Fledglings Day Nursery

# Whistleblowing Policy

Date Reviewed: August 2023

Review Due: August 2024

Reviewed by: Miss A West

## 1 Introduction

All early years providers have a duty to comply with the statutory requirements of the revised EYFS (Sept 2014). They are required to take all necessary steps to safeguard and promote the welfare of young children.

The statutory guidance ‘Working together to safeguard children’ (2010), makes clear that all organisations that provide services for, or work with, children, must have appropriate whistleblowing procedures, and a culture that enables the organisation to address issues about safeguarding and promoting the welfare of children.

## 2 Aims and objectives

The aim of this policy is to outline our expectations of all staff in how they conduct themselves towards children and each other.

The objective of this policy is to ensure that our school/setting consistently meets all of the statutory requirements and that we establish a culture which enables issues to be appropriately discussed and addressed within our organisation, about which staff have concerns.

## 3 Whistleblowing

To achieve the best outcomes in the quality of education and care for children, it is important that children are protected and that staff are able to work in a safe environment. Where issues arise that remain unnoticed or unresolved, this can lead to whistleblowing.

**3.1** Staff will be aware of the impact of their own behaviour and be vigilant in relation to how others respond to children within the school/setting.

**3.2** Management will monitor provision and:

* ensure that children are cared for with respect so as to promote their safety and welfare;
* make explicit to staff their responsibility to bring to the attention of the headteacher/manager any concerns they have about the conduct of colleagues;
* promote a working environment in which children and staff are able to raise issues of concern about professional conduct without fear of recrimination or reprisal;
* ensure that all concerns about staff conduct towards children are appropriately addressed and resolved;
* protect staff from mischievous or malicious allegations of misconduct.

## 4 Policy to practice

Whistleblowing is where there is disclosure by a member of staff of confidential information which relates to some danger, fraud or other illegal/unethical conduct within the setting/school.

**4.1** This policy applies to all staff at all levels. It is to be used alongside related policies.

**4.2** The following list illustrates the kind of issues considered as malpractice or wrongdoing that could be raised under this whistleblowing policy. This list is not exhaustive:

* sexual or physical abuse of children by staff;
* dangerous practices or procedures which expose children to the risk of serious harm;
* conduct which falls below accepted standards of practice which is harmful or disrespectful to children;
* behaviour which is in breach of our code of conduct;
* any activities in breach of criminal or civil law;
* unauthorised use of funds;
* harassment, discrimination, victimisation or bullying by staff towards children or colleagues;
* leaking of confidential information and/or records.

All staff members have a moral responsibility to address concerns about the behaviour of colleagues towards each other and towards children. Such responsibility is so important that a failure on the part of a member of staff to pass on concerns might lead to disciplinary action being taken against them.

## 5 Raising a concern

Concerns will be raised through the methods detailed in our Compliments, concerns and complaints policy.

**5.1** Staff who wish to make a written report are invited to use the following format:

* the background and history of the concern (giving relevant dates);
* the reason why they are particularly concerned about the situation.

**5.2** There is no expectation that staff prove, beyond doubt, the truth of their suspicion; however, they will need to demonstrate that they are acting in good faith and have reasonable grounds for their concern.

**5.3** All staff will be treated fairly.

**5.4** We have a complaints procedure in place for further guidance as to what procedures to follow. This policy does not replace the complaints procedure. All concerns will be responded to using the guidelines within this policy and the Compliments, concerns and complaints policy and procedure.

**5.5** All allegations or concerns about staff conduct raised will be taken seriously and investigated thoroughly.

## 6 Safeguards

The following safeguards are in place to safeguard the rights of the whistleblower.

* Confidentiality: the identity of the individual raising concern will be, as far as possible, kept confidential, if that is their wish.
* Statutory protection for employees who whistleblow is provided by the Public Interest Disclosure Act 1998 (PIDA). The PIDA protects employees against victimisation if they make a protected disclosure within the meaning of the PIDA. However, it must be appreciated that in the course of any investigation process, the source of the information may be revealed and a statement from the whistleblower may be required as part of the evidence.
* Harassment/victimisation: we acknowledge that it is often difficult to raise concerns about colleagues’ conduct. We regard such acts as positive contributions to the protection and welfare of children and encourage staff to raise any concerns they may have.
* We do not tolerate, under any circumstances, any kind of victimisation or harassment of staff who raise concerns under this policy. If following an allegation there is any evidence of such behaviour then action will be taken to protect the individual who raised the concern and we will address the conduct of those responsible through disciplinary procedures.
* If a member of staff raises a concern in good faith, which is not subsequently upheld by the investigation, no action will be considered or taken against the person raising the concern. If, however, the investigation reveals evidence that the allegation was deliberately false, malicious or mischievous, this will be regarded as a serious act of misconduct, and disciplinary action will be taken.

## 7 Monitoring and review

This policy was agreed and implemented in August 2023 and is due for review in August 2024.

There will be ongoing monitoring of this policy as some aspects may require amending/updating before the review date should there be any incidents which take place relating to it that give cause for concern.

**Name: Miss A West**

**Signed: A West**

**Date: August 2023**

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