

At Winsley Acorns, we expect all our colleagues, both internal and external, to be professional at all times and hold the welfare and safety of every child as their paramount objective. We recognise that there may be occasions where this may not happen, and we have in place a procedure for staff to disclose any information that suggests children's welfare and safety may be at risk.

We expect all team members to talk through any concerns they may have with their line manager at the earliest opportunity to enable any problems to be resolved as soon as they arise.

Objective

The aim of this policy and associated procedures is to establish an internal procedure that will encourage and enable staff, students and volunteers to raise concerns about any aspect of the setting's practice, (which do not meet the criteria for being dealt with as a complaint, grievance or allegation), in confidence and without fear of reprisals, to ensure that nursery, continues to work within best practice and safeguard children and young people.

The Whistleblowing Procedure aims to help and protect both staff and children. By following the procedure, you are acting to:

- prevent a problem getting worse,
- safeguard children and young people, and
- reduce the potential risks to others.

The earlier you raise a concern, the easier and sooner it is possible for nursery to take action.

Introduction

Winsley Acorns is committed to the highest possible standards and recognises that its staff are often the first to realise that there may be something wrong within the setting. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or they may fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.

The Public Interest Disclosure Act 1998 protects workers who raise concerns from victimisation or harassment. In accordance with that Act and its commitment to the highest standards of service delivery, the nursery actively encourages its workers with concerns about any aspect of the setting's practice or any adult's, volunteer's or student's conduct to come forward and voice those concerns, in confidence, within the nursery rather than overlooking a problem.

The Public Interest Disclosure Act 1998 amended the Employment Rights Act 1996 to provide protection for workers who raise legitimate concerns (protected disclosures) made in the public interest about specified matters. These are called "qualifying disclosures". A qualifying disclosure is one made by a worker 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
- an act of bribery
- financial fraud or mismanagement
- any other unethical conduct
- an act that may be deemed as radicalised or a threat to national security
- concealment of any of the above

is being, has been, or is likely to be, committed. It is not necessary for the worker to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient. The worker has no responsibility for investigating the matter - it is the organisation's responsibility to ensure that an investigation takes place.

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

A worker who makes such a protected disclosure has the right not to be dismissed, subjected to any other detriment, or victimised, because he/she has made a disclosure.

Scope

Concerns that should be raised may be in relation to the actions/behaviours of other staff, students or volunteers, or about something that is perceived as:

- unlawful
- failing to comply with the setting's policy and procedures
- poor practice
- improper conduct

Principles

This policy is based on the following fundamental principles:

- All staff have the right to raise concerns about perceived unacceptable practice or behaviour.
- The responsibility for expressing concerns about unacceptable practice or behaviour rests with all staff.
- Winsley Acorns will not tolerate harassment or victimisation and will take action to protect workers when they raise a concern in good faith.
- Winsley Acorns will do its best to protect a whistleblower's identity when he/she raises a concern and does not want his/her name to be disclosed. However, if the concern raised needs to be addressed through another procedure, e.g. disciplinary procedure, the worker may be required to provide a signed statement as part of the evidence.
- In some circumstances, the nursery may have to disclose the identity of the worker without his/her consent, although this will be discussed with the worker first.
- Appropriate advice and support will be made available to staff who raise concerns.
- Those who raise concerns will be kept informed of the progress and outcome of any investigation.
- Winsley Acorns will not tolerate malicious allegations, this may be considered as a disciplinary offence.
- Covering up someone else's wrongdoing is a disciplinary offence. An employee should never agree to remain silent about a wrongdoing, even if told to do so by a person in authority such as a Manager.

Procedures

Procedures for reporting and investigating 'whistleblowing' concerns have been developed to ensure that:

- Staff can raise concerns (no matter how small they may appear) internally as a matter of course and receive feedback on any action taken within the realms of confidentiality and on a 'need to know' basis.
- Concerns are taken seriously and dealt with quickly and appropriately.
- Staff are reassured that they will be protected from reprisals or victimisation for whistleblowing in good faith.
- Staff can take the matter further if they are dissatisfied with the nursery response and seek external advice and guidance.
- Issues raised are addressed via other procedures and policies as appropriate, e.g. safeguarding policy, allegations against an adult working in a setting, grievance, disciplinary, health and safety.
- Appropriate records are maintained for monitoring purposes.

Raising a Concern

In the first instance, staff should raise concerns with the Nursery Manager.

If it is inappropriate to make such a disclosure to the Nursery Manager (i.e. because it relates to the Manager) staff should speak to the Chair of trustees. Concerns should be raised in writing and include:

- reference to the fact that it is a whistleblowing disclosure
- the background and history of the concerns
- names, dates and places (where possible)
- the reasons why the individual is concerned about the situation.

Such disclosures should be made promptly so that investigation may proceed and any action taken expeditiously. Staff who feel unable to put concerns in writing can telephone or meet with the Manager, or Chair of Trustees who will take notes on their behalf.

Failure to report serious matters can also be investigated and potentially lead to disciplinary action which may result in dismissal.

Responding to a concern

Where a whistleblowing concern has been raised, the Manager must notify the Designated Safeguarding Lead and Deputy Designated Safeguarding Lead.

If the concern is about the safeguarding and welfare of any children or staff, the company's Strategic Safeguarding Leads must be informed, without delay.

The manager who has received the concern will then thoroughly investigate in a manner appropriate to resolving the issues speedily and efficiently and within the agreed timeframe (usually between 5 and 28 days). The Chair of Trustees will support this process.

The investigation will be carried out and documented using the steps set out in the **Managing Investigations Guidance**. The manager will complete a final report using the **Investigation Outcome Report and Guidance** template.

Any management employee who inappropriately deals with a whistleblowing concern (e.g. failing to react appropriately by not taking action in a timely manner or disclosing confidential information or clearly failing to follow this policy) may be deemed to have engaged in gross misconduct which could lead to dismissal.

Who should staff contact?

Staff should contact one of the following people in confidence:

- Nursery Manager:

[Hayley Sutherland \(01225\) 865131](tel:01225865131)

manager@winsleyacornspreschool.co.uk

- Chair Of Trustees:

If for any reason it is inappropriate to contact the Nursery Manager or the Area Manager, staff may contact the following people in confidence:

[Rebecca Strike rebeccastrike15@gmail.com](mailto:rebeccastrike15@gmail.com)

Allegations of abuse against adults who work or volunteer in the setting

If an allegation is made against a staff member or volunteer, we will take action as per the **Allegations Against Staff Procedure**.

Other useful contacts

Designated Officer For Allegations(DOFA)

Telephone: 0300 456 0108

Ofsted: 0300 123 1231

Contact the NSPCC Whistleblowing Advice Line:

- Call 0800 028 0285

- Email help@nspcc.org.uk
The Samaritans: 116 123

Whistleblowing: list of prescribed people and bodies

Below is a link to the prescribed persons and bodies to who you can make a disclosure to. There is also a brief description about the matters you can report to each prescribed person.

<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies>

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