

reflections

NURSERY & SCHOOL

Whistleblowing Policy and Procedure: January 2023

Monitoring and Review	
This policy will be subject to continuous monitoring, refinement and audit by the Principal. The Principal undertakes an annual review of this policy and of the efficiency with which the related duties have been discharged, by no later than one year from the date shown below, or earlier if changes in legislation, regulatory requirements or best practice guidelines so require. Where "school" is stated this also includes the EYFS setting.	
Policy reviewed	January 2023
Next review date	August 2023

Introduction

Whistle blowing is the mechanism by which adults can voice their concerns, made in good faith without fear of repercussion. It applies when the complainant has no vested interest but rather is an observer. It is not the same as making a complaint.

The term 'whistleblowing' is sometimes confused with the need to report safeguarding or professional concerns about another member of staff or adult in the school. Whistleblowing is about systemic or procedural failures and is not only confined to issues about staff conduct. Where a member of staff has a safeguarding concern about a member of staff, they should report this to the Designated Safeguarding Lead. Full procedures are included in the Safeguarding and Child Protection Policy.

Statement of Intent

Reflections is committed to open and honest communication between all members of the community. To that end we nurture a culture in which employees, parents and volunteers feel safe to raise, without fear of reprisal, a concern they may have about misconduct or malpractice. The well-being and safety of the children is our prime concern; it must take priority over any loyalty towards work colleagues. All concerns raised in accordance with this policy will be promptly investigated and appropriate action will be taken.

Aims

- Assist staff to acknowledge their individual responsibilities to bring matters of concern to the attention of senior management and/or relevant external agencies, particularly where the welfare of children may be at risk.
- Enable and encourage individuals to raise genuine and legitimate concerns.
- Support staff to take an active role in the elimination of poor or insufficient practices, malpractice or wrongdoing.
- Ensure any concerns raised are investigated appropriately and confidentially.

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- Ensure protection to those making the complaint against any form or retaliation or victimisation.

This policy covers concerns that fall outside the scope of our complaints policy, grievance procedure and disciplinary and dismissal procedure.

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.

Procedures

Having observed something that gives cause for serious concern:

- Report your concern to the Head of School or Nursery Manager. If your concern is about the Headteacher or Nursery Manager, report to the Principal, Joanne Allen or Operations Director, Rik McShane.
- If you are worried about how to raise a concern, you can call your early years advisor or call 'Protect' (formerly Public Concern at Work) advice line on 020 3117 2520 (e-mail whistle@protect-advice.org.uk).
- Record what you have witnessed in writing including where possible any background, names, other witnesses, dates, times and places as well as the nature of your concern. If for any reason you do not wish to put your concern in writing, the person to whom you report will make a written record ask you to sign to confirm its accuracy. Keep a copy of the written record.
- Do not: investigate the matter yourself, tell those you suspect to be involved, accuse or approach individuals, tell anyone other than the Head of School, Nursery Manager and or Principal or Operations Director.
- You will receive a written acknowledgement of your concern within one week of its receipt.

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- The Head of School or Nursery Manager will investigate your concern. You will be informed of what action is being taken within two weeks of the original report. You will be kept informed of the progress of the investigation and of its outcome.
- If you are not satisfied with the outcome you should take your concern to Ofsted. They can be contacted:
 - *Through a dedicated whistle blowing hotline- 0300 123 3155.*
 - *By email to the whistle blowing team- whistleblowing@ofsted.gov.uk*
 - *By post- WBHL, OFSTED, Piccadilly Gate, Store Street, Manchester M1 2WD*
- If your concern is about an immediate or current risk to a child, you must follow the procedure laid out in our Safeguarding Policy.

Confidentiality

If a concern is raised anonymously, it is very difficult to investigate. The Head of School or Nursery Manager will respect and protect a person's identity when a concern is raised. However, in certain circumstances identities will have to be revealed to the person complained against and the complainant may be asked to provide written evidence in support of the complaint. If a person's identity is to be disclosed, he or she will be informed before the disclosure and given reasons why this was necessary.

Malicious or vexatious allegations

Whistleblowers acting in good faith are protected from reprisals or victimisation. However, a malicious or vexatious allegation may lead to disciplinary action, including dismissal.

Legislation and Guidance

This Policy bears due regard to the following statutory guidance and other advice.

- DfE statutory guidance 'Keeping children safe in education' (September 2022)
- DfE 'Working together to safeguard children' (July 2018)
- The Enterprise and Regulatory Reform Act (April 2013)
- The Public Interest Disclosure Act (1998)
- UK Government Guidance: Whistleblowing for employees