



## **Whistleblowing Policy**

Version	Date	Responsible	Changes
2020/08	Aug 2020	JMB	Rebrand

# Cambusbarron Village Nursery

## Whistleblowing Policy

The purpose of this policy is to provide individuals<sup>1</sup> in the workplace with protection from victimisation or punishment where they raise a genuine concern about misconduct or malpractice in the nursery. It also ensures that the nursery environment in which children are placed is a safe, secure and happy environment. The policy is underpinned by the Public Interest Disclosure Act 1998, which encourages people to raise concerns about misconduct or malpractice in the workplace, in order to promote good governance and accountability in the public interest. The Act covers behaviour which amounts to:

- A criminal offence
- Failure to comply with any legal obligation
- A miscarriage of justice
- Danger to health and safety of an individual and/or environment
- Deliberate concealment of information about any of the above

It is not intended that this policy be a substitute for or an alternative to the group's formal Grievance Procedure, but it is designed to nurture a culture of openness and transparency within the organisation, which makes it safe and acceptable for employees and volunteers to raise, in good faith, a concern they may have about misconduct or malpractice.

Employees and volunteers are entitled to expect fair and reasonable treatment from their employer and colleagues. This group has in place formal procedures that paid or unpaid staff can use if they feel they have been unfairly treated or discriminated against. Employees and volunteers can seek advice from a Trade Union, a lawyer, or others as they see fit.

This group accepts that there may be rare occasions in the organisation when situations arise which are illegal, improper or unethical, or which are otherwise in conflict with the codes of practice of Social Service Workers and Employers. The group is committed to providing paid and unpaid staff with an effective mechanism for dealing with such situation.

An employee or a volunteer who, acting in good faith, wishes to raise such a concern should normally report the matter to the manager who will advise the employee or volunteer of the action he or she will take in response to the concerns expressed. Concerns should be investigated and resolved as quickly as possible.

If an employee or volunteer feel that the matter cannot be discussed with the manager, then he or she should report it to the Board of Directors, who will decide, in consultation where necessary with Early Years Scotland and/or the Care Inspectorate, what action is to be taken. This may include whether the issue raised can be dealt with through the group's own Grievance Policy.

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<sup>1</sup> ie employees, relief staff, trainees and student placements and unpaid workers. Does not include volunteers

A disclosure in good faith to the manager or Board of Directors will be protected. Confidentiality will be maintained wherever possible and the employee or volunteer will not suffer any personal detriment as a result of raising any genuine concern about misconduct or malpractice within the playgroup.

Should the concern involve a Director that person would be excluded from participation and influence of the complaint. In this instance, the complaint will be dealt with by another member of the Board with advice from Early Years Scotland.

#### Public Interest Disclosure Act 1998

The Public Interest Disclosure Act 1998 came into force in July 1998. The Act encourages people to raise concerns about malpractice in the workplace without fear of dismissal or victimisation and helps to prevent cover up of serious malpractice<sup>2</sup>.

There are no restrictions under employment law on minimum length of service and age.

Under the Act, employees may safely seek legal advice on any concerns they have about malpractice.

The Act does not presently cover volunteers.

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<sup>2</sup> Applies to people at work raising genuine concerns about crime, civil offences (including negligence, breach of contract, breach of administrative law), miscarriage of justice, danger to health and safety or the environment and the cover up of any of these. It applies whether or not the information is confidential.