

# **Little Bears Preschool**

## **Whistle-Blowing Policy**

### **Statement of Intent**

Little Bears Preschool is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees, and others that we deal with, who have serious concerns about any aspect of the Preschool's work, to come forward and voice those concerns.

*This Policy is in addition to the Grievance and Complaint Policies.*

### **Aim**

This policy confirms that staff will be able to express their concerns without fear of being victimised, or penalised in any way. It aims to encourage and enable staff to raise concerns internally, rather than ignoring the problem or taking it outside the organisation. Any disclosure made in 'good faith' will be protected by this policy, if the whistle blower has a reasonable suspicion that malpractice has occurred, is occurring or is likely to occur.

Legal framework: *The Public Interest Disclosure Act 15<sup>th</sup> July 2014*

For more information on the law visit: [www.pcaw.co.uk/law/uklegislation.htm](http://www.pcaw.co.uk/law/uklegislation.htm)

### **About this policy**

This policy applies to all employees, students on placement, volunteers, agencies and anyone else who has access to the children or the preschool. This includes contractors working on site, pre-school suppliers and those providing services either to the children or to the preschool.

This procedure should be used to raise serious concerns including but not limited to:

- Conduct which has failed, or is likely to fail, to comply with a legal obligation;
- Disclosure related to miscarriages of justice;
- actions which endanger the health or safety of any individual, including risks to children or the public as well as other workers;
- Damage to the environment;
- Theft or misuse of preschool property or assets;
- The unauthorised use of public funds;
- Possible fraud or corruption;
- Serious departure from professional standards;
- Sexual or physical abuse of children / service users / workers;
- Neglect or emotional abuse of children in the preschool;
- Serious breach of Pre-school or Local Authority regulations;

All employees have a duty to report fraud and offences of a criminal or child protection nature.

### **Wider disclosure**

Staff who decide to take the matter outside the preschool need to be aware that they should be careful not to reveal any confidential information. Little Bears Preschool's Written terms and Conditions, for all members of staff, stipulates a duty not to disclose any matters that could be considered confidential. This prevents employees from publicly disclosing employers' confidential information unless it is in the public interest to do so, or unless the Preschool has failed to deal with the issue properly. Whistle blowers must:

- reasonably believe that they will be victimised if they raise the matter internally;
- reasonably believe a cover up is likely;
- have already raised the matter internally and the issues have not been addressed.

The external sources which could be used in a wider disclosure are:

- Chair of CIO
- Devon Safeguarding Children Board
- Devon Childcare services and Early Years Advisors if the matter is about child protection
- Police
- Health & Safety Executive
- Audit Commission
- Local Citizens Advice Bureau
- Relevant professional bodies or regulatory organisations
- Department for Children, Schools and Families
- OfSTED

## Confidentiality

All concerns will be treated in confidence and every effort will be made not to reveal the identity of the whistle blower and all parties will agree that the *issue* will be kept confidential. Our Preschool Manager will only reveal the identity if:

- They have to do so by law;
- The information is already known;
- It is revealed in confidence to a qualified lawyer in order to get legal advice; or
- The whistle blower has to provide evidence at a disciplinary hearing or other proceedings.

## Procedure – how to raise a concern

1. Raise your concern with the Manager or the CIO Chair. You can do this in writing or by talking to them about it. You have the right to ask for the matter to be treated confidentially.
2. If your concerns involve the setting's manager or if you feel unable to discuss the matter with your line manager, you should approach someone from the CIO. If this is the case, you will be asked to justify why you feel unable to raise your concerns in the normal way.
3. If the CIO Chair is allegedly involved in the malpractice, the LADO (Local Authority Designated Officer) should be contacted.
4. If you feel you might be victimised, or there might be a cover up, or your concerns are being ignored, you may feel unable to raise the issue with staff at preschool. In these cases, you should contact our Early Years Advisor or Ofsted on 0300 123 1231 for advice and the LADO if the case involves possible child abuse.

If, at any stage, you feel that your concerns are not being dealt with properly, you should move on to the next stage. **You must put your concerns in writing within 48 hours at each stage.**

## The role of the Manager or Chair of CIO:

The line manager will **within seven working days** (or straight away if there is a risk of loss of life, serious injury or if the matter involves child protection);

1. Interview the member of staff privately, get as much information as they can from the person making the complaint about the malpractice. If it is a child protection or safeguarding issue, the line manager will only need brief facts to decide whether to follow the specific child protection procedures, and what action to take;
2. Discuss with the individual what further steps should be taken and keep them informed of any actions;
3. Advise on the best way forward if the matter does not fall under the preschool's Whistle Blowing Procedure;
4. Report all matters raised under this procedure to the Chair of the CIO.

*The manager carrying out the interview may ask a work colleague, another senior manager or HR advisor to join them if they wish.*

The line manager will **within ten working days** of the interview ensure that the matter will be:

- Investigated internally by the preschool;
- Investigated by external auditors appointed by the preschool;
- Reported to the Local Authority Designated Officer (LADO) under the Management of Allegations against Professionals Procedures;
- Reported to Children's Social Care Services;
- Reported to the Police;
- Reported to the Department for Children Schools and Families;
- Pursued by the whistle blower using other procedures if their concerns do not fall within these procedures; or
- Considered closed with no further action by the preschool.

The following examples can be considered grounds on which no further action need be taken.

- The manager is satisfied that there is no evidence and it is unlikely that malpractice, as defined by these procedures, has occurred, is occurring or is likely to occur.
- The manager believes that the individual is not acting in good faith.
- The matter is already (or has been) the subject of proceedings under one of the school's other procedures or policies.
- The matter is already the subject of legal proceedings, or has already been reported to the Police, Children's Social Care Service the external auditors, or another public authority.

If it is alleged that the Chair is involved in the malpractice, the manager will refer the matter to the Deputy Responsible Officer of the CIO. *Please see our Safeguarding Policy.*

The person who receives the Manager or Chair's recommendations (Chair or Deputy Responsible Officer) must ensure that it is acted on fully unless there is a good reason for not doing so. If there is a good reason for ignoring the recommendation, it must be reported to the next meeting of the CIO.

## **Outcome**

The whistle blower will be told the outcome of any investigations within **28 days** and the information will be sent in writing to the individual's home address.

If the individual has not had a response within 28 days, they may appeal to OFSTED, but they must inform the preschool Manager or Chair of CIO before doing so. The individual may discuss the matter in confidence at any time with a qualified lawyer in order to get legal advice.

## **Recording, monitoring and evaluation**

If there are any safeguarding or child protection issues, staff will need to follow the Devon Child Protection Procedures. If a member of staff believes that a reported allegation or concern of a safeguarding nature is not being dealt with properly, they should report the matter to the Local Authority Designated Officer (LADO) and OFSTED.

The most senior member of staff dealing with the disclosure will keep records and monitor progress. These will be kept in a safe and secure location.

## **Anonymous allegations**

Anonymous allegations are not as powerful as those put forward by a named individual. However, the manager and CIO Chair will investigate anonymous allegations as far as possible.

## **Untrue allegations**

If the allegation was considered to be made frivolously, maliciously or for personal gain, disciplinary action may be taken against the individual.

***If the whistle blower is dissatisfied:***

If any member of staff is unhappy with the response, they can take the matter to a higher level or one of the organisations listed in this policy. Although the managers cannot guarantee that they will respond to all matters in the way that they might wish, we will always try to deal with the matter fairly and properly. This policy should help all parties achieve their aims. Any member of staff who is not sure whether to use these procedures, or who wants independent advice at any stage, can contact OFSTED.

## **Review**

All staff will be made aware of the organisation's whistle blowing policy and feel able to voice concerns about the attitude or actions of colleagues. A disclosure made in good faith to the manager will be protected. Confidentiality will be maintained wherever possible and the employee or volunteer will not suffer any personal detriment as a result of raising any genuine concern about misconduct or malpractice within the organisation.

This Policy and all related policies will be reviewed at least 2 yearly to assess its progress and performance

Approved.....: **(Chair of CIO signature)**

Adopted on .....