

## Whistleblowing

### Box Pre-School Playgroup Whistle Blowing Policy

Please also refer to **Safeguarding and Child Protection Policy, Code of Conduct, Data Protection Policy and Tapestry Policy.**

#### Aim

This policy is to encourage staff to feel confident in raising serious concerns within the setting and to ask questions if they have any concerns re current practice.

#### Who does the policy apply to?

- Employees
- Students
- Volunteers including Committee members.

**The whistle blowing policy covers**, but may not be limited to the following areas. To qualify as a protected disclosure it must, in the reasonable belief of the worker, tend to show one or more of the following: (See below PID Act 1998)

- Conduct - (which a member of staff may consider to be a criminal offence, safeguarding, health and safety, theft. That a criminal offence has been committed or is likely to be committed)
- Disclosure - (relating to a miscarriage of justice)
- Health and safety - (risk to staff, parents, children and members of the public)
- Breaches of procedures (Links to settings policies, procedures)
- Fraud
- Environmental risks (environment is being or likely to be endangered)
- Failure to comply with legal obligations (i.e. completing accident /incident records etc)
- Abuse - (sexual, physical or verbal abuse of children, parents, staff or any other behaviour which a member of staff genuinely finds unacceptable or inappropriate - link to safeguarding procedure)
- Other unethical contact
- The deliberate concealing of information relating to any of the above

matters

- **Safeguards and Victimisation (Protection) Statement** - We wish to make it clear that staff can speak up without fear of harassment, victimisation, discrimination or disadvantage.
- **Public Interest Disclosure Act 1998** - "The Public Interest Disclosure Act 1998 gives significant statutory protection to employees who disclose information reasonably and responsibly in the public interest and are victimised as a result. The Act provides strong reasons why organisations should set up whistle blowing policies in order to foster a climate of openness and dialogue which encourages staff to feel able to raise concerns sensibly and responsibly without fear of victimisation"

### Roles and responsibilities

Statement - We recognise that reporting a concern can be difficult, but Box Pre School Playgroup will support individuals through the process and take appropriate action to protect staff.

It is extremely important to report any concern/allegation - It is a staff's member duty to report concerns immediately to the supervisor/chair of committee in order to protect staff, children and parents.

Staff have the following responsibilities when disclosing/making an allegation or concern

- Staff must disclose the information in good faith
- Staff must believe it to be substantially true
- Staff must not act maliciously or make false allegations
- Staff must not seek any personal gain
- **Confidentiality** All concerns will be treated in confidence, identity will be protected but there may come a time when the member of staff may be called as a witness. All Concerns will be recorded and documented from the initial allegation to the investigation and its conclusion. All documents will remain with the investigator, and on completion will be held securely.
- **Anonymous Allegations** Staff responsibility - We encourage all staff to put

their name on any disclosure/allegation/concern whenever possible.  
Anonymous Allegations will be considered in the context of the following:

- The seriousness of the issue raised
- The credibility of the concern/allegation
- The likelihood of confirming the allegation from attributable sources

**Untrue Allegations Statement** - in cases where the allegation has not been founded the following will apply

- Allegation made in good faith but not confirmed by investigation - no action would be taken against member of staff
- Allegation made frivolously, maliciously or for personal gain - disciplinary action may be taken against member of staff as per our current disciplinary procedure

#### **How to raise a concern**

- Concerns should be raised to the setting supervisor, unless he/she is suspected of the malpractice. If this is the case staff should approach the Chair of the committee.
- Concerns can be reported verbally; however, they will be recorded at the time of the report. The initial report will need to contain enough information to start an investigation. Written complaints are also acceptable, and should contain the background history of the concern, and include names and relevant dates and times as well as the reason for making the disclosure.
- Whilst a member of staff has a duty to make these reports (see roles and responsibilities above) the member of staff is not expected to prove beyond doubt the truth of the allegation, the staff will need to demonstrate that they have an honest and reasonable suspicion that malpractice has occurred, is occurring or is likely to occur (see to PID Act 1998 above).

#### **Settings response procedure**

- Initial inquiries will be made to decide whether an investigation is appropriate, and if so, what form it should take, who will undertake the

initial inquiry.

- If concern or allegation falls within the scope of specific setting procedures (i.e. conduct or discrimination issues), these will be dealt with in accordance with those procedures.
- The person reporting (if known) can expect an acknowledgment of the concern within an appropriate timeframe, and no longer than 10 days (unless unavoidable due to extenuating circumstance), indicating how the matter will be dealt with and who will be involved. Where possible we will give an estimate of how long it will take to provide a response, we will also check whether the staff member needs support, explain if further investigations will take place and if not why not.

### **Actions**

- No need for investigation - some concerns may be resolved by agreed action without the need for investigation.
- If urgent action is required - this will be taken before any investigation is conducted
- Investigation - Will be completed in line with confidentiality policy and our disciplinary procedure

### **How matters can be taken further**

Statement - If staff member is dissatisfied with the response from the setting, and subject to the concern being a matter covered by the PID Act 1998, member of staff can raise the matter as appropriate with one of the of following:

- Local Citizens advice bureau
- Relevant professional bodies or regulatory organisations
- A relevant voluntary organisation
- Their solicitor
- The police

### **Responsibility if taking matter outside the workplace/setting -**

Employees should take advice about their rights and responsibilities and should

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make sure that as far as possible the concern raised without personal information relating to other employees being disclosed. The NSPCC whistleblowing advice line is available. Staff can call 0800 0280285 - 08:00 to 20:00, Monday to Friday and 09:00 to 18:00 at weekends. The email address is: [help@nspcc.org.uk](mailto:help@nspcc.org.uk). Alternatively, staff can write to: National Society for the Prevention of Cruelty to Children (NSPCC), Weston House, 42 Curtain Road, London EC2A 3NH.

- Ofsted provides guidance on how to make complaints about a childcare provider: Complaints procedure - Ofsted - GOV.UK ([www.gov.uk](http://www.gov.uk)).
- General guidance on whistleblowing can be found via: Whistleblowing for employees.

Any employee who unreasonably and without justification raises such issues on a wider basis, i.e. the press, without following the steps and advice in this procedure may be liable to disciplinary action.

- **Links to other policies and legislation**

- Legislation - Public Interest Disclosures Act 1998, Children Act 2004, Childcare Act 2006, Vulnerable Groups Act 2006 etc.
- Every Child Matters Outcome: Stay Safe
- General Welfare Requirement: Safeguarding and promoting children's welfare, suitable people.