



# Whistleblowing Policy

Here at [MCS LTD](#) we are committed to open lines of communication and accountability therefore we have devised a whistleblowing policy to this effect.

## What is 'Whistleblowing'?

'Whistleblowing' is defined as 'raising concerns about misconduct within an organisation or within an independent structure associated with it' (Nolan Committee on Standards in Public Life).

In the legislation it is called a protected disclosure.

The Public Interest Disclosure Act 1998 protects employees from suffering a detriment in their employment or being dismissed by their employer if they make disclosures in accordance with the legislation.

An employee has certain common law confidentiality obligations to their employer. However, in a limited set of circumstances whistleblowing may override these obligations if an employee reveals information about their employment or the work of the tea time club. This guidance sets out the circumstances under which these disclosures may lawfully be made.

A concern must relate to something which:

- 1 is a breach of the the tea time club's policies; or
- 2 falls below established standards of practice; or
- 3 amounts to improper conduct, including something that may be;
  - a breach of the law
  - a failure to comply with a legal obligation
  - a possible miscarriage of justice
  - a Health & Safety risk
  - damaging the environment
  - misuse of public money
  - corruption or unethical conduct
  - abuse of children, staff or other users
  - deliberate concealment of any of these matters
  - any other substantial and relevant concern

These issues could have arisen in the past, be currently happening or likely to happen in the future. The law does not protect an employee who would be breaking the law in making the disclosure.

## **How to Raise a Concern**

All concerns will be treated sensitively and with due regard to confidentiality and where possible every effort will be made to protect your identity if you so wish. Nevertheless, this information will need to be passed on to those with a legitimate need to have this information and it may be necessary for you to provide a written statement or act as a witness in any subsequent disciplinary proceedings or enquiry. This will always be discussed with you first.

### **Step 1**

If you wish to raise a concern you should normally raise it with your line manager. This can be done in person or in writing.

The tea time club recognises that sometimes it may be inappropriate for you to approach your line manager with your concern. In these circumstances, a number of alternatives are available depending on the nature of your concern. You can contact any of the following

- \* Ofsted
- \* Social Care
- \* LSCB
- \* Police
- \* NSPCC

Although you are not expected to prove beyond doubt the truth of your concerns, you will need to demonstrate that you have sufficient evidence or other reasonable ground to raise them.

### **Step 2**

The person with whom you have raised your concern will acknowledge its receipt as soon as possible and will write to you within 10 days to let you know how your concern will be dealt with. The information you can then expect to receive is:

- an indication of how the concern will be dealt with
- an estimate of how long it will take to provide a final response
- whether any initial enquiries have been made
- whether further investigations will take place, and if not why not
- information about support available for you

The person with whom you have raised your concern will at the same time notify the HR team that a whistleblowing allegation has been made.

### **Step 3**

Initial enquiries will be made to decide whether an investigation is appropriate. Where an investigation is necessary, it may take the form of one or more of the following:

- an internal investigation by the manager, which may, for example, take the form of a disciplinary investigation
- a referral to Ofsted or the Police
- the setting up of an external independent inquiry

### **Step 4**

You will be informed of the outcome of any investigation, in writing, and/or of any action taken, subject to the constraints of confidentiality and the law. If you do not feel your concern has been addressed adequately you may raise it with an independent body such as one of the following as appropriate:

- the Citizen's Advice Bureau
- Ofsted
- a relevant voluntary organisation
- the Police
- the Local Government Ombudsman
- Equality and Human Rights Commission

You must make a disclosure "in the public interest"; and in the circumstances it must be reasonable for you to make the disclosure. If there is an issue of an exceptionally serious nature which you believe to be substantially true, then you may disclose the issue to someone other than those listed above. In determining whether it is reasonable for you to have made a disclosure the identity of the person to whom the disclosure is made will be taken into account. Disclosures to anyone outside of the recognised bodies specified may not be protected disclosures under the Act.

You have a duty to the nursery not to disclose confidential information. This does not prevent you from seeking independent advice at any stage or from discussing the issue with the charity Public Concern at Work on 020 7404 6609 and [www.pcaw.co.uk](http://www.pcaw.co.uk) in accordance with the provisions of the Public Interest Disclosure Act 1998.

### Useful Numbers

Social Care LSCB: **01902 555 392**

Out of hours contact: **01902 552999**

LADO (Local Authority Designated Officer) for Wolverhampton: **01902 550661**

Ofsted general: **0300 123 1231**

Ofsted Concerns: **0300 123 4666.**

Police: **0845 113 5000**

NSPCC: **0808 800 500**

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| This policy was adopted by: <b>MCS LTD</b> | Date: <b>Sept 2020</b>     |
| To be reviewed: <b>Sept 2021</b>           | Signed: <b>L Flitcroft</b> |