

# Whistle Blowing Policy - Policy 13a

Updated: August 2019

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## Section 1:

### What is the general information about this Policy?

General information about this Policy includes, other relevant Policies, Policy statement, responsibilities, monitoring, procedure and relevant law.

### What other policies are relevant to this policy?

- Staff Policy - Policy 1
- Care Learning and Play – Policy 3
- Safety Policy – Policy 6
- Health Policy – Policy 7
- Equality and Diversity and inclusion – Policy 9
- Special Educational Needs and Inclusion – Policy 10
- Safeguarding Children – Policy 13
- E Safety Policy – Policy 13b
- Data Protection Policy – Policy 14

### What is the Policy Statement?

At Children-First.info our team member's views, feelings and opinions are respected and taken seriously in every situation. We are, as a company, committed to tackling any malpractice and wrongdoing and will deal with these disclosures with immediate effect. This policy is for all staff, students and volunteers. Volunteers are NOT covered by the Public Disclosure Act 1988, they are expected to conform. This Policy applies to all people who are currently employed or have left our employment. All concerns will be dealt with as soon as practically possible, and must be reported to the Nursery Co-ordinator, Early Years Coordinator and the Nursery Director ensuring the safety of our children and needs of the Nursery are always maintained. Adults working at the nursery have a contractual duty to report anything that causes concern. In some instances children may Whistle Blow and their concerns must be treated seriously.

### What is the staff responsibility for this policy?

The Nursery Managers and Senior Management Team have responsibility for implementing this policy. All staff have a duty to implement this policy, and The Company Director oversees any investigations. Due diligence must be shown to investigating every concern whistle blown by a team member.

### Who does this policy apply to?

This policy applies to all members of the Nursery Community; staff, students, Early Years professionals, and any person employed by the company.

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## Who is responsible for monitoring this policy?

The Nursery Managers and Senior Management Team are responsible for monitoring this policy. The senior member of staff on duty is responsible for the policy implementation. The Company Director oversees monitoring of this policy.

## What is the procedure for policy review?

This policy will be reviewed periodically. Reviews may be required as a result of research, training, statutory changes in child care, the children's needs, parental consultation, police advice or suggestions from courses attended by staff. The Company Director and the Nursery Managers are responsible for policy review.

## What is the Law that Relates to this?

The Public Interest Disclosure Act (PIDA) 1998, also known as the Whistle Blowing Act is intended to promote internal and regulatory disclosures and encourage workplace accountability and self-regulation. The Act protects public interest by providing a remedy for individuals who suffer workplace reprisal for raising a genuine concern, whatever the concern is.

## What do we do if the law changes in any area?

The Company refers to our legal advice line in every case relating to staff conduct, employment law or rights, staff expectations, and all other similar queries. The Nursery will follow all legal requirements at all times. It is the Nursery Manager's responsibility to ensure the correct action is discussed with the Company Director and then implemented accordingly.

## Section 2.

### What are the aims and scope of this Policy?

This policy ensures the nursery upholds this statement from the Early Years Foundation Stage (EYFS): "providers must take all necessary steps to keep children safe and well" ..... "providers must be alert to any issues of concern in the child's life at home or elsewhere" (pg 16). The purpose of this policy is to ensure every part of a child's early years is as safe, secure, and happy as it can possible be. This Policy also follows the legislative statutory guidance of "Working Together to Safeguard Children", 2018 edition. The Policy is designed to ensure all adults within the Nursery understand the procedures and feel relaxed and confident about security and safeguarding of children.

The Policy will:

- Deliver our intention that all team members feel confident about coming forward and reporting any issues or concerns that they may have regarding any wrongdoing.
- Encourage all team members to come forward as soon as possible and whistle blow internally if they have a concern about any wrongdoing.
- Ensure that team members remain protected from any subsequent discrimination.
- Ensure that this Policy is used in conjunction with our Policies for Safeguarding Children Health and Safety and any other relevant Policy.
- Provide avenues for team members to raise genuine concerns and receive feedback on any action taken.
- Reassure staff that steps will be taken to protect them from reprisals or victimisation for genuine whistleblowing and whistleblowing in good faith.
- Ensure staff understand their responsibilities and feel confident in raising and reporting a serious concern at the earliest opportunity.
- Provide avenues for staff to raise concerns and receive feedback on any action taken.
- Ensure that staff receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied.
- Inform parents and other visitors that although the policy refers to staff team members it applies equally to the entire Nursery Community.

## Section 3.

### What is 'Whistleblowing' and what does 'Whistleblowing' mean?

Whistleblowing is when a person raises a concern about dangerous, illegal activity, or any wrongdoing within their organisation. Whistle blowing can involve sharing potentially vital information about health and

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safety risks, environmental factors, possible fraud, harm of children, safeguarding issues, covering up for someone and much more. It is essential these factors are addressed immediately. This means the whistle must be blown, **as early as possible** to prevent more potential damage being done.

### Is Whistleblowing different from a complaint or grievance?

Whistle blowing is very different from a complaint or a grievance. Whistleblowing only applies when there is no vested interest and the Whistle bower is acting as a witness to misconduct or malpractice that they have observed. A complaint or grievance is more personal, as it usually relates to the person, or someone close to them, who will have been affected by the issue. In this situation the person is seeking redress or justice. In this situation a grievance should be raised which will be dealt with according to the Nursery Staffing Policy.

### Section 4.

#### **What is the guidance on Whistleblowing and when must the whistle be blown?**

Every situation is different so it may be advisable to seek advice before blowing the whistle, by contacting someone independent to ensure the allegation is best practice. Outlined below are details below of what to do if someone is unsure what to do. Here are a few things to consider when pursuing a concern:

- Keep calm.
- Consider risks and next steps.
- Let facts do the speaking, think about how to express the concern clearly.
- Don't pursue the allegation, report to a Manager.
- Remember reporting quickly is the duty of the witness.
- Report the issue immediately to the most senior team member on duty or Manager.
- If the allegation is related to the Manager on Senior on duty report to the Coordinator, or Nursery Director.
- If there is an unexplained, un reported or strange accident or incident, involving a team member and a child or children the LADO must be contacted immediately and advice taken if the incident cannot be found quickly on the CCTV. LADO's advice must be followed diligently. The LADO must be told we need to contact our safeguarding solicitor and potentially the police and insurers. The LADO will give guidance on this and further review of CCTV.

#### **What shall I do if I am not sure if Whistleblowing is the right step?**

You must talk to your Manager first, if the concern is with the manager, then you must speak to the Manager from a sibling Nursery or the Nursery Director. Telephone numbers and emails are on the Children First website, [www.children-first.info](http://www.children-first.info). Some concerns may be resolved by agreed action without the need for investigation. The staff member will be informed how the nursery proposes to deal with the allegation. The reporting Manager will then investigate and could make a report to the following:

- If advice is needed call NSPCC 0808 8005000
- Contact the ACAS Helpline on **0300 123 1100** for free support and advice The ACAS Helpline provides free and impartial advice for employers, employees and representatives on a range of employment relations, employment rights, HR and management issues. Acas Helpline number is **0300 123 1100** open Monday to Friday 8am-8pm
- Contact the NSPCC on **0808800500** or [help@nspcc.org.uk](mailto:help@nspcc.org.uk)
- Contact the whistleblowing charity Please see their website at <https://protect-advice.org.uk/>
- Ofsted can be contacted, if the need to discuss a concern is felt on **0300 123 1231**

### Section 5.

#### **Who should be informed and what should be done if a colleague, another team member, a child, or student reports a potential whistleblowing concerns?**

It is important to take this very seriously. The person should be referred to report the issue in the first instance to the Manager of the Nursery. You can support them to do this if you agree it is necessary. If the concern is about a Manager, the Coordinator or Nursery Director must be informed immediately.

#### **What should be done if there is a concern about safeguarding failures or other wrongdoing in the Nursery or on any outing?**

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- Firstly raise concerns with a Manager or the Most Senior Team Member on Duty if the matter is urgent. If you are unable to do this, possibly because your concern relates to them, your concern must be raised with the Nursery Coordinator on [nc@children-first.info](mailto:nc@children-first.info), and the Nursery Director on [nd@children-first.info](mailto:nd@children-first.info) immediately.
- An immediate report to the LADO will be made.
- If the concern is not urgent, it should be reported to the Nursery Manager as soon as possible.
- If the concern is related to the running of the business or for any other reason that you feel the Nursery Manager would not be the most appropriate person to deal with the concern then please contact Sarah Barrett the Nursery Director immediately on [nd@children-first.info](mailto:nd@children-first.info) and The Nursery Coordinator on [nc@children-first.info](mailto:nc@children-first.info)
- If at any time during the process the Whistle Blower is unhappy with the response or does not feel the issue is being dealt with please refer to the paragraph, "What shall I do if I am not sure if Whistleblowing is the right step?" and consider whether you should whistle blow elsewhere.

### **Section 6.**

#### **Whistleblowing What happens after Whistle Blowing and what must the senior team member to who a potential concern is raised do?**

1. If a concern of malpractice or other wrongdoing is made this must be reported immediately by email to the Nursery Director and the Nursery Coordinator.
2. The person raising the concern may want to remain anonymous from the team, the Nursery will undertake to do this as far as possible and as long as it is in the interests of the child or children.
3. The Nursery Director and Coordinator will decide who is best placed to investigate the concern immediately.
4. A full investigation will be conducted as a matter of urgency. This will involve a collation of all statements and interview minutes. A conclusion will then be decided.
5. If the concern is found to be substantiated, changes and outcomes will be designed to deal with the concern. This may include changes to Company Policies, Staff training, supervision and a Personal Improvement Plan, (PIP) or disciplinary action.
6. If the concern is found to be unsubstantiated the concern will be kept on the record for 3 years.
7. The details of investigation, outcomes and changes, of the concern will be shared with the person who raised the concern.
8. A discussion as to whether this satisfies the concern will be made with the person who raised the concern.
9. If the person who raised the concern is not satisfied, they must then go to Ofsted, details above.
10. In some instances the Nursery Coordinator and Director will inform one or more outside agencies such as Ofsted, the local Authority, the Police, the LADO, the Nursery Insurers or any other relevant body of the concern, either at the time of reporting or at any other time during the investigation.
11. A team member who maliciously raises concerns of wrongdoing will be subject to the company's Staffing Policy and potential disciplinary action.

### **Section 7:**

#### **How are Ofsted contactable?**

Contact Ofsted regarding whistle blowing either by phone, email or post. To contact by phone the telephone number is **0300 1233155**. It is staffed from 8am to 6pm, Monday to Friday. To contact by email the email is [whistleblowing@ofsted.gov.uk](mailto:whistleblowing@ofsted.gov.uk). To contact by post the address is: WBHL, Ofsted, Piccadilly Gate, Store Street, Manchester. M1 2WD

#### **What can be expected from Ofsted if they are contacted to Whistle blow?**

Ofsted will listen to your concerns and details will be recorded. The advisor will categorise all disclosure into one of the following as defined by Ofsted:

1. Category 1: Child protection concerns about a 'risk of harm' to a specific child or children. Ofsted's CIE team will immediately refer the matter to the local authority's child protection team for urgent attention.
2. Category 2: Specific concerns or allegations about wider or systemic failure in safeguarding practice. These will be referred to the Ofsted Whistleblowing Team who will liaise over contact with the regional Government Office and the local authority.

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3. If the concerns do not fit into these categories, because they are about an individual concern or complaint, they will be dealt with by Ofsted's published complaints procedures. Appropriate action will be decided by Ofsted.

### **Section 8:**

#### **How will the Whistle blower be protected?**

The Public Interest Disclosure Act (1998) protects the whistle blower for raising a genuine concern. This applies whether it is a concern about child safeguarding, welfare systems, financial malpractice, danger, illegality or other wrongdoing. The concern may relate to something that is happening or has happened in the past. Staff are protected from reprisal if their concern is genuine and honest however Team Members must be acting in the public interest and not for personal gain to be given this legal protection. For more information on the Public Interest Disclosure Act (PIDA) 1998 please see <https://www.pcaw.co.uk/> or call **02031172520**. ACAS is a public body who will also discuss this confidentially 0300 123 1150