



Whistle Blowing Policy

The whistle-blowing 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 the setting to take action.

Whistle blowing is when an employee speaks out in confidence about a wrong doing which may be illegal or inappropriate within the setting.

Policy Statement:

Little Rays is committed to the highest possible standards and recognises that its staff, students and volunteers 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 setting 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 setting rather than overlooking a problem.

Policy Aim:

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 or grievance), in confidence and without fear of reprisals, to ensure that the setting continues to work within best practice and safeguard children and young people.

* Throughout this policy the term 'staff' includes paid staff, volunteers and students.

Concerns that should be raised via the whistle-blowing policy 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 (safeguarding children, financial mismanagement)
- breaches of the Early Years Foundation Stage and/or Childcare register

Principles:

- This policy is based on the following fundamental principles: All staff, students and volunteers 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, students and volunteers.
- The setting will not tolerate harassment or victimisation and will take action to protect workers when they raise a concern in good faith.
- The setting will do its best to protect a whistle-blower'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 setting 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, students and volunteers who raise concerns.
- Those who raise concerns will be kept informed of the progress and outcome of any investigation.
- The setting will not tolerate malicious allegations; these may be considered as a disciplinary offence.

Procedures for reporting and investigating 'whistle-blowing' concerns have been developed to ensure that:

- Staff, students and volunteers can raise concerns (no matter how small they may appear) internally as a matter of course, and receive feedback on any action taken.
- Concerns are taken seriously and dealt with quickly and appropriately.
- Staff and volunteers are reassured that they will be protected from reprisals or victimisation for whistleblowing in good faith.
- Staff and volunteers can take the matter further if they are dissatisfied with the settings 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 and in accordance with the complaint's procedure. Raising a concern Staff, students and volunteers should raise concerns with the manager or nursery owner. Concerns should be raised in writing and include:

- reference to the fact that it is a whistle-blowing disclosure
- the background and history of the concerns
- names, dates and places (where possible)
- the reasons why the individual is concerned about the situation. Staff who feel unable to put concerns in writing, can telephone or meet either the manager or a member of the nursery manager.

Who should you contact? You should contact one of the following people in confidence:

Nursery Manager – Mairead Cheeseman

Designated Lead for Child Protection – Mairead Cheeseman

Nursery Owner – Pauline Cheeseman

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 ten working days. The response should include details of how the matter was investigated (eg. 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.

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. Allegations of abuse against adults who work or volunteer in the setting If an allegation is made against a staff member or volunteer, the following action will be taken (as per the 'Responding to Allegations of Abuse against staff

or volunteers' in the Safeguarding policy): The setting will ensure the immediate safety of the children.

- The setting will follow the procedures for 'responding to a disclosure or concern' as detailed in the Safeguarding Policy and immediately pass on details to the Local Authority Designated Officer (LADO) at Surrey County Council and if necessary the Disclosure & Barring Service.
- Ofsted will be notified about both the allegation and about any action taken. Notifications to Ofsted must be made as soon as possible, at least within 14 days.
- Once the case has been considered and discussed with the LADO and Ofsted, we will follow their advice as to whether or not to suspend the individual.
- If advised to do so, the member of staff will be suspended on full pay for the duration of the investigation; this is not an indication of admission that the alleged incident has taken place, but is to protect the staff as well as children and families throughout the process. Clear advice will be given to workers on the process of investigation by other agencies. We will follow advice about how to inform families about the allegation.

If an allegation is made against the Designated Lead the nursery owner or deputy manager will make the referral. If they are not available, the staff member will refer. Next Steps

- If a misconduct is evident disciplinary procedures will be followed .
- Employees making malicious or false accusations will be disciplined under the disciplinary procedure.
- Support and advice will be offered to those affected by the accusation.

Useful contacts

Local Authority Designated Officer (LADO) 0300 470 9100 out of hours: 01483 517898

- Ofsted 0300 123 1231
- Ofsted (Whistle blowing helpline) 0300 123 3155
- NSPCC Whistleblowing advice line 0800 028 0285 or help@nspcc.org.uk

Cross Referencing You may also want to refer to other policies and procedures such as:

- Safeguarding
- Confidentiality and access to records
- Record Keeping
- Safer Recruitment and Retention
- Use of Mobile Phones and Cameras
- Bullying

- ICT

References

Health and Safety at Work 1974

Guides and codes of practice for employers – Gov.uk

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