Whistleblowing Policy

A Whistleblower is generally a term used for a person who works in or for an organisation and raises an honest and reasonable concern about a possible fraud, crime, danger or other serious risk that could threaten colleagues, service users, customers, members of the public or the success and reputation of the organisation.

UK law protects employees from dismissal, harassment or victimisation if such treatment occurs as a result of having made a whistle-blowing disclosure considered to be in the public interest. In addition to the employer's liability, the individual who subjects the employee to such treatment may also be held personally liable.

We want all staff to feel able to raise concerns about poor or unsafe practice and know that such concerns will be taken seriously by the senior leadership team.

We recognise that you may be worried about reporting for a number of reasons:

- fear of reprisal or victimisation (e.g. loss of job)
- too much to lose (reputation, damage to career etc)
- feelings of disloyalty
- worries about who may be involved
- you have no proof only suspicions
- fear of repercussions if there is no evidence or you are proved wrong

Beckside Pre-School & Nursery is committed to the highest possible standards of openness, honesty and accountability. In line with that commitment, we encourage employees and others with serious concerns about any aspect of the setting's operations to come forward and voice those concerns. All our staff have a right and a responsibility to raise any matters of concern regarding poor or unsafe practice or any inappropriate behaviour displayed by other members of staff, or any other person working with the children. This includes situations where a member of staff becomes aware that a colleague has failed to exercise their duty to safeguard children within the setting or elsewhere. Staff are responsible for the safety and well-being of all children attending the setting and this is a priority over loyalty towards colleagues. All concerns will be responded to and dealt with in accordance with the setting's confidentially policy.

General principles:

This policy:

- Encourages and enables individuals to raise genuine and legitimate concerns without fear of reprisals.
- Supports staff to take an active role in the elimination of poor practice that may affect the safety and well-being of any child within the setting.
- Ensures concerns are appropriately investigated.
- Protects those making the complaint from victimisation or retaliation.

In addition to this policy, the setting has other policies and procedures covering discipline, grievance and complaints. This policy is intended to complement these, and to cover concerns that fall outside the scope of other procedures.

The management will investigate, promptly and thoroughly, all concerns raised in accordance with this policy, and will take appropriate action.

Confidentiality

The management will do its best to protect a person's identity when a concern is raised, however in some circumstances identities will have to be revealed to the person complained against and the complainant may be asked to provide written or verbal evidence in support of their complaint.

If a person's identity is to be disclosed, he or she will be told before the disclosure and the reasons why the disclosure is necessary.

Having raised the concerns, the management will expect the complainant not to talk about it to any other person, inside or outside the setting.

Anonymous complaints

Concerns expressed anonymously, are much less powerful and harder to investigate, however they may be considered.

Malicious allegations

If an allegation is made in good faith but it is not confirmed by the investigation, no action will be taken against the complainant. If, however, an allegation proves to be malicious, action may be taken against the person responsible for the malicious act.

How to raise a concern

In the first instance, concerns should be raised as soon as possible with the Helen Kendall, Owner/Manager, Beckside Preschool & Nursery. We recognise that your first actions will depend upon the seriousness and sensitivity of the issues and who you believe to be involved.

Concerns are best raised in writing. You are invited to set out the background and history of the concern giving names, dates and places (where possible) and the reason why you are particularly concerned. We would like you to explain why you are concerned about the situation – we do not expect

you to prove the truth of an allegation, but you will need to show that there are sufficient grounds for your concern. **Remember:** the earlier the concerns are raised 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 conversation and will ask the complainant to sign to confirm accuracy of the notes taken. You can invite a work colleague to raise a concern on their behalf.

Although you will not be expected to prove the truth about your allegations, it will be necessary 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 persons (i.e. management).

You can write directly to the Owner of the setting, or you can email them in confidence:
becksidenettleham@googlemail.com

You may also call the Owner: 01522 396340

Our response will depend on the nature of the concern raised and may be:
advice only
resolved by agreed action without the need for investigation
referred to the relevant safeguarding team
referred to the Police, if a criminal matter

Investigations
Where a safeguarding allegation is made against a member of staff the procedure for allegations against a member of staff within our safeguarding children procedure will be followed.

We may carry out initial enquiries in order to protect individuals or employees and those accused of wrongdoing. We will use the results of these enquiries to decide whether an investigation is needed and if so, what form it should take. If urgent action is required, this will be taken before we start any investigation.

We will acknowledge your whistleblowing disclosure within 5 working days. Within the next 10 working days we will write and explain how we propose to deal with the matter.
The whistleblower will be:

- given an estimate of how long it will take to provide a final response
- told if initial enquiries have been made
- told if further investigation is required, and if not, why not (where appropriate)
- given details of support mechanisms
- advised of the investigating officer (where appropriate)
- advised how we will inform you of progress

If a meeting is necessary, this can be held off site if you prefer. If you are an employee, you will have a right to be accompanied – this will be a work colleague (not involved in the area where the concern exists).

Records will be retained of all work carried out and actions taken to address the concerns raised by the whistleblower, including the investigator's case file, where relevant. All files will be held securely and confidentially, in accordance with our Data Protection Policy.

At the end of our investigations, we will provide feedback to the whistleblower (if known) on actions taken and limited detail on the outcome of investigations. Feedback will be subject to legal constraints but we do recognise the importance of providing you with assurances that the matter has been dealt with properly.

Where a staff member feels unable to raise an issue with their employer or feels that their genuine concerns are not being addressed, other channels are open to them:

- 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
- 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
- General guidance on whistleblowing can be found via: Whistleblowing for employees.

If you're treated unfairly after whistleblowing

You can take a case to an employment tribunal if you've been treated unfairly because you've blown the whistle. https://www.gov.uk/employment-tribunals

You can get further information from:

- Advisory, Conciliation and Arbitration Service (Acas)
- https://www.gov.uk/pay-and-work-rights
- Citizens' Advice
- https://www.citizensadvice.org.uk/
- the whistleblowing charity Protect
- https://protect-advice.org.uk/

If you reported your concern anonymously, you may find it harder to argue that your unfair treatment was as a result of your whistleblowing.

- You must raise any claim of unfair dismissal within 3 months of your employment ending.
- You must notify Acas if you want to take your case to an employment tribunal.

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