

Safeguarding and Welfare Requirement: Suitable People

Providers must ensure that people looking after children are suitable to fulfil the requirements of their roles.

18. Whistle Blowing



Whistleblowing is a term used when someone who works in or for an organisation wishes to raise concerns about malpractice in the organisation. Whistleblowing encourages and enables staff to raise serious concerns within the nursery, rather than overlooking a problem or 'blowing the whistle' outside.

Policy statement

- It is important to Ridgemount Nursery Ltd that any concerns regarding safeguarding children, fraud, misconduct or wrongdoing by employees or people engaged in the organisation's business, are reported and properly dealt with.
- Ridgemount Nursery Ltd therefore encourages all individuals to raise any concerns that they may have about the conduct of others in Ridgemount Nursery Ltd or the way in which Ridgemount Nursery Ltd is run.
- Ridgemount Nursery Ltd recognises that effective and honest communication is essential if malpractice is to be effectively dealt with and the organisation's success ensured.
- Whistleblowing relates to all those who work with or within Ridgemount Nursery Ltd who may from time to time think that they need to raise with someone in confidence certain issues relating to the organisation.

Whistleblowing is separate from the grievance procedure. If you have a complaint about your own personal circumstances you should use the normal grievance procedure.

Procedures

If you have a concern about malpractice within the organisation such as:

- A criminal offence
- Failure to comply with any legal obligation

- A miscarriage of justice
- Danger to health and safety of an individual and/or environment
- Bullying, humiliation, discrimination, poor practice, unsafe practice, abuse or neglect
- Deliberate concealment of information about any of the above

please follow the procedure outlined below:

- Report any concerns to your Room Leader or Department lead.
- If this is not possible, then report your concerns to the Manager.
- If an employee or volunteer feels that the matter cannot be discussed with the managers, then Ofsted can be contacted by email - whistleblowing@ofsted.gov.uk or by phone on **0300 123 1231**
- Staff can seek advice from Public Concern at Work on 020 7404 6609, or helpline@pcaw.co.uk
- All employees and those involved with Ridgemount Nursery Ltd should be aware of the importance of preventing and eliminating wrongdoing within the organisation. You should be watchful for illegal, inappropriate or unethical conduct and report anything of that nature that you become aware of.
- Any matter you raise under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation will be reported back to you.
- You will not be victimised for raising a matter under this procedure. This means that your continued employment and opportunities for future promotion or training will not be prejudiced because you have raised a legitimate concern.
- Victimisation of an individual for raising a qualified disclosure will be a disciplinary offence.

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.

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.

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 **LADO and Allegations**

Management

Tel: 01452 426 994

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- The setting will notify Ofsted of a significant incident.
- 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 feed back the outcome of the investigation to the Early Years Lead Advisers Ruth Price, Sarah Cousins and Ofsted.

In Gloucestershire the LADO is **Nigel Hatten**, who is supported by Tracy Brooks and Jenny Kadodia, the Allegations Management Co-Ordinators.

For general Allegation Management advice, please contact either Tracy or Jenny on the following number 01452 426320.

This policy was adopted by	Ridgemount Cottage Nursery Ltd
On	January 19 th 2021
Date to be reviewed	January 2022
Signed on behalf of the provider	Louise Gerrard
Name of signatory	Louise Gerrard
Role of signatory (e.g. chair, director or owner)	Owner