

St Mary's Playschool

Whistleblowing Policy

It is important that any suspected misconduct, malpractice or wrongdoing by employees or volunteers of the playschool is reported and properly dealt with. St Mary's Playschool is committed to creating an open and supportive environment where individuals are able to "speak up" about any concerns regarding the alleged wrongful conduct of the employer, or about the conduct of a fellow employee, or any third party.

This policy sets out the framework for how issues can be raised confidentially internally, and/or if necessary, outside the structure of the playschool to a prescribed body. All disclosures will be handled consistently and fairly and appropriate action will be taken by the playschool to seek to address the issue in line with this policy. Concerns may come from a parent, child, colleague, or the public. Allegations or concerns must always be referred to the designated person without delay - even if the person making the allegation later withdraws it.

Reporting concerns about the conduct of a colleague, student or volunteer contributes towards a safeguarding culture of openness and trust. It ensures that adults consistently model the setting's values and help keep children safe. It protects adults from potential false allegations or misunderstandings.

The law provides protection for employees or workers who raise legitimate concerns about specified matters. These are called "qualifying disclosures". A qualifying disclosure is one made in the public interest by an employee or worker who has a reasonable belief that there has been or is likely to be:

- A breach of any legal obligation;
- A miscarriage of justice;
- A criminal offence;
- A danger to the Health and Safety of any individual;
- Damage to the environment; or
- Deliberate concealment of information about any of the above

Some examples of qualifying disclosures in a playschool context may include:

- Fraudulent acts (e.g. manipulation of accounting records/finances, inappropriate use of funds,
- Decision making for personal gain, abuse of position to influence decisions);
- Breaches of acceptable professional and ethical standards;
- Breaches of the playschool's Health and Safety policy entailing danger to staff or pupils; and/or
- Breaches of any of the playschool's policies or the Code of Conduct.

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

For the purposes of this policy the term "whistle-blower" refers to the individual making the disclosure.

Identifying

The whistle-blower must reasonably believe they are making the disclosure in the public interest (i.e. it affects others such as children in the playschool, colleagues or the public). This means that personal grievances and complaints (e.g. a concern about their own contractual terms, treatment of their child) are not usually covered by this policy and should be dealt with:

- By employees through the Grievance Procedure
- By other parties through the Complaints Procedure.

Raising concerns/making a disclosure

Initial concern

The "whistle-blower" should raise the matter internally in the first instance. Concerns should normally be raised with the playschool manager, the safeguarding lead or Chair of the playschool committee, as appropriate.

Concerns and allegations against staff/volunteers

Responding to concerns

Any concerns about the conduct of a member of staff, student or volunteer must be shared with the designated safeguarding lead and recorded. The designated safeguarding lead should be informed of all concerns, including those that may be considered 'low level' and make the final decision on how to respond. Where appropriate this will be done in consultation with the manager.

If it is not clear that a concern meets the local authority threshold, the designated safeguarding lead will contact the LADO for clarification.

Where a staff member feels unable to raise an issue with their employer, or feels that their genuine concerns are not being addressed, other channels are open to them:

- NSPCC whistleblowing advice line is available. Staff can call 0800 0280285 – 08:00 to 20:00, Monday to Friday and 09:00 to 18:00 at weekends. The email address is: help@nspcc.org.uk. Alternatively, staff can write to: National Society for the Prevention of Cruelty to Children (NSPCC), Weston House, 42 Curtain Road, London EC2A 3NH.
- Ofsted provides guidance on how to make complaints about a childcare provider: Complaints procedure - Ofsted - GOV.UK (www.gov.uk).
- General guidance on whistleblowing can be found via: Whistleblowing for employees.

Role of the Local Authority Designated Officer (LADO)

LADO give advice and guidance on how concerns or allegations about adults working with children should be investigated. The LADO should be contacted within 24 hours of when concerns are raised or on receipt of a complaint or allegation that a worker/volunteer has:

- Behaved in a way that has harmed a child, or may have harmed a child;
- Possibly committed a criminal offence against or related to a child;
- Behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children; or
- Behaved or may have behaved in a way that indicates they may not be suitable to work with children

The four LADOs for Essex County Council are based within the Children's Safeguarding Team. They can be contacted by phone on 03330 139 797 or by e-mail: lado@essex.gov.uk If referring an allegation, a written referral is required. The referral form can be accessed via the [Essex Safeguarding Children Board website](#). A secure email link must be requested by emailing the duty LADO prior to sending the referral form, a response will be received within one working day.

If a concern is raised outside of office hours, and an immediate referral to Social Care is required, this should be made to Essex Social care on 0845 606 1212. The LADO should then be informed at the first available opportunity.

Recording

The designated safeguarding lead ensures staff involved fill in a Safeguarding incident reporting form.

- A record is made of an allegation/concern, along with all supporting information. This is then added to the child's file.
- If the allegation refers to more than one child, this is recorded in each child's file

Informing

No investigation should occur until and unless the LADO has given consent for this to occur, however, the person responding to the allegation does need to have an understanding of what explicitly is being alleged. Parents are not normally informed until discussion with the LADO has taken place, however in some circumstances the designated person may need to advise parents of an incident involving their child straight away, for example if the child has been injured and requires medical treatment.

The designated safeguarding lead must take steps to ensure the immediate safety of children, parents, and staff on that day within the setting.

If after discussion with the designated person, the LADO decides that the allegation is not obviously false, and there is cause to suspect that the child/ren is suffering or likely to suffer significant harm, then the LADO will normally refer the allegation to children's social care.

The designated person records details of discussions with the LADO including dates, type of contact, advice given, actions agreed and updates on the child's case file.

The designated person asks for clarification from the LADO on the following areas:

- What actions the designated person must take next and when and how the parents of the child are informed of the allegation
 - Whether or not the LADO thinks a criminal offence may have occurred and whether the police should be informed and if so, who will inform them
 - Whether the LADO is happy for the setting to pursue an internal investigation without input from the LADO, or how the LADO wants to proceed
 - Whether the LADO thinks the person concerned should be suspended, and whether they have any other suggestions about the actions the designated person has taken to ensure the safety of the children and staff attending the setting
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- It may be that in the short-term measures other than suspension, such as requiring a staff member to be office based for a day, or ensuring they do not work unsupervised, can be employed until contact is made with the LADO and advice given.

If notification to Ofsted is required the designated person will inform Ofsted as soon as possible, but no later than 14 days after the event has occurred. The designated safeguarding lead will liaise with the designated officer about notifying Ofsted.

The designated safeguarding lead ensures that the Confidential safeguarding incident report form is completed and sent to the designated officer. If the designated officer is unavailable their equivalent must be contacted.

Avenues such as performance management or coaching and supervision of staff will also be used instead of disciplinary procedures where these are appropriate and proportionate. If an allegation is ultimately upheld the LADO may also offer a view about what would be a proportionate response in relation to the accused person.

The designated safeguarding lead must consider revising or writing a new risk assessment where appropriate, for example if the incident related to an instance where a member of staff has physically intervened to ensure a child's safety, or if an incident relates to a difficulty with the environment such as where parents and staff are coming and going and doors are left open.

All allegations are investigated even if the person involved resigns or ceases to be a volunteer.

Allegations against the designated safeguarding lead.

- If a member of staff has concerns that the designated person has behaved in a way that indicates they are not suitable to work with children as listed above, this is then reported to the manager.
- If this is not appropriate, for example the manager is involved, then it should be reported to The Chair of Playschool Governors

Disclosure and Barring Service

- If a member of staff is dismissed because of a proven or strong likelihood of child abuse, inappropriate behaviour towards a child, or other behaviour that may indicate they are unsuitable to work with children such as drug or alcohol abuse, or other concerns raised during supervision when the staff suitability checks are done, a referral to the Disclosure and Barring Service is made.

This policy has been reviewed and agreed at a meeting of the Playschool Committee.

Signed(Chair)

Date Date of review