



What is Whistleblowing

Whistle-blowing means bringing attention to the following things:

- Misconduct
- Illegal Acts
- Failure to act.

The Whistle-blowing Law covers 6 specific areas.

- Dangers to Health and Safety
- Risk of damage to the environment
- Unlawful activities or criminal acts in an organisation
- Miscarriages of justice
- Failure to comply with legal obligations.
- Belief that someone is covering up any wrongdoing.

Whistle-blowing laws are included in the "Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act) part IVA PROTECTED DISCLOSURES.

To whistle-blow, you do not need proof; you just need to reasonably believe the information is true. It should never be motivated by malice or to gain an unfair advantage.

Whilst it is expected that there should always be a professional approach and that everyone should hold the welfare and safety of every child as their paramount objective, there may be occasions where this may not be happening.

All team members must 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.

Statutory Duty

Every single member of staff employed within Little Dreams Nursery has a Statutory Duty to disclose information on the following.

- Suspected acts of terrorism
- Safeguarding issues
- Health and Safety risks.

You should never ignore or try to turn a blind eye to something which you think could put someone at risk, the children, staff, or parent/carers. By reporting your concern, you may be preventing serious harm from occurring.

Concerns

If you make a disclosure (whistle-blow), you are protected by the Law. If you disclose one of the 6 areas as stated previously, and the following three things are true

- The disclosure was made in the best interest of the public.
- You honestly believe what you are reporting is true.
- You made your disclosure to the right person.

The Law protects you from suffering for your whistleblowing.

Disclosure of information

Where a member of staff becomes aware of information that they reasonably believe tends to show one or more of the following, they **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 (Health & Social Care Standards - My support, my life)
- 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.
- That the environment has been, is being, or is likely to be, damaged.
- That information tending to show any of the above is being, or is likely to be, deliberately concealed.

Disclosure procedure - Reporting your concern(s) -

- Where it is believed that one or more of the circumstances listed above have occurred, staff should promptly disclose this to their line manager so that any appropriate action can be taken. Staff should complete a Staff Communication Form detailing the information they have as a concern and wish to whistleblow about. If it is inappropriate to make such a disclosure to the line manager (i.e., because it relates to the line manager), the member of staff should speak to the Nursery Director.
- You should clearly explain what your concern is, explain what is happening, or the belief that you have that something is happening.
- You have the right to request confidentiality; however, you will have no say in how your concern is dealt with.
- You should never try to conduct your own investigation.
- Staff will suffer no detriment of any sort for making such a disclosure following this procedure. For further guidance in the use of the disclosure procedure, staff should speak in confidence to the Nursery Manager / Nursery Director
- Any disclosure or concerns raised will be treated seriously and will be dealt with consistently, confidentially and will be followed through in a detailed and thorough manner.
- Any staff member who is involved in victimising staff who make a disclosure, takes any action to deter staff from disclosing information, or makes malicious allegations or disclosures in bad faith will be subject to potential disciplinary action, which may result in dismissal.
- Failure to report serious matters can also be investigated and potentially lead to disciplinary action, which may result in dismissal.
- Any member of the management team who inappropriately deals with a whistle-blowing issue (e.g., failing to react appropriately by not acting promptly or disclosing confidential information) may be deemed to have engaged in gross misconduct, which could lead to dismissal.

Externally reporting your disclosure.

Should you report your concerns, and you feel it has failed, or you cannot report them to your manager or Nursery Director, then you can report your concern to the following.

- Professional Bodies
- Regulators
- Commissioners

In any situation where someone may go to the newspaper/social media with a story or disclosure, you will most definitely lose your right to protection from anonymity. It is only in exceptional cases that this isn't so.

Anonymous Disclosures

If you choose to make an anonymous disclosure, this is your right; however, this may be more difficult to investigate. By Law, if you choose to raise your concern this way, you won't qualify for protection, and your anonymity can't be protected. This will be left to the discretion of the organisation to decide. You will also not be able to receive feedback.

Follow up

If you make a disclosure not anonymously, you may receive feedback. The nursery may make you aware of any actions taken. You will not be entitled to know what action was taken on whom, however.

Records

Once a disclosure is made, it is good practice to keep a record of each disclosure and what happened as a result.

The Data Protection Act means only people who need to will be able to view this, and it can only be kept for as long as needed.

Each record should include:

- Date of concern was witnessed
- Date of concern was reported
- What it was about
- Actions the organisation has taken.
- Any feedback
- Any next steps/review