pixies
child day care
7 Ditchling Road, Brighton, BN1 4SB
01273 700556

PIXIES WHISTLEBLOWING POLICY

This document is produced for staff working with the children at Pixies, and is a point of reference for families and others visiting the setting. Within this document 'staff' refers to all persons directly involved in the care of children at this setting, irrespective of their employment status, and includes students, trainees and volunteers.

The Public Interest Disclosure Act 1998 protects employees who raise legitimate concerns about specified matters from being dismissed or from being subjected to detrimental treatment or victimized as a result, provided certain criteria are met. The Act makes provision about the kinds of disclosure which may be protected, the circumstances in which such disclosures are protected and the persons who may be protected. This policy is intended to comply with the Act by encouraging employees to make disclosures about fraud, misconduct, bribery or other wrongdoing to the Company, without fear of reprisal, so that problems can be identified, dealt with and resolved quickly.

Employees are protected provided they reveal information of the right type (known as a 'qualifying disclosure') and they reveal that information to the right person and in the right way (known as making a 'protected disclosure').

Qualifying disclosures
Certain kinds of disclosure qualify for protection. These are disclosures of information which an employee reasonably believes tends to show one or more of the following relevant failures is either happening now, took place in the past, or is likely to happen in the future:

- A criminal offence, including offences such as theft, fraud or acts of bribery.
- The breach of a legal obligation.
- A miscarriage of justice.
- A danger to the health and safety of any individual.
- Damage to the environment.
- Deliberate covering up of information tending to show any of the above five matters.

Only disclosures of information that fall within one or more of these six categories qualify for protection.

The belief held by the employee must be reasonable, but it need not be correct. It might be discovered subsequently that the employee was in fact wrong or mistaken in their belief, but he or she must show that they held the belief in good faith and that it was a reasonable belief to hold in the circumstances at the time of disclosure.

Protected disclosures
For a qualifying disclosure to be a protected disclosure, an employee needs to make it to the right person and in the right way. There are a number of methods by which employees can make a protected disclosure, but the Company always encourages all employees to raise any disclosure internally in the first instance. Qualifying disclosures must be made in good faith to be protected i.e. with honest intent and without malice or an ulterior motive.
Employees are protected if they make a qualifying disclosure to either:

- The Company, or
- Where they reasonably believe that the relevant failure relates solely or mainly to the conduct of a person other than the Company or any other matter for which a person other than the Company has legal responsibility, to that other person.

Employees are encouraged to raise any qualifying disclosures that they may have by following the disclosure procedure set out below. If the concern relates to a breach of the employee's contract of employment, the employee should use the Company's grievance procedure.

The disclosure procedure
This procedure applies to all permanent and temporary employees. In addition, third parties such as agency workers, consultants and contractors and any others who perform functions in relation to the Company should use it.
In the event of an employee wishing to make a qualifying disclosure, he or she should following the following steps:

- He or she should, in the first instance, report the situation in writing to his or her line manager.
- If the employee does not wish to contact their line manager, they can instead contact an alternative manager or a member.

Such disclosures should be made promptly so that investigation may proceed and any action taken expeditiously.
Action to be taken;

- All qualifying disclosures will be treated seriously.
- The disclosure will be promptly investigated and, as part of the investigatory process, the employee will be interviewed and asked to provide a written witness statement setting out the nature and details of the disclosure and the basis for it.
- Confidentiality will be maintained during the investigatory process to the extent that this is practical and appropriate in the circumstances.
- However, in order to effectively investigate a disclosure, the Company must be able to determine the scope of the investigation and the individuals who should be informed of or interviewed about the disclosure. The Company reserves the right to arrange for another manager to conduct the investigation other than the manager with whom the employee raised the matter.
- Once the investigation has been completed, the employee will be informed in writing of the outcome and the Company's conclusions and decision as soon as possible. The Company is committed to taking appropriate action with respect to all qualifying disclosures which are upheld.
- Employees will not be penalized for raising a qualifying disclosure even if it is not upheld, unless the complaint was both untrue and made in bad faith.
- Once the Company's conclusions have been finalized, any necessary action will be taken. This could include either reporting the matter to an appropriate external government department or regulatory agency and/or taking internal disciplinary action against relevant members of staff. If no action is to be taken, the reasons for this will be explained to the employee.

If, on conclusion of the above stages, the employee reasonably believes that appropriate action has not been taken, the employee may then report the matter to the proper authority in good faith. The Act sets out a number of prescribed external bodies or persons to which qualifying disclosures may be made. However, the Company always encourages all employees to raise their concerns directly in the first instance, rather than externally. This enables issues to be dealt with promptly and speedily.

Whilst the Company encourages employees to use this procedure to raise their concerns, employees are of course free to raise their concerns using the Company's grievance procedure instead.

General principles

Employees should be aware of the importance of eliminating fraud, misconduct, bribery or other wrongdoing at work. They should report anything they become aware of that is illegal or unlawful.

Employees will not be victimised, subjected to a detriment or dismissed for making a protected disclosure under this procedure.

Victimisation of an employee for raising a qualifying disclosure under this procedure will be a disciplinary offence and will be dealt with under the Company's disciplinary procedure.

Covering up someone else's wrongdoing is also a disciplinary offence. An employee should never agree to remain silent about a wrongdoing, even if told to do so by a person in authority such as a line manager.

An employee's right to make a protected disclosure under this procedure overrides any confidentiality provisions in their contract of employment.

Finally, maliciously making a false allegation is a disciplinary offence.

Last updated January 2014

THIS IS A WORKING DOCUMENT SO PLEASE SIGN AND DATE IT WHEN YOU HAVE REFERRED TO IT

Read by: Date: