

The Enchanted Wood Day Nursery Ltd: Safeguarding Policies

Whistleblowing

Policy statement

It is extremely important to The Enchanted Wood Day Nursery that any fraud, misconduct or wrongdoing by employees or committee members including Directors, is reported and dealt with appropriately. We therefore encourage all staff to raise any concerns that they may have about the conduct of others in the nursery or the way in which the nursery is run.

What is Whistleblowing

Whistleblowing means to bring attention to the following things:

- Misconduct
- Illegal Acts
- Failure to act.

The Whistle-blowing Law covers 6 specific areas.

- Dangers to Health and Safety
- Risk of damage to the environment
- Unlawful activities or criminal acts in an organisation
- Miscarriages of justice
- Failure to comply with legal obligations •
- Belief someone is covering up any wrongdoing.

Whistle-blowing laws are included in the "Employments Rights Act 1996 (as amended by the Public Interest Disclosure Act) part IVA PROTECTED DISCLOSURES.

To whistle-blow you do not need proof, you just need to reasonably believe the information is true. It should never be motivated by malice or to gain an unfair advantage. Whilst it is expected that there should always be a professional approach and that everyone should hold the welfare and safety of every child as their paramount objective, there may be occasions where this may not be happening. It is vital that all team members talk through any concerns they may have with their line manager at the earliest opportunity to enable any problems to be resolved as soon as they arise.

We recognise that effective and honest communication is essential if malpractice is to be effectively dealt with and the nursery's success ensured. Whistleblowing relates to all those who work with, or within the nursery, who may from time to time think that they need to raise with someone in confidence certain issues relating to the organisation.

Safeguarding and Welfare Requirement: Child Protection

Whistleblowing is separate from the grievance procedure. If you have a complaint about your own personal circumstances, you should use the normal grievance procedure. If you have a concern about malpractice within the nursery, then you should use the procedure outlined below:

- Report any concerns to the Management Team, if the concern is against one of the Management Team please report your concerns to the Nursery Clerk. You can contact Aaron Cross, head@kingston.essex.sch.uk or **01268 754137** where he will forward any concerns to the Nursery Directors.
- All employees and those involved with the nursery 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.

You should be mindful and report any wrongdoing, which could include:

- abuse of a child or vulnerable person
- a child, parent, employee or volunteer being put at risk of harm
- unsafe working practices
- a failure to comply with statutory or legal obligations
- a criminal offence which has or is about to be committed
- -the use of unsafe equipment
- falsification of financial records
- bribery and/or corruption which has taken or is about to take place
- covering up wrong doing or malpractice

Any matter you raise under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation may 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 (something that it is in the public interest to disclose) will be a disciplinary offence.
- If misconduct is discovered as a result of any investigation under this procedure the nursery's disciplinary procedure will be used, in addition to any appropriate external measures.
- If you make a malicious or 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 the nursery committee.

Anonymous Disclosures

If you chose to make an anonymous disclosure this is your right, however this may be more difficult to investigate. By Law, if you chose to raise your concern this way, you will not qualify for protection, your anonymity can't be protected. This will be left to the discretion of the organisation to decide. You will also not be able to receive feedback.

Follow up

If you make a disclosure not anonymously, you may receive feedback. The nursery may make you aware of any actions taken. You will not be entitled to know what action was taken on who, however.

Legal framework

Primary legislation

- Children Act (1989 s47)
- Protection of Children Act (1999)
- The Children Act (2004 s11)
- Children and Social Work Act 2017
- Safeguarding Vulnerable Groups Act (2006)
- Childcare Act (2006)
- Child Safeguarding Practice Review and Relevant Agency (England) Regulations 2018

Secondary legislation

- Sexual Offences Act (2003)
- Criminal Justice and Court Services Act (2000)
- Equalities Act (2010)
- General Data Protection Regulations (GDPR) (2018)
- Childcare (Disqualification) Regulations (2009)
- Children and Families Act (2014)
- Care Act (2014)
- Serious Crime Act (2015)
- Counter-Terrorism and Security Act (2015)