

Whistle Blowing Policy and Procedure

Link to Every Child Matters: Feeling Safe

Links to Safeguarding and Welfare Requirements: 3.4-3.18, 3.22

At Small World Nursery we expect all our colleagues, both internal and external, to be professional at all times and hold the highest possible standards of the welfare and safety of every child as their paramount objective.

In line with that commitment we encourage parents, employees and others with any serious concerns about any aspect of the settings operations to come forward and voice those concerns. Obviously in certain cases we may have to proceed on a confidential basis. Any employee of the setting can follow this policy without any fears of reprisals. This Whistle Blowing Policy is in place to encourage and enable employees to raise serious concerns within the setting other than overlooking a problem or blowing the whistle outside.

All Small World Nursery staff have an individual responsibility and right to raise matters of concern regarding poor or insufficient practice at work. The staff's priority is well-being and safety of all children attending the setting. This takes priority over any loyalty towards work colleagues.

This policy is intended to:

- Enable and encourage individuals to raise genuine and legitimate concerns.
- To support staff to take an active role in the elimination of poor or insufficient practices.
- Investigate any concerns raised appropriately and confidentially.
- Ensure protection to those making the complaint against any form of retaliation or victimisation.

We recognise that there may be occasions where this may not happen and we have in place a procedure for staff to disclose any information that suggests children's welfare and safety may be at risk.

We expect all team members to talk through any concerns they may have with their line manager at the earliest opportunity to enable any problems to be resolved as soon as they arise.

Legal framework

The Public Interest Disclosure Act 1998, commonly referred to as the 'Whistleblowing Act', amended the Employment Rights Act 1996 to provide protection for employees who raise legitimate concerns about specified matters. These are called 'qualifying disclosures'. On 25 June 2013, there were some legal changes to what constitutes a qualifying disclosure.

A qualifying disclosure is one made in the public interest by an employee who has a reasonable belief that:

- A criminal offence
- A miscarriage of justice
- An act creating risk to health and safety
- An act causing damage to the environment
- A breach of any other legal obligation or
- Concealment of any of the above
- Any other unethical conduct
- An act that may be deemed as radicalised or a threat to national security

Is being, has been, or is likely to be, committed.

Qualifying disclosures made before 25 June 2013 must have been made 'in good faith' but when disclosed, did not necessarily have to have been made 'in the public interest.'

Disclosures made after 25 June 2013 do not have to be made 'in good faith'; however, they must be made in the public interest. This is essential when assessing a disclosure made by an individual.

The Public Interest Disclosure Act has the following rules for making a protected disclosure:

- You must believe it to be substantially true
- You must not act maliciously or make false allegations
- You must not seek any personal gain.

It is not necessary for the employee to have proof that such an act is being, has been, or is likely to be, committed; a reasonable belief is sufficient.

Disclosure of information

If, in the course of your employment, you become aware of information which you reasonably believe indicates that a child is/may be or is likely to be in risk of danger and/or one or more of the following may be happening, you **MUST** use the nursery's disclosure procedure set out below:

- That a criminal offence has been committed or is being committed or is likely to be committed
- That a person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject (e.g. EYFS, Equalities Act 2010)
- That a miscarriage of justice has occurred, is occurring, or is likely to occur
- That the health or safety of any individual has been, is being, or is likely to be endangered
- That the environment, has been, is being, or is likely to be damaged
- That information tending to show any of the above, has been, is being, or is likely to be deliberately concealed.

Disclosure procedure

- If this information relates to child protection/safeguarding then the nursery *child protection/*safeguarding children policy should be followed, with particular reference to the staff and volunteering section
- Where you reasonably believe one or more of the above circumstances listed above has occurred, you should promptly disclose this to your manager so that any appropriate action can be taken. If it is inappropriate to make such a disclosure to your manager (i.e. because it relates to your manager) you should speak to Kittie Methuen-Jones (Deputy Manager) or Karen Long (Designated Person for Safeguarding on behalf of Kings Church Loughborough).
- Employees will suffer no detriment of any sort for making such a disclosure in accordance with this procedure. For further guidance in the use of the disclosure procedure, employees should speak in confidence to the *nursery manager/*owner
- Any disclosure or concerns raised will be treated seriously and will be dealt with in a consistent and confidential manner and will be followed through in a detailed and thorough manner
- Any employee who is involved in victimising employees who make a disclosure, takes any action to deter employees from disclosing information or makes malicious allegations in bad faith will be subject to potential disciplinary action which may result in dismissal
- Failure to report serious matters can also be investigated and potentially lead to disciplinary action which may result in dismissal
- Any management employee who inappropriately deals with a whistleblowing issue (e.g. failing to react appropriately by not taking action in a timely manner or disclosing confidential information) may be deemed to have engaged in gross misconduct which could lead to dismissal

- We give all of our staff the telephone numbers of the Local Authority Designated Officer (LADO), the local authority children's social care team and Ofsted so all staff may contact them if they cannot talk to anyone internally about the issues/concerns observed.

Confidentiality

The manager will respect and protect a person's identity when a concern is raised, however in certain circumstances identities will have to be revealed to the person complained against and the complainant may be asked to provide written evidence in support of the complaint.

If a person's identity is to be disclosed, he or she will be informed before the disclosure and given the reasons why this was necessary.

Once a concern has been raised the Management committee will expect the complainant not to discuss the complaint. The complainant should not talk about it with any person, inside or outside the setting.

Anonymous complaints

If a complaint is made anonymously, these cases are a lot harder to investigate and hold less power. It is easier for us if people state their name and put any concerns in writing.

Procedures

Firstly and any concerns should be brought to the attention of the supervisor. However, this may not always be appropriate. If this is the case concerns should be expressed to the nursery manager.

Concerns are better raised in writing. If you can include any background and history that would be names, dates, times and places wherever possible. State the reason for your concerns. Express your concerns early as it is easier to take action. If you do not wish to put your concerns in writing, the person to whom you are making the complaint will make a written record of the interview and you will be asked to sign to confirm accuracy of the notes.

You will be required to demonstrate that there is sufficient grounds for your concerns. Although you will not be expected to prove the truth about your allegations.

Untrue Allegations

If an allegation is made in good faith but it is not confirmed by the investigation, no action will be taken against the complainant. However if an allegation is proved to be malicious and/or completely unfounded, action may be taken against the person responsible.

You must not under any circumstances :

- Investigate the matter yourself.
- Tell those you suspect to be involved.
- Accuse or approach individuals.
- Tell anyone other than the designated person.

Within one week of the receipt of your concern, you will receive a written acknowledgement of your concern, also a copy of the statement you had written.

The nursery manager will investigate your concerns and within 2 weeks you will be informed of what action is being taken. You will be kept up to date on the progress of the investigation. Finally you will be informed of the outcome of the investigation.

If you are not happy with the outcome of the investigation you may elevate your concerns directly to Ofsted either via:

Ofsted's whistle blowing dedicated hotline (0300 1233155) was launched in April 2009. It is staffed from 8am to 6pm, Monday to Friday.

Or

Whistle blowing disclosures can also be submitted to Ofsted:

by email to the Ofsted whistle blowing team (whistleblowing@ofsted.gov.uk)

or

by post to: WBHL, Ofsted, Piccadilly Gate, Store Street, Manchester M1-2WD.

This policy was adopted by	Small World Nursery
On	13 th August 2019
Date to be reviewed	August 2020
Signed on behalf of the provider	
Name and role of signatory	Melanie Whitley (Nursery Manager)

Checklist for Allegation Management Concerns

Action	Date/Initials	Any Notes?
Complaint / Allegation received		
• In writing		
• By word of mouth		
• Via a member of staff (Whistleblowing)		
• Other		
Confirm if it is an allegation		
Child or adult in immediate danger – Police called		
Nursery's management of Allegation Procedures followed		
Record on 'Record of Allegation of Abuse at nursery' form		
Records stored securely		
Do not investigate at this stage		
Inform / seek support from DSP		
Contact LADO		
Risk Assess- suspension		
Speak to named member of staff about allegation (No details)		
Suspend member of staff and record reason for decision		
Letter to confirm suspension		
Complaints file completed		
Cover organised for staff absence		
Speak to insurance company		

Meet with parents / staff involved in making the allegation		
Speak to staff inform them member of staff will be off		
Explain they should not get involved in discussing any issues relating to the setting (including social media)		
Contact Ofsted (within 14 days)		
Follow LADO advice		
Prepare for Position of Trust meeting		
<ul style="list-style-type: none"> • Time sheets 		
<ul style="list-style-type: none"> • Registers 		
<ul style="list-style-type: none"> • Training records 		
<ul style="list-style-type: none"> • Induction, supervision, appraisal notes 		
<ul style="list-style-type: none"> • Child's observation 		
Follow outcomes		
Arrange additional supervision for staff		
Review nursery's procedures		
Seek advice from HR company		
Start disciplinary procedures		
Any training identified		
Training booked		

Record of Allegation of Abuse at Nursery

Member of staff who is subject of allegation:

Name: _____ DOB _____
Address: _____ Position: _____

Was the allegation made: _____ In _____ verbally _____ via a _____ other
writing _____ member _____
of staff _____

Allegation made by: _____ Relationship to the child: _____

Name of Child: _____ Age and DOB _____

Address of child: _____

Parents / Name (s) and addresses if different from above

Date of Alleged incident (s)

Was alleged perpetrator present on the date
of the incident (s)?

Did the child attend the nursery on this/these
dates?

Nature of the Allegation

Other relevant information

Date and Time of LADO contact

Date and time Ofsted informed

Further actions advised by LADO/Ofsted

Name of Person completing this form:

Position

Signature

Today's Date