

# Whistleblowing Policy

## Introduction

At Little Stars Pre-School we expect all our colleagues, both internal and external, to be professional at all times and to hold the welfare and safety of every child as their paramount objective. However, we recognise that there may be occasions where this may not happen, and we encourage all team members (staff, students and volunteers) to raise any concerns with the Pre-school Manager at the earliest opportunity to enable any problems to be resolved as soon as they arise.

## Purpose and Scope

### Scope

The Policy, and the Procedures it includes, apply to all Pre-school employees. It also applies to students, volunteers, committee members and others not within an employment contract, although the provisions of the Public Interest Disclosure Act do not protect them. Employees, students, volunteers and committee members are referred to in this policy as Team Members.

The policy is not to be used by individuals who are aggrieved about their personal position; the normal employee grievance procedures should be used under those circumstances.

The policy is not to be used by individuals who have concerns over child protection issues. These concerns should be dealt with under the safeguarding children policy.

### Aims

This policy is intended to ensure that there are no barriers to the raising of concerns about malpractice.

The Pre-school aims to:

- Ensure that serious concerns and malpractice are identified, investigated and corrected.
- Ensure team members understand their responsibilities and feel confident in raising and reporting a serious concern at the earliest opportunity.
- Provide avenues for team members to raise concerns and receive feedback on any action taken.
- Ensure team members receive a response to their concerns and that they are made aware of how to pursue them if they are not satisfied.
- Reassure team members that they will be protected from possible reprisals or victimisation if they have made any disclosures in good faith.
- Minimise any difficulties experienced as a result of raising a concern, e.g. if an individual is required to give evidence in criminal or disciplinary proceedings the Pre-school will arrange for advice and support.
- Ensure that individuals against whom malicious allegations have been made are supported.

## **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.

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.

## **Responsibilities**

### **Pre-school Undertaking**

- Team members 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, Team members should speak in confidence to the Pre-School 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

### **Team Members' Responsibilities**

- Where you reasonably believe one or more of the above circumstances listed above has occurred, you should promptly disclose this to the Pre-school manager so that any appropriate action can be taken.
- 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

## **Disclosure Procedure**

### **When to raise a concern**

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 Pre-School'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.

If the information relates to child protection/safeguarding then the Pre-School safeguarding children policy should be followed, with particular reference to the staff and volunteering section

### **How to raise a concern**

Where you reasonably believe one or more of the above circumstances listed above has occurred, you should promptly disclose this to the Pre-school manager so that any appropriate action can be taken. If it is inappropriate to make such a disclosure to the Manager (i.e. because it relates to the Manager) you should speak to: Sarah King - Church Warden. Emmanuel Church, Shepherds Lane, Guildford, Surrey. GU2 9SJ. Tel 01483 237766.

- Concerns can be raised orally but it is good practice for the concern to be recorded in writing at an early stage to ensure that all details are correctly understood.
- A written allegation should set out the background, history, and reasons of the concern, (giving names, dates, and places where possible).
- It is preferable for the person raising the concern to record this in writing themselves.
- Although expected to prove the truth of an allegation, the person raising the concern will need to demonstrate that there are sufficient grounds for concern.

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 are displayed in the Pre-School on notice boards and in the Staff cupboard so all staff may contact them if they cannot talk to anyone internally about the issues/concerns observed.

### **Anonymous allegations**

Any concerns or allegations expressed anonymously are much less powerful than those where the whistleblower identifies themselves. This policy encourages those raising concerns or allegations to put their name to the allegations. However anonymous allegations will be considered at the discretion of the Pre-school manager against the following criteria:

- The seriousness of the issues raised
- The likelihood of confirming the allegation from the attributable sources
- The preschool best interests
- The protection of the preschool's assets

Whistleblowers should also bear in mind that if they do choose to raise a concern anonymously it will be more difficult for the matter to be investigated and for feedback to be provided.

### **Related policies**

This policy should be read in conjunction with:

- Safeguarding Children Policy
- Managing Allegations of Abuse by Staff Policy
- Complaints and Compliments Policy

### **Reviewed Annually**

Pre-school Manager..... Date.....

Management Committee..... Date.....

Review Date .....