

Safeguarding and Welfare Requirement: Child Protection

Providers must have and implement a policy, and procedures, to safeguard children.

1.7 Whistle Blowing

Introduction

Employees are often first to realise something is seriously wrong within the Pre-School. However, they may not express concerns because they feel speaking up would be disloyal to their colleagues or Pre-School. They may also fear harassment or victimisation. In these circumstances, it may appear to ignore the concern rather than report what may be just a suspicion of malpractice.

Pre-School is committed to the highest possible standards of openness, honesty and accountability. In line with that commitment, we encourage employees and others that we deal with, who have serious concerns about any aspects of the Pre-School to come forward and voice those concerns. It is recognised that certain cases will have to proceed on a confidential basis.

This policy document makes it clear that staff can do so without fear of reprisals. This policy is intended to encourage and enable staff to raise serious concerns **within** Pre-School rather than overlooking a problem or “blowing the whistle” outside.

Aims and Scope of this policy

This policy aims to:

- Provide avenues for staff to raise concerns and receive feedback on any action taken
- Reassure staff that they will be protected from reprisals or victimisation for whistle blowing in good faith.

There are existing procedures in place for complaints or to enable staff to lodge a grievance relating to their own employment. This policy is intended to cover concerns that fall outside the scope of those procedures.

That concern may be about something that:

- Is unlawful
- Is contrary to nursery policies or procedures
- Falls below established standards or practice
- Amounts to improper conduct

For example (this list is not exhaustive):

- Ill treatment of staff/volunteers/families by staff
- Disregard of legislation, particularly in relation to health and safety at work
- A breach of regulations

- Abuse of children

The overriding concern should be that it would be in the public interest for the malpractice to be corrected and, if appropriate, sanctions applied.

Safeguards

Harassment or Victimisation

Pre-School recognises that the decision to report a concern can be a difficult one to make, at least because of fear of reprisal from those responsible for the malpractice. Pre-School will not tolerate harassment or victimisation and will take action to protect staff when they raise a concern in good faith. Pre-School will treat any harassment or victimisation as a serious disciplinary offence to be dealt with under the disciplinary procedure.

This does not mean that if staff are already the subject of disciplinary or redundancy procedures, that these procedures will be halted as a result of their whistle blowing.

Confidentiality

Pre-School will do its best to protect a staff member's identity when they raise a concern and do not want their name to be disclosed. It must be appreciated that the investigation process may reveal the source of the information and a statement by staff may be required as part of evidence.

Anonymous Allegations

This policy encourages staff to put your name to their allegation. Concerns expressed anonymously are much less powerful but will be considered at the discretion of the governing body. In exercising the discretion, the factors to be taken into account would include:

- The seriousness of the issues raised
- The credibility of the concern
- The likelihood of confirming the allegation from attributable sources.

Untrue Allegations

If staff make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against them. If, however, staff make malicious allegations, disciplinary action may be taken against them.

How to Raise a Concern

As a first step, staff should normally raise concerns with their immediate line manager. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. It may be that the Chair of the Management Committee is more appropriate.

Concerns are better raised in writing. Staff are invited to set out the background and history of their concern, giving names, dates and places where possible, and the reason why they feel they are particularly concerned about the situation. If staff do not feel they are able to put their concern in writing, they can telephone or meet one of the management committee.

The earlier staff express the concern, the easier it is to take action.

Although staff are not expected to prove the truth of the allegation, they will need to demonstrate to the person contacted that there are sufficient grounds for the concern.

Staff may invite a trade union representative or work colleague to raise a matter on their behalf.

How Pre-School Will Respond

The action taken will depend on the nature of the concern and may:

- Be investigated internally
- Be referred to Ofsted
- Be referred to Social Services in a case involving Safeguarding Children.

Some concerns may be resolved by agreed action without the need for investigation and staff will be involved in those discussions.

If an investigation is required, the management committee will consult with any outside bodies as appropriate and will, within ten working days write to the member of staff:

- Acknowledging that an investigation will be carried out;
- Indicating how the management committee propose to deal with the matter;
- Telling them whether any initial enquiries have been made;
- Telling them whether further investigations will take place and if not, why not;
- Advising them that any investigation will be carried out in the strictest of confidence; and
- Keeping them informed of the progress of the investigation.

The amount of contact between the Pre-School Leader/Management Committee considering the issues and the staff member will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information may be sought from staff.

When any meeting is arranged, staff have the right, if they so wish, to be accompanied by a union representative or work colleague who is not involved in the area of work to which the concern relates.

Pre-School will take steps to minimise any difficulties which staff may have as a result of raising a concern.

Pre-School accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, they will receive information of the outcome of any investigation. In addition they will be informed as to what action has been taken to correct working practices that have been found to be at fault from the investigation.

Legal framework

Primary legislation

- Children Act (1989 s47)
- Protection of Children Act (1999)
- Data Protection Act (1998)
- The Children Act (Every Child Matters) (2004)
- Safeguarding Vulnerable Groups Act (2006)

Secondary legislation

- Sexual Offences Act (2003)
- Criminal Justice and Court Services Act (2000)
- Equalities Act (2010)
- Data Protection Act (1998) Non Statutory Guidance

Further Guidance

- Working Together to Safeguard Children (2013)
- What to do if you are Worried a Child is Being Abused (HMG 2006)
- Framework for the Assessment of Children in Need and their Families (DoH 2000)
- The Common Assessment Framework for Children and Young People: A Guide for Practitioners (CWDC 2010)
- Statutory guidance on making arrangements to safeguard and promote the welfare of children under section 11 of the Children Act 2004 (HMG 2007)
- Information Sharing: Guidance for Practitioners and Managers (HMG 2008)
- Independent Safeguarding Authority: www.isa.gov.org.uk

This policy was adopted by Sowood Preschool (name of provider)

On May 2019 (date)

Date to be reviewed May 2020 (date)

Signed on behalf of the management committee

Name of signatory Joy Crowther

Role of signatory (e.g. chair/owner) Trustee

Other useful Pre-school Learning Alliance publications

- Safeguarding Children (2010)