

## **29. Whistleblowing Policy**

### **29.1 Introduction**

**The whistle-blowing procedure aims to help and protect both adults and children.**

**By following the procedure you are acting to:**

- **prevent a problem getting worse,**
- **safeguard children and young people, and**
- **reduce the potential risks to others.**

**The earlier you raise a concern, the easier and sooner it is possible for the setting to take action.**

**This policy applies to all employees and volunteers, whether full time or part time, or permanent or temporary.**

**Whistleblowing is a term used when someone who works in or for an organisation wishes to raise concerns about malpractice in the organisation. Whistleblowing encourages and enables staff to raise serious concerns within the setting, rather than overlooking a problem or “blowing the whistle” outside.**

It is important to Walton Under 5's Pre-School that any fraud, misconduct or wrongdoing by employees, or people engaged in the organisation's business, is reported and properly dealt with. We therefore encourage all individuals to raise any concerns that they may have about the conduct of others in the early years setting or the way in which the early years setting is run.

We recognise that effective and honest communication is essential if malpractice is to be effectively dealt with and the organisation's success ensured.

Whistleblowing relates to all those who work with, or within, the early years setting, who may from time-to-time think that they need to raise with someone in confidence certain issues relating to the organisation.

We recognise that if a member of staff, committee member, volunteer or student raises concerns about a wrong doing to Walton Under Fives Pre-school management or committee they are protected under the Public Interest Disclosure Act 1998. The Act applies where a worker has a reasonable belief that their disclosure tends to show one or more of the following offences or breaches:

- A criminal offence,
- The breach of legal obligation,
- A miscarriage of justice,
- A danger to the environment, or
- Deliberate covering up of information tending to show any of the above.

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

- 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

## 29.2 Aims

- To encourage you to feel confident in raising concerns and to question and act upon concerns and practise
- To provide avenues for you to raise concerns in confidence and receive feedback on any action taken
- To reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made a disclosure in good faith.
- To ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied.

The preschool management recognises that the decision to report a concern can sometimes be a difficult one to make. If what you are saying is true, then you should have nothing to be worried about as you will be doing your duty to your employer and those for whom you provide a service.

Fear of getting information incorrect or being disbelieved may lead to concerns being ignored and an issue not raised.

Any employee or volunteer who, acting in good faith, wishes to raise such concern should normally report the matter to their supervisor or manager immediately.

Concerns will be investigated and resolved as quickly as possible. If an employee or volunteer feels that the matter cannot be discussed with the managers then Ofsted can be contacted by email- [whistleblowing@ofsted.gov.uk](mailto:whistleblowing@ofsted.gov.uk) or by phone on 0300 123 1231

## 29.3 Responsibilities

- All employees and those involved with the early years setting should be aware of the importance of preventing and eliminating wrongdoing within the organisation.
- You should be watchful for illegal, inappropriate or unethical conduct and report anything of that nature that you become aware of.
- Any matter you raise under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation will be reported back to you.
- You will not be victimised for raising a matter under this procedure. This means that your continued employment and opportunities for future promotion or training will not be prejudiced because you have raised a legitimate concern.
- Victimisation of an individual for raising a qualified disclosure will be a disciplinary offence.
- If misconduct is discovered as a result of any investigation under this procedure the early years setting's disciplinary procedure will be used, in addition to any appropriate external measures.
- If you make a malicious, vexatious or a false allegation then this will be considered to

be a disciplinary offence and disciplinary action will be taken against you.

- An instruction to cover up wrongdoing is itself a disciplinary offence. If you are told not to raise or pursue any concern, even by a person in authority such as a manager, you should not agree to remain silent. In this event you should report the matter to the committee.

## **29. Allegations of abuse against adults who work or volunteer in the setting**

If an allegation is made against a staff member or volunteer, the following action will be taken (as per the 'Allegations of Abuse against Adults who Work or Volunteer in a Childcare Setting' flowchart and guidance):

The procedures relating to Allegations Management should be followed when it is alleged that a member of staff or volunteer has:

- behaved in a way that has harmed a child, or may have harmed a child;
  - possibly committed a criminal offence against or related to a child; or
  - behaved towards a child or children in a way that indicates they may pose a risk of harm to children.
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- The setting will ensure the immediate safety of the children.
  - The setting will not investigate and immediately contact the Designated Safeguarding Lead (Julie Barber, in her absence Amber Davidge-Sears, or in her absence Jenny Rogers) (if the DSL is not contactable, the Local Authority Designated Officer (LADO) should be contacted direct).
  - The setting's nominated person, Ben O'Sullivan will notify Ofsted of a significant incident.
  - The DSL will notify the LADO, who will decide if it could be a child protection concern.
  - If the LADO decides that there is a child protection concern, external/internal agencies (e.g. police) will be informed by the LADO and the setting will act upon the advice given to ensure that any investigation is not jeopardised.
  - It may be necessary for the employer to suspend the alleged perpetrator. Suspension is a neutral act to allow a thorough and fair investigation. The DSL will take advice from LADO regarding this decision. The adult will be notified in writing of this decision.
  - If it is agreed that there is not a child protection concern, the setting will investigate further and feed back the outcome of the investigation to the DSL and Ofsted

Somerset's LADO is contacted by completing a form on the web page (SSCP)

<https://sscb.safeguardingsomerset.org.uk/working-with-children/allegations-management/>

Or phone somerset direct on 0300 123 2224

If the member of staff or volunteer decides to resign from their role within Walton under fives, the investigation will continue.

This situation will be kept as a 'need to know basis' as recommended by the SSCP

### **29.4 What to do**

We understand it is not easy to report a concern, where it may involve a close colleague(s).

We request anyone to report any concerns to a manager at an early stage before problems have a chance to become more serious. If this is not possible, then report your concerns to the committee.

### **29.5 Whom to contact**

Those with a genuine concern no matter how small or how serious, please arrange to discuss the matter with a manager in private, via email or contact a nominated committee member via email as below.

Jenny Rogers	Pre-School Manager	<a href="mailto:waltonunderfives@yahoo.co.uk">waltonunderfives@yahoo.co.uk</a> 07400 431961
Amber Davidge-Sears	Pre-School Deputy Manager	<a href="mailto:amberds@hotmail.com">amberds@hotmail.com</a> 07908 072599
Ben O'Sullivan	Chairman of Committee	<a href="mailto:osullivanben@hotmail.co.uk">osullivanben@hotmail.co.uk</a> 07880 033062
Matt Hardware	Vice Chair of Committee	<a href="mailto:matthewhardware87@icloud.com">matthewhardware87@icloud.com</a> 07896 051633

### 29.6 Dealing with concerns

All concerns raised within the remit of the above procedure will be thoroughly examined and investigated. In all cases confidentiality will be remain, however the complainant should be aware that their identity maybe be revealed by inference.

Whistleblowing relates to all those who work with or within Walton Under Fives Pre-school who may from time to time think that they need to raise, with someone in confidence, certain issues relating to the organisation.

Whistleblowing is separate from the grievance procedure. If you have a complaint about your own personal circumstances, you should use the normal grievance procedure. If you have a concern about malpractice within the organisation, then you should use the procedure outlined below.

This policy was reviewed and adopted at a meeting of Walton Under Fives Pre-School held in November 2017, updated October 2021.

Signed (Pre School manager) ..... Date .....

Signed (Committee Chair) ..... Date .....