UNITED SYNAGOGUE NURSERIES

Whistleblowing Policy

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Whistleblowing Policy

The reporting of malpractice and improper conduct

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1. INTRODUCTION

The term 'whistleblowing' relates to situations whereby an employee/worker discloses illegal or unethical conduct within an organisation. Unlike wrongdoing where the consequences are strictly personal, whistleblowing is unique as it focuses on matters relevant to the public interest. In other words, a whistle blower makes a disclosure about wrongdoing in the public interest.

If the consequences of an employer's conduct have wider implications for the general public, then the individual exposing the wrongdoing is 'whistleblowing'. The law protects whistle blowers from any potential consequences to their employment, for example by providing protection from dismissal, from being overlooked for promotion, from victimisation, harassment, or any other unfair treatment.

Current UK legislation in place for the protection of whistle blowers was brought in under the Public Interest Disclosure Act 1998 (PIDA) and expanded upon with the introduction of the Enterprise and Regulatory Reform Act (ERRA) 2013. These Acts provide the legal framework that governs the circumstances in which employees can legally blow the whistle, as well as setting out the requirements for legal protection following the event.

The United Synagogue are committed to developing and maintaining the highest possible behavioural standards and a culture encouraging openness, probity and accountability of all employees, workers, and contractors. This Whistleblowing Policy provides a framework to enable and encourage you to raise and report, or 'disclose', genuine concerns regarding any relevant aspect of the settings work. The Policy aims to reassure you that you will be protected from possible reprisals or detriment if you have a reasonable belief that any disclosure you make is true.

2. WHO THE WHISTLEBLOWING POLICY APPLIES TO?

This Whistleblowing Policy applies to all employees, including apprentices, trainees and work experience placements, governors and volunteers. It also covers contractors working for the nursery on our premises, for example, agency workers and consultants, as well as suppliers and any organisations providing services under a contract with the United Synagogue on their own premises.

Note that workers who are not employees cannot claim unfair dismissal due to blowing the whistle but, because of the protection afforded, they can claim 'detrimental treatment'.

The Policy does not cover other persons such as members of the public or parents.

3. MATTERS COVERED BY THE WHISTLEBLOWING POLICY

The Policy is intended to cover the most serious concerns about malpractice that fall outside the scope of other procedures.

'Qualifying Disclosures', i.e., disclosures or the reporting of serious concerns that afford an employee/worker protection in law, are disclosures of information where the employee/worker reasonably believes that one or more of the following is either happening, has taken place, or is likely to happen in the future and that disclosure is in the public interest:

- The unauthorised use, or misuse, of public funds
- A failure to comply with a legal obligation.
- Conduct which is an offence or breach of the law.
- Possible fraud and corruption (e.g., financial fraud or mismanagement, public examination fraud)
- Possible acts of bribery

- Serious Health and Safety risks, including risks to pupils and the public, as well as other employees/workers.
- Damage to the environment
- Safeguarding or Child Protection matters
- Any conduct which may damage the settings reputation.
- Miscarriages of justice
- Other unethical conduct
- Deliberate concealment of information relating to any of the above.

This list is not necessarily exhaustive. (See also 4. below).

4. MATTERS NOT COVERED BY THE WHISTLEBLOWING POLICY

The wrong-doing, or malpractice, being disclosed **must be 'in the public interest'.** There is no specific definition of what is meant by 'in the public interest'. However, the matter cannot relate solely to the individual who is raising it. It must adversely affect, or threaten, others. This could mean pupils, parents, or the public in general, for example. It could also be interpreted as including other employees/workers depending on all the factors involved. This may be the case only if a significant number are affected and will depend also upon the nature of the interests affected, the nature of the wrongdoing disclosed, even the identity of the alleged wrongdoer may be relevant - the more prominent s/he is, the more likely it is that the disclosure will be in the public interest. All the circumstances of the case would need to be considered to decide if the matter is in the public interest generally.

However, **a Disclosure may not be made for purely private matters, such as a problem with the individual's own employment terms or contract.**

Other matters the Whistleblowing Policy does NOT normally cover.

- **The general behaviour of another employee** (i.e., behaviour that does not fall within the types of malpractice listed in 3. above). Employees should refer a complaint about another employee's behaviour to his/her Line Manager or otherwise pursue the matter through US's Grievance Procedure.

- **Concerns relating to another employee's/worker's performance or capability.** There are other, more appropriate, procedures in place for management to address such issues.

- **Matters relating to the abuse or neglect of an adult at risk.** Such concerns should be referred to the Local Safeguarding Partnership team.
  Where the concern relates to a Person in a Position of Trust ("PIPOT"), such as that person's suitability to work with adults with care and support needs, as opposed to a specific safeguarding concern.

  *(Note that **Child Protection concerns** are covered in the next section of this document. See 5. (a) and (b) below).*

Complaints from the public that relate to the standard of service delivered by *the setting or the setting's Contractors.* These should be reported through the *setting's* Complaints Procedure.

5. HOW TO RAISE A CONCERN

(a) PRIOR to raising a concern

(i) Where there are concerns relating to a child protection matter, action should be taken in accordance with the Child Protection Policy and any other advice and guidance set out by the Local Safeguarding Children's Partnerships and the Department for Education (DfE).

Statutory guidance issued by the **DfE** in relation to the safeguarding of children and young people includes **'Working Together to Safeguard Children'** and **'Keeping Children Safe in Education' (KCSIE) and 'The Early Years Foundation Stage'. The relevant DfE website page can be located at: https://www.gov.uk/government/publications/early-years-foundation-stage-framework--2**

(ii) If you are a member of a Professional Association or Trade Union, it may have in place a Code, or rules, which set out how members should act in relation to raising concerns involving colleagues and/or in relation to dealings with colleagues in general. You are advised, in these circumstances, to familiarise yourself with any such Code or rules or contact your Professional Association or Trade Union for further advice prior to taking action. In any event, you may wish to consult your Professional Association/Trade Union for advice and support prior to raising a concern.

(b) How to raise a concern

When raising your concern, it is advisable that you report your concern as early as possible. A significant delay in reporting the matter may make the subsequent investigation difficult to pursue. Please note you do not have to work through these in order and can jump to step 4 should you think this is appropriate.

Step 1

As a first step, you should report any concerns to **the Nursery Manager.**

Contact details
Rachel Simon - Nursery Manager **Email:** babyish@southhampstead.org **Phone:** 07943 505131 **Adress:** The Delaszlo Hall, Maresfield Gardens, NW3 5SU **Webpage**: https://www.southhampstead.org/children-youth/nursery/ In absence of NM/DSL, contact Alina Dragomir (Deputy Manager/Deputy DSL)

Ensure your concerns are recorded in writing using the 'Record of Allegation form'. Within this form, the following details should be included wherever possible:

- Name and contact details.
- Background and history, names and relevant dates and the reasons why you are particularly concerned about the situation.
- Whether you wish your name to remain confidential (see also Page 10 below, 'Your Confidentiality')
- Whether you want feedback
- The names and roles of any employees or others who may support your concern(s).

If you feel hesitant about putting your concerns in writing at this stage, you should speak to the Nursery Manager to whom you wish to make the report and arrange to meet with him/her. However, you may be asked to put the details in writing at a later stage.

Step 2

If you feel the matter is extremely serious, sensitive or involves your Nursery Manager, you may report the matter, in the manner set out in Step 1 above to:

Contact for Employees / Staff in US Nurseries
Claudia Kitsberg – US Head of Safeguarding – 07906 320440

Step 3

If these channels have been followed and you still have concerns, or if you feel that the matter is so serious that you cannot discuss it with any of the above, then you should contact:

Contact for Employees / Staff in US Nurseries
David Frei - US Safeguarding Lead – 07545 101660

Step 4

If you are not confident in approaching any of the named persons in steps one to three then, in order to raise your concern, **YOU CAN AT ANY STAGE CONTACT**:

Contact for Employees / Staff in US Nurseries
CAMDEN LADO **Camden's LADO is: Jacqueline Fearon Children's Quality Assurance Unit Children's Safeguarding and Social Work 5 Pancras Square London N1(C) 4AG** **Email:** LADO@camden.gov.uk **Phone:** 020 7974 4556 **Webpage**: https://cscp.org.uk/professionals/managing-allegations-against-staff-and-volunteers-lado/ (includes reporting procedure and report form – see form attached to whistleblowing policy)
NSPCC helpline – 0808 800 5000

It is hoped that concerns raised can be dealt with through these channels other than in exceptional circumstances. However, where you consider that your genuine concerns have not been satisfactorily resolved, or are not being addressed, other whistleblowing channels are set out in 13. below, 'Taking Your Concerns Further – External Contacts'. (Note that Ofsted will normally address whistleblowing referrals about a Local Authority's general safeguarding arrangements. However, Ofsted does not have the authority to investigate or follow up whistleblowing concerns relating to individual cases, except where they provide evidence of more widespread or systematic failure).

Please note:

- The US manager in receipt of the information above will consider if the concern meets the LADO threshold of harm/risk of harm and is, therefore, an allegation, and will report to the Local Authority Designated Officer (LADO)[1] immediately and, in any event, within one working day. (If appropriate, the Police should also be notified within one working day – or immediately, if necessary).

Following the raising of a concern under this heading, further action will be taken in accordance with the procedures in place for addressing child protection matters. The referrer of the matter will be informed as appropriate.

6. HOW THE MATTER WILL BE HANDLED

Once you have raised your concern, an initial assessment will be made to determine what action needs to be taken. This may involve an internal inquiry or a more formal investigation. Do not forget that testing out your concerns is not the same as either accepting or rejecting the concern.

Where appropriate, the concerns raised may:

- be investigated internally by management, including HR and/or through the disciplinary process.
- be referred to the Police or another appropriate agency.
- form the subject of an independent inquiry, or investigation by Ofsted.

(NB. Child Protection concerns will be dealt with in accordance with the relevant Child Protection procedures)

When you raise your concern, you may be asked how you think the matter might best be resolved. You will also be required to disclose any personal interest in the matter at the outset.

Any concerns that should be dealt with through another procedure, such as the Grievance Procedure, will be redirected. 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.

You will be advised of the person responsible for handling the matter, how you can contact them and whether further assistance is required. Where possible, you will receive a letter summarising your concern and proposed actions to be taken.

Whilst the purpose of this Policy is to enable possible malpractice to be investigated and to take appropriate steps to deal with it, **you will be given as much feedback as permissible.** Please note, however, that it may not be possible to tell you the precise action being taken where this would infringe a duty of confidence owed to another party.

It should be noted that where a concern raised is linked to a potential redundancy, disciplinary and/or other managerial issue these processes will continue in parallel with the investigation of the alleged wrongdoing and will not prevent any subsequent action being pursued through to conclusion. This principle is not intended to prevent employees/workers from raising concerns.

[1] Every Council has a duty to manage allegations and concerns about any person who works with children and young people in their area. This includes Council staff, staff/workers, staff/workers of partner agencies, volunteers and any others who may work with local children. The LADO is responsible for managing all child protection allegations made against persons who work with children and young people in the area. The LADO must be contacted within one working day in respect of all cases in which it is alleged that - a person who works with children has behaved in a way that has harmed, or may have harmed, a child; possibly committed a criminal offence against or related to a child; behaved towards a child or children that indicates he or she may pose a risk of harm to children; or behaved or may have behaved in a way that indicates they may not be suitable to work with children. The LADO is responsible for managing and overseeing individual cases from all agencies, providing advice and guidance to employers and voluntary organisations around allegations and concerns, chairing strategy meetings (known as 'Allegations against staff and Volunteers' [ASV] meetings in the London Child Protection Procedures), ensuring a fair and consistent process, monitoring progress of cases to ensure they are dealt with as quickly as possible and ensuring the child's voice is heard and that s/he is safeguarded.

Where employees/workers have genuine concerns about potential wrongdoing they are expected to raise these concerns at the earliest opportunity and not raise these in response to other managerial actions being instigated.

In all cases, when a concern is raised in writing, the responsible person will write to you:

- Acknowledging that the concern has been received.
- Indicating how we propose to deal with the matter.
- Providing an estimated timeframe to provide a final response.
- Advising whether any initial enquires have been made.
- Supplying you with information on staff support mechanisms, and
- Informing you if further investigations will take place and, if not, why not.

In circumstances where you are asked to attend any meeting(s) relating to the concern(s) you have raised, you may find it helpful to be accompanied by:

- a local area or regional official of a Trade Union/Professional Association.
- a workplace Trade Union/Professional Association Representative, as long as s/he has been reasonably certified in writing by their union as having experience of, or having received training in, acting as an employee's companion at such meetings. Certification may take the form of a card or letter; or
- a work colleague.

7. IF YOU ARE DISSATISFIED

Whilst it cannot be guaranteed that you will receive a response to all matters in the way that you might wish, the matter will be handled fairly and in accordance with this policy. If you are dissatisfied with the response, you receive it may be appropriate to seek external advice (see 13. below).

8. ASSURANCES TO YOU

The United Synagogue is committed to the Whistleblowing Policy and recognise that the decision to report a concern can be a difficult one to make. If you raise what you reasonably believe to be a genuine concern under this Policy, in the public interest, you will be protected from possible reprisal or victimisation. In these circumstances, it does not matter if you are mistaken, no action will be taken against you. Of course, we do not extend this assurance to someone who maliciously raises a matter they know is untrue. If you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

By reporting or raising a concern, you will be doing your duty to your employer and those for whom you are providing a service.

9. STATUTORY PROTECTION

The Public Interest Disclosure Act 1998, as amended, and including provisions implemented under the Enterprise and Regulatory Reform Act 2013, establishes your right to speak out about malpractice. The legislation provides individuals with protection from victimisation by others, dismissal, or any other detriment, provided they follow the correct procedure, they reasonably believe that what they have reported is either happening, has taken place, or is likely to happen in the future and that disclosure is in good faith and the public interest.

An employee/worker will have to show three things to claim Public Interest Disclosure Act protection:

1. That s/he made a disclosure.
2. That's/he followed the correct disclosure procedure.
3. That s/he was dismissed or suffered a detriment as a result of making the disclosure.

A tribunal has the power to reduce any compensation by up to 25% if it thinks the disclosure was made in "bad faith".

Please be aware that, if you report your concerns to the media, in most cases you will lose your whistleblowing legal rights.

10. VICTIMISATION, BULLYING OR HARASSMENT

Employees/workers need to be aware that they must not in any way mistreat a whistle-blower by subjecting them to detriment, victimisation, bullying, or harassment. The setting will not tolerate any form of victimisation, bullying or harassment (including informal pressures) from your colleagues, peers, managers, or from external sources, and will take appropriate action to protect you when you raise what you believe to be a genuine concern in the public interest.

If you consider that you have been, are being, or are likely to be victimised, dismissed, made redundant or made to suffer some other detriment as a result of making a report under this procedure, you should report your concerns as set out under any of the Steps 1 to 4 above, as appropriate to the circumstances. The matter will then be dealt with as a new referral under this procedure.

Any investigation into allegations of malpractice will not influence, or be influenced by, any disciplinary, capability or redundancy procedures that already affect you.

11. YOUR CONFIDENTIALITY

It is recognised that you may want to raise a concern in confidence under this Policy. If you ask for your identity to be protected, it will not be disclosed without your consent. If the situation arises where the concern cannot be resolved without your identity being revealed (for example where you are needed to come forward as a witness or to give evidence in court), it will be discussed with you about whether and how the matter can proceed.

12. ANONYMOUS ALLEGATIONS

Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Governors/Setting. In exercising this discretion, the factors to be taken into account would include:

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

Remember - if you do not state who you are, it will be much more difficult for the matter to be investigated, for your position to be protected or for you to receive feedback. Please note that the Governors/Settings will not respond, or provide feedback, to unattributable email addresses.

13. TAKING THE MATTER FURTHER – EXTERNAL CONTACTS

The aim of this policy is to provide an internal mechanism for reporting, investigating, and putting right any wrongdoing in the workplace. **It is hoped that, in the majority of cases, you will not find it necessary to refer the matter to an external contact. You are strongly encouraged to seek advice before reporting a concern to an external body.** However, if the steps within this policy do not provide a suitable resolution, there are other whistleblowing channels

available to you provided that you have supporting evidence. There are also organisations that can provide general advice. As appropriate to the circumstances, such organisations include, for example, those listed below.

EXTERNAL CONTACT	TYPE OF ISSUE
Protect (Previously Public Concern at Work (PCAW)). Website: https://protect-advice.org.uk/ Whistleblowing Advice Line 020 7404 6609 and 020 3117 2520 Email: https://protect-advice.org.uk/contact-protect-advice-line/	General Advice (Confidential advice to would be whistle blowers concerned about making a disclosure and whether they will be protected)
Citizens Advice Bureau There are various ways to contact Citizens Advice. Visit the website to find out more details: https://www.citizensadvice.org.uk/about-us/contact-us/ Contact an adviser through the national phone service Adviceline (England): 08001448848	General Advice
NSPCC Website link: https://www.nspcc.org.uk/keeping-children-safe/reporting-abuse/dedicated-helplines/whistleblowing-advice-line/ Whistleblowing Helpline 0800 028 0285 Email: help@nspcc.org.uk Write to NSPCC, Weston House, 42 Curtain Road, London. EC2A 3NH	Child Protection and Welfare (Support for professionals who are worried about how child protection issues are being handled in their workplace).
Ofsted Whistleblowing Hotline 0300 123 3155 (8am to 6pm Mon-Fri) Email: whistleblowing@ofsted.gov.uk Write to: WBHL, Ofsted, Piccadilly Gate, Store Street, Manchester. M1 2WD **Policy and guidance document for whistle blowers can be located at: https://www.gov.uk/government/publications/whistleblowing-about-childrens-social-care-services-to-ofsted/sharing-concerns-and-information-with-ofsted-about-childrens-social-care-services	Local Authority general Safeguarding Arrangements**
Health and Safety Executive (HSE) Tel 0300 003 1647 Visit the website for further information and ways to contact HSE. http://www.hse.gov.uk/contact/whistleblowers.htm	Health and Safety Matters
Environment Agency	Environmental Matters

Incident Hotline 0800 80 70 60 (24-hour service) For more information and details of incidents covered, visit the website: https://www.gov.uk/report-an-environmental-incident	
Information Commissioners Office (ICO) Helpline 0303 123 1113 Email: casework@ico.org.uk For further information visit the website at: https://ico.org.uk/concerns	Data Protection matters
Her Majesty's Revenue and Customs (HMRC) HMRC related fraud Tel: 0800 788 887 Website:www.gov.uk/government/organisations/hm-revenue-customs/contact/reporting-tax-evasion General contact information can be located at the website: https://www.gov.uk/contact-hmrc	Financial Irregularities
The Comptroller and Auditor General To make a disclosure to the Comptroller and Auditor General 020 7798 7999 Write to: The Comptroller and Auditor General, National Audit Office, 157-197 Buckingham Palace Road, London. SW1W 9SP The website page can be located at: https://www.nao.org.uk/contact-us/whistleblowing-disclosures/	The Conduct of Public Business, Value for Money, Fraud and Corruption relating to the provision of Public Services
The Police	Criminal Offences
Education and Skills Funding Agency (ESFA) Cheylesmore House, Quinton Road, Coventry. CV1 2WT Tel: 0845 377 5000	In relation to Setting Settings/Free Settings/post-16 education or training provider, intervenes if there is risk of failure or mismanagement of public funds
Other relevant Professional Bodies or Regulatory Organisations; Relevant Voluntary Organisations	Other matters – see note overleaf

NB. See link overleaf for a full list of prescribed persons and bodies for making a disclosure.

IMPORTANT NOTE: If you decide that you need to make a disclosure to a prescribed person other than your employer, you must make sure you have chosen the correct person or body for your issue.

A full list of prescribed persons and bodies that you can make a disclosure to can be found on the following link: https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies