concern, the complainant will need to demonstrate to the person contacted that there are reasonable grounds for their concern. Concerns may be raised verbally or, preferably, in writing. Staff who wish to make a written report are invited to use the following format:

- The background and history of the concern (giving relevant dates).
- The reason why you are particularly concerned about the situation.
- Why you think this concern is in the public interest to disclose

Advice/guidance on how to pursue matters of concern may be obtained from any of the names listed at the back of this policy.

The school encourages individuals to let their identity be known when they raise concerns, as anonymous concerns can be challenging to investigate.

Individuals who would like to seek professional and confidential advice should contact Protect, a registered charity that advises on whistleblowing queries. The Protect website can be accessed at ([www.protect-advice.org.uk](http://www.protect-advice.org.uk)).

If a member of staff feels like they are unable to raise a safeguarding-related concern with the school, they are able to contact the NSPCC Whistleblowing Helpline detailed at the end of this policy, or the LADO.

The school, or the appropriate external agency, will acknowledge receipt of a disclosure but, unless additional information is required, will not contact or engage in dialogue with the whistleblower, as this may undermine the legitimacy of the investigation outcome.

Workers may invite a trade union representative, or a work colleague, to be present during any meetings or interviews in connection with the concerns that they have raised.

## **9. How the Central and Ashgate Nurseries Federation will respond**

Initially all concerns raised under this Code will be referred to the Head teacher or Chair of Governors who may take legal and professional advice as required. The reported matter may:

- be investigated by management, Internal Audit, or through the disciplinary process.
- be referred to the police.
- be referred to the external auditor
- form the subject of an independent inquiry.

In order to protect individuals and those accused of illegal or improper conduct, 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, child protection or discrimination issues), will normally be referred for consideration under those procedures.

Some concerns may be resolved by the governing body without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

Within a reasonable period (usually within 5 working days - excluding periods of school closure) of a concern being referred to the Chair of Governors, s/he will write to the complainant:

- Acknowledging that the concern has been received.
- Indicating how the matter is to be dealt with.
- Giving an estimate of how long it will take to provide a final response, telling you whether any initial enquiries have been made.
- Telling you whether further investigations will take place and if not, why not.

The amount of contact between the persons considering the issues and the complainant will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Central and Ashgate Nurseries Federation may seek further information from the complainant.

The school will take steps to minimise any difficulties that complainants may experience as a result of raising a concern. For instance, if they are required to give evidence in criminal or disciplinary proceedings the Central and Ashgate Nurseries Federation will arrange for advice on the process to be given.

The Central and Ashgate Nurseries Federation accepts that the complainant expects to be assured that the matter has been properly addressed. The Chair of Governors, subject to any legal constraints and data protection, will inform you of the outcome of any investigation that may take place.

**Please note, complainants will not be given any information regarding possible sanctions against the employee that the concerns were raised about.**

## **10. The Responsible Officer**

The Chair of Governors has overall responsibility for the implementation of this code.

## **11. How the matter can be taken further**

This Code is intended to provide workers with a way within the Central and Ashgate Nurseries Federation to raise concerns. The Central and Ashgate Nurseries Federation hopes staff will be satisfied with any action taken. If they are not, and feel they wish to take the matter outside the schools, the following are possible contact points:

The matter should be directed in the first instance to Derby City Council

You **MUST** immediately contact one of the following officers. Latest details can be found on Derby City Council's website at

<https://www.derby.gov.uk/council-and-democracy/your-council/council-departments/>

- Chief Executive
- Strategic Director
- Strategic director – people services
- Strategic director – communities and place
- Director of Legal and Democratic Services (Monitoring Officer)
- Emily Feenan, Monitoring Officer 01332 643611
- Data Protection Officer
- Local Authority Designated Officer (LADO): Tel 01332 642376

The Council has its own procedures for dealing with such matters and will ensure every effort to respect the confidentiality of the whistleblower. The Council will ensure relevant officers of the Department for Education are informed as appropriate.

The Council hopes you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside the Council, the following are possible contact points:

- The external auditor (Grant Thornton UK LLP)
- The audit commission was replaced in April 2015 by the following:
  - i. Public Sector Audit Appointments Ltd ([www.psaa.co.uk](http://www.psaa.co.uk))
  - ii. National Audit Office ([nao.org.uk](http://nao.org.uk))
  - iii. Financial Reporting Council ([www.frc.org.uk](http://www.frc.org.uk))
  - iv. Cabinet Office ([www.gov.uk/government/organisations/cabinet-office](http://www.gov.uk/government/organisations/cabinet-office))
- Your trade union
- Your local Citizens Advice Bureau ([www.citizensadvice.org.uk](http://www.citizensadvice.org.uk))
- Relevant professional bodies or regulatory organisations
- A relevant voluntary organization
- The police
- The NSPCC whistleblowing helpline is available for staff who do not feel able to raise concerns regarding child protection failures internally. Staff can call 0800 028 0285 – line is available from 8:00 AM to 8:00 PM, Monday to Friday and email: [help@nspcc.org.uk](mailto:help@nspcc.org.uk)

This does not prevent you from taking your own legal advice.

If a worker chooses to disclose the matter outside the Central and Ashgate Nurseries Federation, they must ensure that confidential information is not disclosed to any person who is not authorised to receive it.

An untrue allegation that a person has committed a criminal offence may be defamatory. Concerns raised within the Central and Ashgate Nurseries Federation will normally be protected by qualified privilege as a defence to defamation proceedings unless made maliciously.

In addition information and advice can be obtained from the charity Public Concern at Work. This charity offers free legal advice in certain circumstances to people concerned about serious malpractice at work. Their literature states that matters are handled in strict confidence and without obligation. Contact details for the charity are as follows:

Public Concern at Work  
Telephone number 020 3117 2520

<http://www.pcaw.org.uk/>

Further information and can be found on the government website [www.gov.uk](http://www.gov.uk)

[www.gov.uk/whistleblowing](http://www.gov.uk/whistleblowing)

This contains a list of bodies including the following

## **Education**

### ***Her Majesty's Chief Inspector of Education, Children's Services and Skills ("the Chief Inspector")***

about matters relating to the regulation and inspection of establishment and agencies for children's social care services.

Ofsted  
Piccadilly Gate  
Store Street  
Manchester M1 2WD  
Tel: 0300 123 1231  
Email: [whistleblowing@ofsted.gov.uk](mailto:whistleblowing@ofsted.gov.uk)

## **Children's Interest**

### ***Children's Commissioner***

about matters relating to the rights, welfare and interests of children in England.

The Office of the Children's Commissioner  
Sanctuary Buildings  
20 Great Smith Street  
London  
SW1P 3BT  
Tel: 020 7783 8330  
Email: [info.request@childrenscommissioner.gsi.gov.uk](mailto:info.request@childrenscommissioner.gsi.gov.uk)  
[www.childrenscommissioner.gov.uk](http://www.childrenscommissioner.gov.uk)

### ***The National Society for the Prevention of Cruelty to Children (NSPCC)***

about matters relating to child welfare and protection.

NSPCC  
Weston House  
42 Curtain Road  
London  
EC2A 3NH  
Tel: 0808 800 500  
Or: 020 7825 2500  
Email: [help@nspcc.org.uk](mailto:help@nspcc.org.uk)

## **General Data Protection Regulation and Freedom of Information**

### ***The Information Commissioner***

about compliance with the requirement of legislation relating to data protection and to freedom of information.

The Office of the Information Commissioner  
Wycliffe House  
Water Lane  
Wilmslow, SK9 5AF  
Tel: 0303 123 1113  
Email: [casework@ico.org.uk](mailto:casework@ico.org.uk).  
[www.ico.org.uk](http://www.ico.org.uk)

## **Health and Safety**

### ***The Health and Safety Executive***

about health or safety of individuals at work or the health and safety of the public that is work-related, in connection with those industries and work activities for which HSE is the enforcing authority.

Health and Safety Executive  
Technical support - Tel: 0300 003 1747  
Emergency – Tel: 0345 300 9923  
[www.hse.gov.uk](http://www.hse.gov.uk)

### ***Your local authority***

about matters which may affect the health or safety of any individual at work or matters which may affect the health and safety of any member of the public arising out of or in connection with the activities of persons at work. You can find the contact details for the relevant local authority here:

<https://www.derby.gov.uk>  
<http://www.derby.gov.uk/business/health-and-safety/>

