



# 1. Whistleblowing Policy

## Section 3 in Statutory Framework in EYFS

Whistleblowing is the term used when a worker passes on information concerning, wrongdoing. Nothing within this policy is intended to prevent staff from complying with their statutory obligations in accordance with Keeping Children Safe in Education (DfE, September 202), However the procedure responds the standards of Inspired Learning Group numerals 9.1 Safeguarding / Child protection policy, 9.2 Member of staff, and 9.3 Whistleblowing policy, all together to guarantee the staff is fully aware of the conditions and steps to follow properly the policy.

It is important to the Orchard Day nursery Kew that any fraud, misconduct or wrongdoing by employees, volunteer, agency staff or student or people engaged in the organisations business, is reported, and properly dealt with. The Orchard Day nursery Kew therefore encourages all individuals to raise any concerns that they may have about the conduct of others in the setting.

The Orchard Day nursery Kew is following the Inspired Learning group ILG Policy and code of conduct base in the standards of Honesty and integrity.

The Orchard Day nursery Kew recognises that effective and honest communication is essential if malpractice is to be effectively dealt with and the organisation's success ensured.

Whistleblowing relates to all those who work with or within the Orchard Day nursery Kew both permanent members or volunteer, agencies staff and Children, who may from time to time think that they need to raise with someone in confidence certain issues relating to the organisation.

At Orchard Day nursery Kew we expect all our colleagues, both internal and external, to be always professional 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 DSL and/or the line manager at the earliest opportunity to enable any problems to be resolved as soon as they arise.

Whistleblowing is separate from the grievance procedure. If you have a complaint about your own personal circumstances, topic related with your terms and conditions of contract, hours of work, holidays, sickness, you should use the normal grievance or complain procedures. If you have a concern about malpractice within the organisation, then you should use the procedure outlined below.

The aims of this policy are to:

1. Encourage staff to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected.
2. Provide staff with guidance as to how to raise those concerns; and
3. Reassure staff that they should be able to raise.

Regarding the above all the Practitioner, volunteer, Children, and agencies must be fully aware of:

- Report any concerns to management.
- All employees, volunteer, agency staff or Children, and those involved with the Orchard Day nursery Kew should be aware of the importance of preventing and eliminating wrongdoing within the organisation. You should be watchful for illegal, inappropriate, or unethical conduct and report anything of that nature that you become aware of.
- Any matter you raise under this procedure will be investigated thoroughly, promptly, and confidentially, and the outcome of the investigation will be reported back to you.



- You will not be victimised for raising a matter under this procedure. This means that your continued employment and opportunities for future promotion or training will not be prejudiced because you have raised a legitimate concern.
- Victimisation of an individual for raising a qualified disclosure will be a disciplinary offence.
- If misconduct is discovered because of any investigation under this procedure the Orchard Day nursery Kew disciplinary procedure will be used, in addition to any appropriate external measures.
- If you make a maliciously, vexatious or a false allegation then this will be a disciplinary offence and disciplinary action will be taken against you.
- An instruction to cover up wrongdoing is itself a disciplinary offence. If you are told not to raise or pursue any concern, even by a person in authority such as a manager, you should not agree to remain silent. In this event you should report the matter to body local Authority in context with the case or referral.
- Staff who raise concerns about working practices at Inspired Learning Group to the Designated Safeguarding Lead or an appropriate senior member of Staff will be protected from detriment under this policy.

## Legal framework

### Disclosure of Context:

**Who is whistleblower:** A whistleblower is a person who raises a genuine concern relating to any of the above. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of our activities and such disclosure is in the public interest (a whistleblowing concern) you should report it under this policy.

**Confidentiality:** We hope that staff will feel able to voice whistleblowing concerns openly under this policy. However, if you want to raise your concern confidentially, we will make every effort to keep your identity secret. If it is necessary for anyone investigating your concern to know your identity, we will discuss this with you.

**Anonymous disclosures:** We do not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if we cannot



obtain further information from you. It is also more difficult to establish whether any allegations are credible.

The Public Interest Disclosure Act 1998, commonly referred to as the 'Whistleblowing Act', amended the Employment Rights Act 1996 to provide protection for employees, volunteer, agency staff or student 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.

A qualifying disclosure is one made in the public interest by an employee, volunteer, agency staff or student 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
- An act that may be deemed as radicalised or a threat to national security  
Is being, has been, or is likely to be, committed.

Qualifying disclosures made before 25 June 2013 must have been made 'in good faith' but when disclosed, did not necessarily have to have been made 'in the public interest.'

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, volunteer, agency staff or student 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**

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, Equalities Act 2010)
- 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**

The Orchard day Nursery Kew, follows the rota by the Stage one, two, and three of the Inspired learning Group ILG Employment manual, which also, meet the Local Authority and KCSIE 2023 requirements about the correct procedure with the proper Outside body in the context of the case or referral as it could be: The local authority's Designated Officer LADO; Children's Social Care; the NSPCC; the Health and Safety Executive; the Environment Agency; the Information Commissioner; the Department for Education; the Department for Business, Energy and Industrial Strategy; the police; Channel Police Practitioner and OFSTED.

**Stage one Procedure:** You should disclose by verbally telling and then in writing by filling out the *Safeguarding Concern Report template* form to the DSL in the setting. If your DSL, Deputy Head or even the Line Manager is involved in the suspected wrongdoing, you should proceed directly to line A of Stage Two of this procedure.

Response: You can expect a response detailing to whom the disclosure has been notified or any action taken within seven days of DSL becoming aware of the disclosure.

**Stage two Procedure:** If no response is forthcoming after seven days from your DSL, if you are not satisfied with the way in which your concern has been handled, you should:

- A. Notify the **Supporting Nurseries Manager (Coral Hayes) or Head or Nurseries Hemal Lukha ILG (Head office)** as appropriate.

Response: You can expect a response detailing any action taken within seven days of the Head becoming aware of the disclosure.

**Stage three Procedure:** If no such response is forthcoming after seven days from the Head, if you are not satisfied with the way in which your concern has been handled or if the Head is involved you totally have authority to make a referral to the outside body in context with the case or referral (LADO, Childcare front door, Channel)

#### Disclosure outcome:

- Employees, volunteer, agency staff or student, volunteer, agency staff or student will suffer no detriment of any sort for making such a disclosure in accordance with this procedure. For further guidance in the use of the disclosure procedure, employees, volunteer, agency staff or student, should speak in confidence to the \*nursery manager.
- Any disclosure or concerns raised will be treated seriously and will be dealt with in a consistent and confidential manner and will be followed through in a detailed and thorough manner.



- Any employee, volunteer, agency staff or student who is involved in victimising employees, volunteer, agency staff or student who make a disclosure, takes any action to deter employees, volunteer, agency staff or student 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
- We give all our staff the telephone numbers of the Local Authority Designated Officer (LADO), the local authority children’s social care team and Ofsted so all staff may contact them if they cannot talk to anyone internally about the issues/concerns observed.

**The media/ malicious allegations:** You should under no circumstances approach a commercial body or the media with details of the suspected wrongdoing. If you approach any such body and / or where your concern is disclosed in a malicious manner or Inspired Learning Group's whistleblowing procedure is not followed or for personal gain, the protection given to you by this procedure may be lost. Additionally, Inspired Learning Group may consider this to be gross misconduct and disciplinary action may be taken against you.

**Queries:** If you have any queries about this procedure, you should contact the Head.

<b>This policy was Adopted on</b>	<i>April 2023</i>
<b>Signed on behalf of the nursery</b>	<i>Vanessa Pinzon Torrado</i>
<b>Date of review</b>	<i>April 2024</i>
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