

7.3 Whistleblowing Policy and Procedures



Introduction

This guidance is written for all employees at Tiddley Tots Nursery. Practitioners must acknowledge their individual responsibilities to bring matters of concern to the attention of the Directors, Senior Management and/or relevant agencies. Although this can be difficult this is particularly important where the welfare of children may be at risk. You may be the first to recognise that something is wrong but may not feel able to express your concern out of a feeling that this would be disloyal to colleagues or you may fear harassment or victimisation. These feelings, however natural, must never result in a child or young person continuing to be unnecessarily at risk. Remember it is often the most vulnerable children or young people who are targeted. These children need someone like you to safeguard their welfare. Don't think what if I am wrong—think what if I am right.

1. What is Whistle Blowing?

Whistle blowing is the term used when someone who works in or for an organisation wishes to raise concerns about malpractice in the organisation (for example, crimes, civil offences, miscarriages of justice, dangers to health and safety or the environment), and the cover up of any of these. In the case of local authority safeguarding services, this is likely to be about a dangerous or illegal activity, or widespread or systemic failure in relation to children and young people and/or the services they receive.

Whistle blowing is very different from a complaint or a grievance. It only applies when you have no vested interest, and you are acting as a witness to misconduct or malpractice that you have observed.

Whistle blowing encourages and enables employees to raise serious concerns within the Nursery rather than overlooking a problem or “blowing the whistle” outside. Employees are often the first to realise that there is something seriously wrong. However, they may not express their concerns as they feel that speaking up would be disloyal to their colleagues or to the nursery.

Reasons for whistle blowing

- To prevent the problem worsening or widening.
- To protect or reduce risks to others.
- To prevent becoming implicated yourself.

What stops people from whistleblowing?

- Starting a chain of events which spirals.
- Disrupting the work or project.
- Fear of getting it wrong.
- Fear of repercussions or damaging careers.
- Fear of not being believed.

2. Objective

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

3. Scope

Concerns that should be raised via the whistle-blowing policy may be in relation to the actions/behaviours of other staff, students or volunteers, or about something that is perceived as:

- unlawful
- failing to comply with the setting's policy and procedures
- poor practice
- improper conduct.

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

4. Principles

This policy is based on the following fundamental principles:

- All staff, students and volunteers 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, students and volunteers.
- 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, students and volunteers who raise concerns.
- Those who raise concerns will be kept informed of the progress and outcome of any investigation.
- The setting will not tolerate malicious allegations; these may be considered as a disciplinary offence.

5. Procedures

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

- Staff, students and volunteers 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 and volunteers are reassured that they will be protected from reprisals or victimisation for whistle-blowing in good faith.
- Staff and volunteers 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.

6. How to raise a concern

In the first instance, concerns should be raised with the Nursery Manager. However, this may not always be appropriate, in which cases concerns should be raised with the Proprietor – Lorice Moran by calling her on 07961 040 791 or emailing at admin@tiddleytotsnursery.com.

Concerns are best raised in writing, included in this should be the background and history of the concern, giving names, dates, places where possible and the reason why you are particularly concerned. The earlier you express your concerns the easier it is to take action. If you do not wish to put the allegations in writing, the person to whom you are making the complaint will make a written record of the interview and will ask you to sign to confirm accuracy of the notes taken. Although you will not be expected to prove the truth of your allegations, you will be required to demonstrate that there are sufficient grounds for your concern.

You should not:

- Investigate the matter yourself
- Alert those suspected of being involved
- Approach or accuse individuals
- Tell anyone other than the designated person's i.e. Manager and Proprietor

Within a week of the receipt of your concern, you will receive a written acknowledgement of your concern, with a copy of your statement where appropriate. The Manager and Proprietor will investigate your concern and within 2 weeks you will be informed of what action is being taken and you will be kept up to date on the progress of the investigation. You will also be informed of the outcome of any investigation.

If your concerns cannot be expressed to the Manager or Proprietor then you must contact the LADO (Local Area Designated Officer) via Multi-Agency Safeguarding Hub (MASH) on 020 8359 4066. The MASH team are available Monday to Thursday 9 am to 5.15 pm and Friday 9 am to 5 pm. Outside of these hours you should report any concerns that need an immediate response to our emergency duty team on 020 8359 2000.

Website: <https://thebarnetscp.org.uk/bscp/professionals/lado-1> or <https://www.barnet.gov.uk/children-and-families/keeping-children-safe/worried-about-safety-child>

Or you must elevate your concerns directly to Ofsted on 0300 123 1231 or by emailing them at whistleblowing@ofsted.gov.uk.

You can also contact **Protect** on 0203 117 2520 (*Option 2) Mon, Tue, Thurs: 9:30am – 1pm, 2pm – 5:30pm; Wed, Fri: 9:30am – 1pm; or you can email them at whistle@protect-advice.org.uk. Protect is whistleblowing charity that can give you free, confidential advice, if you are unsure how to raise a concern.

7. Investigation

The action taken will depend on the nature of the concern. All matters raised, ***with the exception of allegations of abuse 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 on 0300 123 1231 or by email- whistleblowing@ofsted.gov.uk

8. 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 setting will ensure the immediate safety of the children.
- The setting will not investigate and immediately contact the Designated Safeguarding Officer (DSO). If the DSO is not contactable, the Local Authority Designated Officer (LADO) should be contacted directly via Multi-Agency Safeguarding Hub (MASH) on 020 8359 4066. The MASH team are available Monday to Thursday 9 am to 5.15 pm and Friday 9 am to 5 pm.

Outside of these hours you should report any concerns that need an immediate response to our emergency duty team on 020 8359 2000.

- The setting will notify Ofsted of within 14 days.
- The Designated Safeguarding Officer (DSO) 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.
- If it is agreed that there is not a child protection concern, the setting will investigate further and feedback the outcome of the investigation to the Designated Safeguarding Officer and Ofsted.

The Flowchart on Managing Child Protection Related Allegations against Staff, Process within London Borough of Barnet can be found on our Safeguarding Board and by clicking on the link below.

<https://beitshvidler.org.uk/assets/School-information/Policies/Flowchart.pdf>

For more information on **Allegations against staff and persons in position of trust** please refer to our Safeguarding Policy and Procedures page 21. Section 8.