

Butterflies Montessori Nursery Whistle Blowing Policy

What is Whistleblowing?

Whistleblowing encourages and enables staff to raise serious concerns within the nursery, rather than overlooking a problem or 'blowing the whistle' outside. Staff are often the first to realise that there is something seriously wrong with the nursery. However, they may not want to express their concerns as they feel that speaking up would be disloyal to their colleagues or to the nursery.

Our Commitment

Butterflies Montessori Nursery is committed to the highest possible standards of openness, and accountability. In line with that commitment we expect staff, and others that we deal with, who have serious concerns about any aspect of the nursery's operation to come forward and voice those concerns.

Who does the Policy apply to?

The policy applies to all employees, permanent and temporary, supply staff, volunteers and work experience students.

NB. Other procedures are available to employees e.g. the Grievance procedure which relates to complaints about your own employment. This policy does not replace the Complaints Policy, which is for the use of Parents/Carers of children who use the nursery.

Aims of the Policy:

- Encourage you to feel confident in raising concerns and to question and act upon concerns about practice.
- Provide avenues for you to raise concerns in confidence and receive feedback on any action taken.
- Ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied.
- Reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made a disclosure in good faith.

What Types of Concern are Covered?

- Behaviour which has harmed, or may harm a child.
- Where there is a possibility that a member of staff has committed a criminal offence against a child or related to a child that has not been disclosed.
- Behaviour towards a child or children in a way that indicates that s/he is unsuitable to work with children.
- Conduct which is an offence or a breach of law.
- Failure to comply with a legal obligation.
- Health and safety risks, including risks to the public as well as other staff.
- Damage to the environment.
- Actions which are unprofessional, inappropriate or conflict with a general understanding of what is right and wrong.
- An act causing damage to the environment.

Safeguards and Victimisation

Butterflies Montessori Nursery recognises that the decision to report a concern can be a difficult one to make. If what you are saying is true, you should have nothing to fear because you will be doing your duty to your employer and those for whom you provide a service.

Butterflies Montessori Nursery will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith.

How to Raise a Concern

As a first step, you should raise concerns with the Manager, Michele Dann. In all cases that fit the criteria above, Michele will contact the Local Authority Designated Officer (LADO), Robin Heath. He is responsible for all the management and oversight of individual cases and must be informed of all allegations or concerns relating to staff or volunteers that fit the criteria above. He will:

- Provide advice and guidance to the setting
- Will liaise with Children's Social Care and other agencies
- Will monitor the progress of cases where necessary
- Will work to ensure that all allegations are dealt with appropriately
- The contact number for the LADO is: 01872 326536.
Email: lado@cornwall.gov.uk
- If he is not available, the contact options are:-
- Children's Social care on 0300 1234 101
- Out of normal office hours 01208 251300
- The Whistleblowing charity PCAW (Public concern at work) for advice.
- In an emergency call the police.

If the allegation is against the manager, advice from Deputy Manager – Amanda Lorrimer-Roberts should be sought, or Robin Heath should be contacted directly on 01872 327147. Alternatively, you can call Ofsted on 0300 123 3155, email them at whistleblowing@ofsted.gov.uk or write to them at: WBHL, Ofsted, Piccadilly Gate, Store Street, Manchester, M1 2WD

- Concerns may be raised verbally or in writing, and will be treated in confidence.
- Staff who wish to make a written report are advised to set out the background and history of the concern, giving names, dates and places, where possible and the reasons for the disclosure. (Although a member of staff is not expected to prove beyond doubt the truth of the allegation, they will need to demonstrate that they have an honest and reasonable suspicion that malpractice has occurred, is occurring or is likely to occur).
- In order to protect a member of staff who raises a concern and those accused of wrong-doing, initial enquiries will be made to decide whether an investigation is appropriate and if so, what form it should take.
- Some concerns may be resolved by agreed action without the need for investigation.
- If urgent action is required this will be taken before any investigation is conducted.
- Staff will be told how the nursery proposes to deal with a concern within 10 working days of the issue being raised.
- The nursery will make every effort not to reveal the identity of anyone raising a concern in good faith, however, at the appropriate time a member of staff may need to come forward as a witness.

You must not:

- Investigate the matter yourself.
- Alert those suspected of being involved
- Tell anyone other than the designated persons (Michele Dann /Amanda Lorrimer-Roberts)

Investigation

The action taken will depend on the nature of the concern. All matters raised, with the exception of allegations of abuse against a staff member, or unlawful activity, will be investigated internally. The manager will investigate the concerns thoroughly, ensuring that a written response can be provided within 10 working days. The response should include details of how the matter was investigated, e.g. Interviewing staff individually, reviewing documents and procedures, conclusions drawn from the investigation, and whom to contact should the staff member be unhappy with the response and wish to raise the matter. **If the investigation cannot be completed within the timescale above, the staff member should receive a response that indicates:**

- **progress to date**
- **how the matter is being dealt with**
- **how long it will take to provide a final response.**

In order to protect individuals, initial enquiries (usually involving a meeting with the individual raising the concern), will be made to decide whether an investigation is appropriate and if so, what form it should take. Concerns or allegations that raise issues that fall within the scope of other policies/procedures, will be addressed under those procedures.

Some concerns may be resolved at this initial stage simply, by agreed action or an explanation regarding the concern, without the need for further investigation.

How the matter can be taken further

If you do not feel that the complaint has been dealt with effectively or you still have concerns, you have a right to refer your concerns to Ofsted directly at the following address:-

The National Business Unit, OFSTED, Piccadilly Gate, Store Street

Manchester M1 2WD Tel:- 0300 123 1231 or online Web: www.ofsted.gov.uk

By registering a formal complaint with Ofsted, an Officer may be sent to the Nursery to carry out a further investigation. If applicable, a report would then be sent with action points.

Untrue allegations

The nursery accepts that deciding to report a concern can be very difficult and uncomfortable.

If a member of staff makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against him/her. If, however, a member of staff makes an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against them.

Trade Union support

If you are a member of a trade union, you may also wish to contact your local office for advice and support in relation to raising concerns.

Legal framework

The Public Interest Disclosure Act 1998, commonly referred to as the 'Whistleblowing Act', amended the Employment Rights Act 1996 to provide protection for employees who raise legitimate concerns about specified matters. These are called 'qualifying disclosures'. On 25 June 2013, there were some legal changes to what constitutes a qualifying disclosure.

- Children Act (1989 s47)
- Protection of Children Act (1999)
- Safeguarding Vulnerable Groups Act (2006)
- Criminal Justice and Court Services Act (2000)
- Every Child Matters) (2003)
- Data Protection Act (2018)
- Sexual Offences Act (2003)
- Human Rights Act (1999)

- Race Relations (Amendment) Act (2000)
- Equalities Act (2006)
- Race Relations (Amendment) Act (1976) Regulations

Guidance

- Working Together to Safeguard Children (2018)
- What to do if worried about a child
- The Framework for the Assessment of Children in Need and Their Families (2000)
- The Common Assessment Framework (2005)
- Statutory Framework for the Early Years Foundation Stage 2021
- Keeping children Safe in education 2021

Confidentiality

All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At the appropriate time, however, you may need to come forward as a witness. This policy encourages you however to put your name to your concern whenever possible. Please note that:

- Staff must disclose the information in good faith.
- Staff must believe it to be substantially true.
- Staff must **not** act maliciously or make false allegations.
- Staff must **not** seek any personal gain.

All concerns will be treated with confidence and every effort will be made not to reveal a staff member's identity, if they so wish. However, while making all reasonable efforts to maintain the confidentiality of the matter as a whole, at a certain stage in the investigation it will be necessary to make the origin of the complaint known to the person or persons the allegations concern. All concerns raised within the remit of this procedure will be assessed to determine if the confidentiality extends to withholding the name of the complainant. There shall be a substantial reason for doing so, such as a real risk of personal harm. Complainants should be aware however, that their identity may be revealed by inference.

This policy was reviewed and amended April 2023

(Policies dated and signed by Manager in nursery 'Policy and Procedure File')