

Whistle blowing policy

Fennies Nurseries aim to have a stimulating and safe environment in which staff can work actively in teams.

To follow safeguarding procedures the whistle blowing policy is incorporated into our operational plan.

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 Fennies Nurseries to take action.

** NB Throughout this policy the term staff includes paid staff, volunteers, students, agency workers and contractors*

Introduction

Fennies Nurseries are 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, Fennies Nurseries 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 Fennies Nurseries rather than overlooking a problem.

The Public Interest Disclosure Act 1998 amended the Employment Rights Act 1996 to provide protection for workers who raise legitimate concerns (protected disclosures) made in the public interest about specified matters. These are called "qualifying disclosures". A qualifying disclosure is one made by a worker 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;
- an act of bribery;
- financial fraud or mismanagement; or
- concealment of any of the above;

is being, has been, or is likely to be, committed. It is not necessary for the worker to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient. The worker has no responsibility for investigating the matter - it is the organisation's responsibility to ensure that an investigation takes place.

A worker who makes such a protected disclosure has the right not to be dismissed, subjected to any other detriment, or victimised, because he/she has made a disclosure.

Objective

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

Scope

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.

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.
- Fennies Nurseries will not tolerate harassment or victimisation and will take action to protect workers when they raise a concern in good faith.
- Fennies Nurseries 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 Fennies Nurseries 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.
- Fennies Nurseries will not tolerate malicious allegations, this may be considered as a disciplinary offence.

Procedures

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 within the realms of confidentiality and on a 'need to know' basis.
- 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 whistle blowing in good faith.
- Staff and volunteers can take the matter further if they are dissatisfied with Fennies Nurseries 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.

Raising a Concern

Staff, students and volunteers should raise concerns with the nursery manager or head office management team. 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 with one of the contacts listed below.

Who should you contact?

You should contact one of the following people in confidence:

- Nursery Manager: Name
 - E:
 - T:
- Regional Quality Manager: Jessica McCarthy
 - E: Jessica.McCarthy@fennies.com
 - T: 07566 287632
- Regional Quality Manager: Stacey Bailey
 - E: Stacey.bailey@fennies.com
 - T: 07540 166100
- Head of Operations and Strategic Safeguarding Lead: Gill Medhurst
 - E: gill.medhurst@fennies.com
 - T: 07894 488829
- CEO: Steven Fenn
 - E: steven.fenn@fennies.com
 - T: 07721 455279

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 our safeguarding children policy and procedure:

- We respond to any disclosure by children or staff that abuse by a member of staff or volunteer within the setting, or anyone living or working on the premises occupied by the setting, may have taken, or is taking place, by first recording the details of any such alleged incident.
- We refer any such complaint immediately to the Local Authority Designated Officer (LADO) to investigate
- We also report any such alleged incident without delay to Ofsted, as well as what measures we have taken. We are aware that it is an offence not to do this.
- We co-operate entirely with any investigation carried out by children's social care in conjunction with the police.
- Where the management team and children's social care agree it is appropriate in the circumstances, the member of staff or volunteer will be suspended 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.

Other useful contacts

Local Authority Designated officer (LADO)

Telephone:

Email:

Local authority Prevent Co-Ordinator:

Telephone:

Email:

Ofsted: 0300 123 1231

Contact the NSPCC Whistleblowing Advice Line:

- Call 0800 028 0285
- Email help@nspcc.org.uk

The Samaritans: 116 123

Below is a link to the prescribed persons and bodies who you can make a disclosure to. There is also a brief description about the matters you can report to each prescribed person.

<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies>

Internal use only

This policy was adopted on	Signed on behalf of the nursery	Date disseminated to staff	Date for review
<i>December 2018</i>			<i>December 2019</i>