

## **Whistle Blowing Procedure**

**EYFS: 3.74, 3.75**

**The whistle blowing procedure aims to help and protect both staff\* 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.**

\* Throughout this policy the term staff includes paid staff, volunteers and students

*Harvey Road Day Nursery* is committed to the highest possible standards and recognises that its staff are often the first to realise that there may be something wrong within the setting. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or they may fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.

The Public Interest Disclosure Act 1998 protects workers who raise concerns from victimisation or harassment. In accordance with that Act and its commitment to the highest standards of service delivery, the setting actively encourages its workers with concerns about any aspect of the setting's practice or staff member's conduct to come forward and voice those concerns, in confidence, within the setting rather than overlooking a problem.

### **Objective**

The aim of this policy and associated procedures is to establish an internal procedure that will encourage and enable staff to raise concerns about any aspect of the setting's practice, (which do not meet the criteria for being dealt with as a complaint, grievance or allegation), in confidence and without fear of reprisals, to ensure that the setting continues to work within best practice and safeguard children and young people.

Concerns that should be raised via the Whistle Blowing Policy may be in relation to the actions/behaviours of other staff, or about something that is perceived as:

- Unlawful
- Failing to comply with the setting's policy and procedures
- Poor practice
- Improper conduct

## **Principles**

This policy is based on the following fundamental principles:

- All staff have the right to raise concerns about perceived unacceptable practice or behaviour.
- The responsibility for expressing concerns about unacceptable practice or behaviour rests with all staff.
- The setting will not tolerate harassment or victimisation and will take action to protect workers when they raise a concern in good faith.
- The setting will do its best to protect a whistle blower's identity when he/she raises a concern and does not want his/her name to be disclosed. However, if the concern raised needs to be addressed through another procedure, e.g. disciplinary procedure, the worker may be required to provide a signed statement as part of the evidence.
- In some circumstances the setting may have to disclose the identity of the worker without his/her consent, although this will be discussed with the worker first.
- Appropriate advice and support will be made available to staff
- Those who raise concerns will be kept informed of the progress and outcome of any investigation.
- The setting will not tolerate malicious allegations, this may be considered as a disciplinary offence.

## **Procedures**

Procedures for reporting and investigating 'whistle blowing' concerns have been developed to ensure that:

- Staff can raise concerns (no matter how small they may appear) internally as a matter of course, and receive feedback on any action taken.
- Concerns are taken seriously and dealt with quickly and appropriately.
- Staff are reassured that they will be protected from reprisals or victimisation for whistle blowing in good faith.
- Staff can take the matter further if they are dissatisfied with the setting response and seek external advice and guidance.
- Issues raised are addressed via other procedures and policies as appropriate, e.g. safeguarding policy, allegations against an adult working in a setting, grievance, disciplinary, health and safety.
- Appropriate records are maintained for monitoring purposes.

## Raising a Concern

Staff should raise concerns with the Manager or member of the management committee

. Concerns should be raised in writing and include:

- reference to the fact that it is a whistle blowing disclosure
- the background and history of the concerns
- names, dates and places (where possible)
- the reasons why the individual is concerned about the situation.

This will make the investigation easier to complete

Although a member of staff is not expected to prove beyond doubt the truth of the allegation, they will need to demonstrate that they have an honest and reasonable suspicion that malpractice has occurred, is occurring or is likely to occur.

Staff who feel unable to put concerns in writing, can telephone or meet either the Manager or a member of the management committee.

## Investigation

The action taken will depend on the nature of the concern. All matters raised, **with the exception of an allegation against a staff member, or unlawful activity**, will be investigated internally.

The appropriate person/s will investigate the concerns thoroughly, ensuring that a written response can be provided within ten working days.

The response should include details of how the matter was investigated, conclusions drawn from the investigation, and whom to contact should the staff member be unhappy with the response and wish to raise the matter.

If the investigation cannot be completed within the timescale above, the staff member should receive a response that indicates:

- progress to date
- how the matter is being dealt with
- how long it will take to provide a final response.

In order to protect individuals, initial enquiries (usually involving a meeting with the individual raising the concern), will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations that raise issues that fall within the scope of other policies/procedures, will be addressed under those procedures.

Some concerns may be resolved at this initial stage simply, by agreed action or an explanation regarding the concern, without the need for further investigation.

If you do not feel that the complaint has been dealt with effectively or you still have concerns, you have a right to refer your concerns to Ofsted.

## **Allegation against a person who works or volunteers with children**

An allegation may relate to a person who works or volunteers with children these include :

- Conduct which a member of staff may consider to be a criminal offence:
- Disclosure relating to miscarriage of Justice:
- Health and Safety risks, including risks to the public as well as other staff:
- Possible Fraud or corruption:
- Breaches of procedures:
- Environmental risks:
- Failure to comply with legal obligations:
- Sexual, physical or verbal abuse of children, parents, staff or any other behavior which a member of staff genuinely finds unacceptable or inappropriate:
- Other unethical conduct:
- The deliberate concealing of information relating to any of the above matters.

In short, any serious concerns that a member of staff has about any aspect of their employment can be reported under this policy.

These procedures are in addition to any other statutory reporting procedures that may be applicable.

### **Untrue allegations**

The Nursery accepts that deciding to report a concern can be very difficult and uncomfortable.

If a member of staff makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against him/her/them. If however a member of Staff makes an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against them.

Local Authority Designated officer (LADO)	01223 727967
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Senior Adviser Intervention and Safeguarding (Gemma Hope)	01223 714760

This policy was adopted in	Signed on behalf of the Nursery	Date of Review
December 2020	Christine Hall - Manager	December 2021