



## 1d. Whistleblowing

EYFS: 3.4. – 3.18

At Abbeydale Cottage Nursery we expect all our colleagues, both internal and external, to be professional always 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.

### **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.

Whistleblowing is defined by the whistleblowing Commission (2012) as "the raising of a concern, either within the workplace or externally, about a danger, risk, malpractice or wrongdoing which affects others".

Whistleblowing only applies when the reporting individual has no vested interest and is acting as a witness to misconduct or malpractice that has been observed or told about.

A qualifying disclosure is one made in the public interest by an employee 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 or
- Concealment of any of the above
- Any other unethical conduct
- Is being, has been, or is likely to be, committed.

Disclosures made after 25 June 2013 do not have to be made 'in good faith'; however, they must be made in the public interest. This is essential when assessing a disclosure made by an individual.

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.

It is not necessary for the employee to have proof that such an act is being, has been, or is likely to be, committed; a reasonable belief is sufficient.

### **Disclosure of information – types of concerns**

If, in the course of your employment, you become aware of information which you reasonably believe indicates that a child is/may be or is likely to be in risk of danger and/or one or more of the following may be happening, you **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 (e.g. EYFS)
- 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, has been, is being, or is likely to be deliberately concealed.

### **Disclosure procedure**

- Where you reasonably believe one or more of the above circumstances listed above has occurred, you should promptly disclose this to your line manager or nursery manager so that any appropriate action can be taken
- Any disclosure or concerns raised will be treated seriously and investigated as soon as practicable and no later than 24 hours.
- All investigations shall remain confidential.
- Findings will be acted upon as appropriate within 24 hours and will be followed through in a detailed and thorough manner.
- If this information relates to child protection/safeguarding then the nursery safeguarding children policy should be followed
- If it is inappropriate to make such a disclosure to your direct line manager or nursery manager (i.e. because it relates to your manager) you should speak to owner Amy Ricardo 07590470545 or owner Jodi Curphey 07793214599
- If the reporting individual does not feel that their concern has been properly addressed, or they have not felt able to raise it at any level within the organisation, the matter can be raised with the Local Authority or Ofsted



- Independent advice can be sought from the independent whistleblowing charity, Public Concern at Work on 0207 4046609

Employees will suffer no detriment of any sort for making such a disclosure in accordance with this procedure. Detriment means “subjecting the worker to any disadvantage because they blew the whistle” (Whistleblowing Commission 2012). This could include but is not limited to a failure to promote, denial of training, closer monitoring, being ostracized, unrequested re-assignment, demotion, disciplinary action, bullying or harassment, failure to provide appropriate reference, failure to investigate a subsequent concern.

Any employee who is involved in victimising employees who makes a disclosure, takes any action to deter employees from disclosing information or makes malicious allegations 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 management employee who inappropriately deals with a whistleblowing issue (e.g. failing to react appropriately by not acting in a timely manner or disclosing confidential information) may be deemed to have engaged in gross misconduct which could lead to dismissal

The telephone numbers of the Local Authority Designated Officer (LADO), the local authority children’s social care team, the Local Children Safeguarding Partnership and Ofsted can be found on the staff notice board or within nursery policy documents, so all staff may contact them if they cannot talk to anyone internally about the issues/concerns observed

For further guidance in the use of the disclosure procedure, employees should speak in confidence to the nursery manager/owner.

### **Useful Contact Numbers**

NSPCC Whistleblowing Advice Line 0800 028 0285 email [help@nspcc.org.uk](mailto:help@nspcc.org.uk)

Ofsted Whistleblowing Hotline 0300 123 3155 email [whistleblowing@ofsted.gov.uk](mailto:whistleblowing@ofsted.gov.uk)

Sheffield Safeguarding Hub 0114 2734855

<b>This policy was adopted on</b>	<b>Signed on behalf of the nursery</b>	<b>Date for review</b>
<i>September 2015</i>		<i>Annually</i>