



## Micheldever & Stratton Preschool Whistleblowing Policy (Revised 4<sup>th</sup> January 2021)

*Working in conjunction with the Early Years Foundation Stage Statutory Framework (EYFS).*

Quality and Consistency.

A Secure Foundation.

Partnership Working.

Equality of Opportunity.

**Unique Child   Positive Partnerships   Enabling Environment   Learning and Developing**

### Introduction

The official name for whistleblowing is 'making a disclosure in the public interest'. If staff or volunteers believe there is malpractice in the Preschool they should report this by following the correct procedures. Their employment rights are protected and they cannot be victimised by the employer.

Whistle blowers are protected for public interest, to encourage people to speak out if they find malpractice in an organisation or workplace.

Malpractice could be improper, illegal or negligent behaviour by anyone who works with or within the Preschool. Whistleblowing refers to the passing on of information concerning wrongdoing (disclosure). Legal protections are in place where the disclosure is in the public interest (ie personal grievances and complaints are not usually covered) and to be protected as a whistle blower, a worker needs to make a 'qualifying disclosure' about malpractice. This could be a disclosure about:

*threats/risks to the welfare, health or safety of a child or adult*

*criminal offences*

*failure to comply with a legal obligation*

*miscarriages of justice*

*damage to the environment*

*a deliberate attempt to cover up any of the above*

It is the responsibility of all staff to report any improper, illegal or negligent behaviour in or connected with the Preschool.

This procedure is appropriate where a worker has genuine concerns about activities in or connected with the Preschool. It is not designed to replace or be used as an alternative to the grievance procedure.

The Preschool's Safeguarding policy must be followed where a disclosure is made relating to the safeguarding of a child.

## Information

Whistleblowing protection applies where the person making a disclosure reasonably believes that the information disclosed, and any allegations contained in it, are substantially true. If any disclosure is made in bad faith, or concerns information which is not substantially believed to be true, or if the disclosure is made for personal gain, then such a disclosure will constitute a disciplinary offence.

If a disclosure is made in good faith, but is not confirmed by any subsequent investigation, then no action will be taken against the whistle blower.

Victimisation of an individual for raising a disclosure will be a disciplinary offence.

Concerns should normally be reported in the first instance to the line manager. If this is not possible/appropriate, they should be reported to the Chair of the Management Committee.

Concerns can be reported verbally or in writing, and should include information about the malpractice and reasons for concern.

The whistle blower may nominate a colleague to be present during meetings in connection with the concerns raised.

The Preschool must investigate any matter raised under this procedure thoroughly, promptly and confidentially.

The Management Committee must decide whether the matter falls within the scope of the setting's other policies and procedures.

The Management Committee will investigate the matter and take action as appropriate.

If the whistle blower or anyone else connected with the setting is asked or instructed to cover up malpractice, this is itself a disciplinary offence.

If malpractice is revealed as a result of any investigation under this procedure, the setting's disciplinary procedure will be used, in addition to any appropriate external measures.

The whistle blower will be informed of the outcome.

The Ofsted Whistleblowing Hotline is for reporting concerns about practices and procedures for the safeguarding of children and young people in local authority services.

The hotline can be contacted on 0300 123 3155 (Monday to Friday 8.00am to 6.00pm). Please see the Ofsted website ([www.ofsted.gov.uk](http://www.ofsted.gov.uk)) for further advice.

## Procedures

### *Whistleblowers:*

- \* Whistle blower refers to a person who passes on information concerning a wrongdoing
- \* All concerns raised shall be treated consistently and fairly.
- \* The pre-school undertakes to take all reasonable steps to maintain the confidentiality of the whistle blower where it is requested, save where there are legal obligations to disclose.
- \* Where a whistle blower discloses their concern anonymously, any action to look into the disclosure may be limited and feedback unavailable.
- \* A whistle blower shall not be victimised. Any incidence of victimisation of a whistle blower shall be taken seriously and managed appropriately including the use of the disciplinary policy where appropriate.
- \* Where a whistle blower believes they have been treated unfairly because they have blown the whistle they may take their case to an employment tribunal, further information may be found at: [www.acas.org.uk/conciliation](http://www.acas.org.uk/conciliation)

### Notification:

- \* The setting manager should be informed immediately
- \* Where it is not considered appropriate, by the whistle blower, to notify the setting manager and the committee chair should be notified of the concern immediately.
- \* Where it is not considered appropriate, by the whistle blower, to notify either the setting manager or the business administrator, and in any case where there is considered a risk to a child/children or where the concern is related to a serious issue, the committee chairperson should be notified of the concern immediately.

In any instance where this policy refers to the committee chairperson, if it is inappropriate to involve that person any member of the committee may be approached.

### Action:

- \* Upon notification the manager, or committee chair will record and investigate the concern, referring to policies and procedures as appropriate to ensure compliance and identify areas of non-compliance. Such investigation, in matters of urgency will occur immediately, where the matter is less serious such investigation will take place within 5 working days.
- \* Where the manager is notified and the concern is considered serious, for example because of the impact upon the care given to a child/children or because it amounts to a criminal offence the committee chair shall be notified of the concern raised.

## **Reporting:**

\* Where a concern is raised that requires reporting to Ofsted, the Charity Commission or the police that action shall be taken by the committee chair.

\* Employees can report concerns about serious wrongdoing to the Charity Commission in writing via the dedicated email address: [whistleblowing@charitycommission.gsi.gov.uk](mailto:whistleblowing@charitycommission.gsi.gov.uk). The Public Interest Disclosure Act provides some protection for these employees where the concerns they report meet the conditions in the Act for “protected disclosure”.

\* Disclosures under the whistleblowing policy will be recorded and annually reviewed by the management committee.

## Staff involvement:

\* Where a concern has been raised / investigated, if considered appropriate by the management committee that staff member that raised the concern may be notified of any action taken. Where this is not considered appropriate the staff member should be informed that their concerns were welcomed, noted, and where necessary, appropriate action taken.

## Other Related Policies & Procedures

*The following policies provide additional information regarding the safeguarding and welfare of the children in our care:*

- *Anti-Bullying Policy*
- *Children’s Records Policy*
- *Children’s Rights Policy*
- *Committee Policy*
- *Complaints Policy*
- *Confidentiality Policy*
- *CPD Policy*
- *Critical Incident Policy*
- *Diversity & Equality Policy*
- *Equal Opportunities Policy*
- *Fire Safety, Emergency Evacuation Policy*
- *GDPR Policy*
- *Grievance Policy*
- *Health & Safety Policy*
- *Information Sharing Policy*
- *LADO Policy*
- *Lockdown Policy*
- *Looked After Children Policy*
- *Mobile, Camera, Social Media Policy*

- *Organisation Policy*
- *Outings and Visits Policy*
- *Parent Involvement Policy*
- *Parents Alcohol & Drug Policy*
- *Photography & Video Policy*
- *Physical Contact & Handling Policy*
- *Prevent & British Values Policy*
- *Recording/Reporting Accidents Policy*
- *Retirement Policy*
- *Risk Assessment Policy*
- *Safeguarding Policy*
- *Security Policy*
- *SEN (Special Educational Needs) Policy*
- *Staff Alcohol/Drugs Policy*
- *Staff Behaviour Policy*
- *Staffing & Volunteers Policy*
- *Student Placement Policy*
- *Suitable Persons Policy*
- *Transfer of Records Policy*
- *Uncollected or Lost Children Policy*
- *Usage, Storage or Retention Policy*
- *Working in Partnership Policy*

*This policy will be monitored and evaluated at committee meetings. It will be reviewed annually and unless new legislation or an incident occurs which requires an immediate review of this policy*

**November 2022**

**Review Date: November 2023**

**\*This Notice was adopted by the committee on 26/01/21**

**Signed: Claire Bentham** \_\_\_\_\_

\*This document was agreed via email by our Trustees as we were unable to hold our policy meeting due to the Covid-19 virus (Jan 2021)

**Reviewed Date: 04/11/22**

**Signature: Mrs NI Mann-Boye**

**Amendments: Removed FS policies**

**Reviewed Date:**

**Signature:**

**Amendments:**

**Reviewed Date:**

**Signature:**

**Amendments:**

**Reviewed Date:**

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