



Whistle Blowing Policy

Introduction

At Living Spring Montessori Nursery, it is our expectation that all of the adults in our environment will consider the welfare and safety of the children in our care to be of paramount importance. We expect open and clear communication as well as trust and accountability throughout our teams and the expectation is that all staff members will discuss any concerns they may have about the welfare of a child with their Head of Room or Manager in a prompt and timely manner. All of our staff members are also aware that the person with lead responsibility for safeguarding, or the Designated Safeguarding Co-ordinator, is Sade Biobaku-Odusanya and that she is available to discuss any safeguarding concerns during Nursery hours. In her absence, Charlotte Graham, the Deputy Manager will be available.

We also expect that all of the adults in our setting will behave in a professional manner at all times and that they will not risk the health and safety of any child or that of their colleagues, that they will not break the law nor will they cause damage to the environment. Staff members are expected to be familiar with the Staff Code of Conduct which can be found in the Living Spring Safeguarding Policy. The Staff Code of Conduct is deemed to have been accepted as soon as a member of staff commences employment and staff members are aware that failure to comply could result in disciplinary action including dismissal.

Aim

We recognise that there may be an occasion where an employee has a genuine concern but fears that reporting suspicion of wrongdoing may bring about harassment or victimisation. We have therefore put together the following Whistle blowing policy to make it clear how Employees, Parents and others can raise concerns *within* Living Spring Montessori Nursery, and that they may do so without the fear of reprisal, harassment or victimisation.

This policy provides a guide on how to deal with genuine concerns that fall outside of other the policies and procedures, particularly in a situation when an employee feels that there is something wrong within the nursery but that it is not being addressed or that malpractices are being deliberately covered-up.

This procedure is communicated to all Staff Members as well as parents, student teachers and volunteers. A copy of our policy is available on our website, in the office and in the staff room. It is also on display on our main notice board.

Disclosure of Information

You **MUST** use the Living Spring disclosure procedure if in the course of your time with us, you become aware of information which gives you reason to believe that a child is/or may be in danger or at risk because one or more of the following may be happening:

Policy dated: October 2019

Policy reviewed and updated regularly in line with changes and updates to legislation.

- 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 legal obligations such as the Statutory Framework for the Early Years Foundation Stage.
- A miscarriage of justice has occurred, is occurring or is likely to occur.
- That health and safety is at risk to a child or to other colleagues, parents or to the general public.
- That the environment has been, is being, or is likely to be damaged.
- That the information showing any of the above, has been, is being, or is likely to be deliberately concealed.

The Disclosure Procedure is as follows:

- If the information you have relates to child protection or safeguarding then the Living Spring Safeguarding policy should be followed (See Safeguarding Policy).
- Where you reasonably believe that one or more of the circumstances listed above have occurred, you should promptly discuss the issue with the manager, Folashade Biobaku-Odusanya or the deputy manager. If it is not appropriate to speak to the manager (for example, if your concern relates to the manager), then you should speak to the Deputy Manager. If you suspect that the management may be part of your concern, you should speak to the Local Authority Designated Officer (LADO – see Safeguarding Policy and procedures for details) or Ofsted on 0300 123 3155 depending on the concern.
- Any concerns raised will be treated seriously, they will be dealt with in a consistent and confidential manner and they will be followed through in a detailed and thorough manner.
- Failure to report serious matters such as those listed above can also be investigated and could potentially lead to disciplinary action or dismissal.
- Any employee who is involved in victimizing an employee who makes a disclosure, or who takes any action to deter an employee from disclosing information will be subject to disciplinary action which could lead to dismissal.
- If a disclosure is made in good faith but it is not confirmed by investigation, no action will be taken.
- Any management employee who inappropriately deals with a whistle blowing issue (for example, by not taking action) may be subject to disciplinary action which could lead to dismissal.
- Any employee who makes an unfounded “malicious” or “vexatious” allegation will be the subject to disciplinary action which could lead to dismissal. Legal action may be sought.

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- All of our staff members have been given the phone numbers for the Safeguarding Partner's (in Brent) and Ofsted's whistle blowing hotline. Our staff members are advised that if they cannot talk to anyone within Living Spring Montessori about the issues/concerns they have or if they feel that their concerns have not been dealt with appropriately, they should call these numbers. These phone numbers are also available at the end of this document and they are displayed in the staff room, the playroom and in the main corridor of the nursery.
- Staff members are also made aware that if they are already the subject of disciplinary or redundancy procedures, that those procedures will not be halted as the result of their whistle blowing action.

How Living Spring Montessori may respond

- In order to protect individuals, initial enquiries will be made to decide appropriate investigation.
- Concerns that fall within our standard policies and procedures, such as Equal Opportunities or Safeguarding, will be dealt with according to policy.
- Some concerns may be dealt with through the Standard Complaints Policy (See Complaints Policy).
- Depending on the nature of the concern, Living Spring Montessori may investigate internally, or in the event that a crime has taken place, refer to the Police or the Local Safeguarding Officer for Brent.
- Allegations which are referred to the Local Safeguarding Officer for Brent or to Social Services will be dealt with in accordance with their policies and procedures.
- Any person who is subject to an allegation, will at the appropriate times, be given details of the allegation to be able to respond.
- Living Spring Montessori will make every effort to preserve the confidentiality of the person raising the concern; however, any investigation process may reveal the source of information and depending on the outcome, the person may need to give evidence in court and therefore will not be able to remain anonymous.

Whistle Blowing to Ofsted

Before you contact the hotline, first read the Whistle Blowing Policy and raise your concerns with your employer. If you need support in deciding whether and/or how to raise your concern, please call the independent whistle blowing charity Public Concern at Work for free confidential advice. You can call on 020 7404 6609 or email helpline@pcaw.co.uk.

Further information can be found on the Public Concern at Work website: www.pcaw.org.uk

Contact details for Safeguarding issues:

If you are concerned about the welfare of a child, you may also contact the Safeguarding Partner's by following the links for "professionals working with children" on www.brentlscb.org.uk or by calling Brent Family Front door on 020 8937 4300.

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If concerns about the practices and procedures for the safeguarding of children do not appear to be dealt with in a manner which is satisfactory, either within the Nursery or by the Local Authority, for example, the Safeguarding Partners, Ofsted may be contacted in the following ways:

- By calling 0300 123 3155 (Monday to Friday, 8:00-6:00)
- By emailing whistleblowing@ofsted.gov.uk
- In writing to:

WBHL
Ofsted
Piccadilly Gate
Store Street
Manchester M1 2WD

By registering a formal complaint with Ofsted, in most cases an officer will be sent to Living Spring to carry out an investigation.

Further information about how to raise a concern regarding a local authority's safe guarding arrangements, along with examples and relevant phone numbers, can be found on the following website:

<http://www.ofsted.gov.uk/resources/whistleblowing-ofsted-about-safeguarding-local-authority-childrens-services>

A copy of this document may also be found in the Living Spring Safeguarding Folder, available in the office or in the staff room.

Links to other Policies:

Safeguarding (including Staff Code of Conduct).

Legal Framework:

Primary legislation

The Children Act 1989 – section 17, 20, 31, 47

The Protection of Children Act 1999

Data Protection Act 1998

Public Interest Disclosure Act (PIDA) 1998; commonly referred to as the “Whistle blowing Act”

Employment Rights Act 1996

Freedom of Information Act 2000

The Children Act 2004, 2006 (Every Child Matters) section 10, 11, 13, 14

Safeguarding Vulnerable Groups Act 2006

Serious Crime Act 2015

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Bribery Act 2010

Secondary Legislation

Sexual Offences Act (2003)

Criminal Justice and Court Services Act (2000)

Human Rights Act (1999)

Race Relations (Amendment) Act (2000)

Race Relations (Amendment) Act (1976) Regulations

Rehabilitation of Offenders Act 1974

Protection of Freedoms Act 2012

Guidance

Working Together to Safeguard Children (revised 2018)

The Framework for the Assessment of children in Need and Their Families (2000)

The Early Help Assessment (EHA)

Brent LSCB Managing Allegations made against Staff and Volunteers working with Children and Young People (2013, revised November 2015)

Whistleblowing to Ofsted about safeguarding in local authority children's services: Policy and guidance for whistle blowers (April 2014)

Keeping Children safe in Education: Statutory guidance for Schools and Colleges (2018)

What to do if you're worried a child is being abused. Advice for practitioners (2015)

Information Sharing: Advice for practitioners providing safeguarding services to children, young people, parents and carers (2018)

Early Years Inspection Handbook (2019)

Inspecting Safeguarding in the Early Years (2019)

**Links to the Statutory Framework for the Early Years Foundation Stage 2017:
Section 3 – The safeguarding and welfare requirements:**

- Child Protection
- Suitable people
- Staff taking medication/other substances
- Staff qualifications, training, support and skills
- Risk assessments
- Complaints

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