



Whistle blowing policy: Statutory Framework for EYFS Reference

3.1 – 3.78

At Parson's Green Nursery we expect all our colleagues, both internal and external, to be professional at all times and hold the welfare and safety of every child as their paramount objective. We recognise that there may be occasions where this may not happen and we have in place a procedure for staff to disclose any information that suggests children's welfare and safety may be at risk.

We expect all team members to talk through any concerns they may have with their line manager at the earliest opportunity to enable any problems to be resolved as soon as they arise.

Legal framework: The Public Interest Disclosure Act 1998, commonly referred to as the 'Whistleblowing Act', amended the Employment Rights Act 1996 to provide protection for employees who raise legitimate concerns about specified matters. These are called 'qualifying disclosures'. On 25 June 2013, there were some legal changes to what constitutes a qualifying disclosure.

A qualifying disclosure is one made in the public interest by an employee who has a reasonable belief that:

- A criminal offence
- A miscarriage of justice
- An act creating risk to health and safety
- An act causing damage to the environment
- A breach of any other legal obligation or
- Concealment of any of the above
- Any other unethical conduct
- An act that may be deemed as radicalised or a threat to national security

Is being, has been, or is likely to be, committed.

Qualifying disclosures made before 25 June 2013 must have been made 'in good faith' but when disclosed, did not necessarily have to have been made 'in the public interest.

Disclosures made after 25 June 2013 do not have to be made 'in good faith'; however, they must be made in the public interest. This is essential when assessing a disclosure made by an individual.

The Public Interest Disclosure Act has the following rules for making a protected disclosure:

- You must believe it to be substantially true
- You must not act maliciously or make false allegations
- You must not seek any personal gain.

It is not necessary for the employee to have proof that such an act is being, has been, or is likely to be, committed; a reasonable belief is sufficient.

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, you MUST use the nursery's disclosure procedure set out below:

- 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.

Disclosure procedure

- If this information relates to child protection/safeguarding then the nursery *child protection/*safeguarding children policy should be followed, with particular reference to the staff and volunteering section.
- Where you reasonably believe one or more of the above circumstances listed above has occurred, you should promptly disclose this to your manager so that any appropriate action can be taken. If it is inappropriate to make such a disclosure to your manager (i.e. because it relates to your manager) you should speak to Daniel Morgan or Camilla Trefgarne Employees will suffer no detriment of any sort for making such a disclosure in accordance with this procedure. For further guidance in the use of the disclosure procedure, employees should speak in confidence to the nursery manager

- Any disclosure or concerns raised will be treated seriously and will be dealt with in a consistent and confidential manner and will be followed through in a detailed and thorough manner
- Any employee who is involved in victimising employees who make a disclosure, takes any action to deter employees from disclosing information or makes malicious allegations in bad faith will be subject to potential disciplinary action which may result in dismissal
- Failure to report serious matters can also be investigated and potentially lead to disciplinary action which may result in dismissal
- Any management employee who inappropriately deals with a whistleblowing issue (e.g. failing to react appropriately by not taking action in a timely manner or disclosing confidential information) may be deemed to have engaged in gross misconduct which could lead to dismissal.
- We give all of our staff the telephone numbers of the Local Authority Designated Officer (LADO), the local authority children's social care team, the Local Safeguarding Children Board (LSCB) and Ofsted so all staff may contact them if they cannot talk to anyone internally about the issues/concerns observed.

Harassment or Victimization: Parson's Green Nursery recognize that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal. Parson's Green Nursery will not tolerate harassment or victimization and will take action to protect you when you raise a concern in good faith. However, should you feel that you have suffered harassment, either directly or indirectly as a result of raising a concern, you should refer to the Employees Handbook, or Complaints Policy. This does not mean that if you are already the subject of disciplinary or redundancy procedures, that those procedures will be halted as a result of your whistleblowing. This applies to Parents/Carers of the setting who then decide to seek alternative childcare.

Confidentiality: Parson's Green Nursery will do its best to protect your identity when you raise a concern. However, it must be appreciated that, in the interests of natural justice, any investigation process may reveal the source of the information and a statement by you may be required as part of the evidence.

Anonymous Allegations: You are strongly encouraged to put your name to any allegation. Concerns expressed anonymously are much less powerful. Anonymous allegations will be considered and any action taken at the discretion of Parson's Green Nursery and in conjunction with the relevant agencies where appropriate.

In exercising this discretion, the following factors will be taken into account when considering how to deal with any allegations:

- The seriousness of the issues raised;
- The credibility of the allegation;
- The likelihood of confirming the allegation from attributable sources.

Malicious or Vexatious Allegations: If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make a malicious or vexatious allegation, disciplinary action may be taken against you in accordance with the Parson's Green Nursery's Procedures.

How Parson's Green Nursery Will Respond: The action taken by Parson's Green Nursery will depend on the nature of the concern. The matters raised may:

- Be investigated internally;
- Be referred to the Police;

Allegations referred directly to the Childcare Officer or Social Services will be dealt with in accordance with their policies and procedures. Any person who is the subject of an allegation should, at the appropriate times be given details of the allegation in order to respond.

In order to protect individuals, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations that fall within the scope of specific procedures (e.g. Safeguarding or discrimination issues) will normally be referred for consideration under those procedures.

Some concerns may be resolved by agreed action without the need for an investigation. The following process will be followed in the event of complaints:

- Parson's Green Nursery will ensure that a letter is sent to confirm the receipt of the complaint.
- The complaint will then be fully investigated and within 5 days of when the complaint was first received. Parson's Green Nursery endeavor to investigate all complaints in a non discriminatory manner. A letter will be sent detailing how Parson's Green Nursery has dealt with the complaint.

How The Matter Can be Taken Further: If the complaint has not been dealt with in a manner which is satisfactory to the employee, Parent/Carer or others involved, then they can contact OFSTED directly at the following address.

Ofsted, Piccadilly Gate, Store Street Manchester M1 2WD TEL: 0300 123 1231 Web: www.ofsted.gov.uk

By registering a formal complaint with OFSTED an Officer in most cases will be sent to the Nursery to carry out a further investigation. If applicable, a report would then be sent with action points.

CONTACT DETAILS – Safeguarding Issues.

Safeguarding Officer : Camilla Trefgarne - 0207 731 8013 Email: Camilla@parsonsgreennursery.com

Family support and child protection services LBH&F: Tel: 0208 753 5534

| This policy was adopted on | Signed on behalf of the nursery | Date disseminated to staff | Date for review |
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| 1 st September 2018 |  | 1 st September 2018 | 1 st September 2019 |