06 Safeguarding children, young people and vulnerable adults’ procedures

**6.11 Whistle Blowing and raising concerns at work**

Whistle blowing is the official name for **‘making a disclosure in the public interest’.**

The whistle blowing procedure aims to help and protect both staff and children and is in place to encourage people to speak out if they find malpractice within an organisation or their workplace.

**When should the whistle-blowing procedure be used?**

To be protected as a whistle-blower, a worker needs to make a ‘qualifying disclosure’ about malpractice. This could be a disclosure about:

* threats/risks to the welfare, health or safety of a child or adult
* criminal offences
* failure to comply with a legal obligation
* miscarriages of justice
* damage to the environment
* a deliberate attempt to cover up any of the above

By following the procedure you are acting to:

* + - Prevent a problem getting worse.
    - Safeguard children and young people.
    - Reduce the potential risks to others.

The earlier you raise a concern, the easier and sooner it is possible for Pre-school to take action.

**Introduction**

Sonning Common pre-school 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, Highmoor Nursery School actively encourages its workers with serious concerns about any aspect of the setting’s practice or any adult’s, volunteer or student’s conduct, to come forward and voice those concerns, in confidence, rather than overlooking a problem. If a disclosure is made in good faith but is not confirmed by any subsequent investigation, then no action will be taken against the whistle blower.

**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 serious 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.

**Scope**

* 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.
* Pre-school will not tolerate harassment or victimisation and will take action to protect workers when they raise a concern in good faith.
* Pre-school 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 pre-school 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.
* Pre-school will not tolerate malicious allegations, which may be considered a disciplinary offence.

**Procedures**

Procedures for reporting and investigating ‘whistle blowing’ concerns have been developed to ensure that:

* Staff or 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 whistle blowing in good faith.
* Staff and volunteers can take the matter further if they are dissatisfied with the setting response and seek external advice and guidance (see useful contacts).
* Issues raised are addressed via other procedures and policies as appropriate, e.g. safeguarding policy, allegations against a staff member, disciplinary, health and safety.
* Appropriate records are maintained for monitoring purposes.

**Raising a Concern**

Concerns can be raised verbally or in writing.

Information should 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 worker is concerned about the situation.

Who should you contact?

You should contact one of the following people in confidence:

Jo Lawson – Manager and Safeguarding Lead

Zoe Savage – Deputy Manager and Deputy Safeguarding Lead

**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 / volunteer, or criminal or unlawful activity) will be investigated internally.
* The appropriate person/s 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, conclusions drawn from the investigation, and whom to contact should the worker be unhappy with the response and wish to take the matter further.
* If the investigation cannot be completed within the timescale above, the worker should receive a response that indicates, progress to date, how the matter is being dealt with and 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. The whistle blower may nominate a colleague to be present during any meetings.

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 either using their Hotline number 0300 123 3155 (Monday to Friday 8.00am until 6.00pm) or on the general enquiries number at Ofsted – 03001231231.