



WHISTLEBLOWING

EYFS: 3.4. – 3.18

At Salisbury Day Care we expect all our colleagues, both internal and external, to be professional at all times and hold the welfare and safety of every person 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 any persons welfare and safety may be at risk.

We expect all team members to 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.

Legal framework

The Public Interest Disclosure Act 1998, commonly referred to as the 'Whistleblowing Act', amended the Employment Rights Act 1996 to provide protection for employees 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 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
- 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 to have proof that such an act is being, has been, or is likely to be, committed; a reasonable belief is sufficient.

Fair Funding

The Fair Funding Regulation require Local Authorities from April 2002 To set out a procedure to be followed by all persons working within a school, including teachers, support workers, agency workers or school governors who wish to complain about financial management of financial probity at the school, and how such complaints should be dealt with.

Salisbury Primary School and Day Care is committed to the highest possible standards of openness, probity and accountability and aims to comply with the requirements of the Public Interest Disclosure Act, 1998.

This Whistleblowing Policy is intended to encourage and enable those covered by the policy to raise serious concerns at an early stage, in the right way and to do so without fear of recrimination, victimisation, discrimination or disadvantage.

Disclosure of information

If, in the course of your employment, you become aware of information which you reasonably believe indicates that a person 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)
- 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.

The aim of the Whistleblowing Policy is to enable employees to raise their concerns in-house and to be assured that action will be taken quickly and effectively. It should not be necessary, in most cases, to take concerns outside the school and especially to the media. Staff have a duty of confidentiality towards the school. It is a serious matter to disclose confidential information.

Disclosure procedure

There are a number of agreed contacts for employees to raise concerns with under the Whistleblowing Policy. This enables the employee to choose the person to whom they wish to make the disclosure.

- If this information relates to child protection/safeguarding then the nursery Safeguarding Children and Child Protection policy should be followed.
- Where you reasonably believe one or more of the above circumstances listed above has occurred, you should promptly disclose this to your line manager so that any appropriate action can be taken. If it is inappropriate to make such a disclosure to your line manager (i.e. because it relates to your manager) you should speak to the Assistant Head with responsibility for Early Years or the Head teacher.
- If you feel unable to raise your concerns with any member of the school management you may raise it with a senior officer of the LA i.e. Head of Learning and Schools
- Concerns may be raised orally or in writing. Make it clear if you want to raise the matter in confidence. The person with whom you raised the concern may have a preliminary meeting with you to discuss the most appropriate route. You may bring a friend/union representative to any meeting that is arranged in connection with the concern you have raised as long as the friend/union representative is not involved in the matter and that the friend agrees to maintain confidentiality.
- You are not expected to prove beyond doubt the truth of an allegation. However, you will need to demonstrate to the person-contacted that there are reasonable grounds for your concern.
- Any employee who is involved in victimising employees who make a disclosure, takes any action to deter employees 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.

Salisbury Day Care hopes that this policy gives you the reassurance you would need to raise concerns internally. However, it recognises that there may be circumstances where progressing through the internal route has failed and you can only properly report your concern to external bodies who have responsibilities to monitor the school's compliance to its own standards and legal obligation in most cases the most appropriate body would be the school's external auditors. Price Waterhouse Coopers or Ofsted

Price Waterhouse Coopers: 0207 804 2184

Ofsted: 0300 123 1231

What happens once a concern has been raised ?

- This appointed person, while maintaining the confidentiality of the complainant, will ensure that any individual who is the subject of the allegation is given details of the allegations in order to respond.
- Once you have raised your concern, the person receiving the whistleblowing allegation will be responsible for ensuring that it is investigated properly. The nature of the investigation will depend upon the concern raised.
- The person receiving your whistleblowing concern is responsible for ensuring you received feedback on progress, subject to any issues of confidentiality that may be necessary to guarantee a successful conclusion. It may not be possible to inform you of the precise action undertaken where this would infringe a duty of confidence owed by the school to another party.
- 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 management employee who inappropriately deals with a whistleblowing issue (e.g. failing to react appropriately by not taking action in a timely manner or disclosing confidential information) may be deemed to have engaged in gross misconduct which could lead to dismissal.

Safeguards

- The school recognises that the decision to report a concern can be a difficult one to make. The school will take appropriate action to safeguard you from recrimination or victimisation as a result of raising a genuine concern.
- All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. However in some circumstances you may be needed to come forward as witness.
- You are encouraged to put your name to your concern wherever possible. Concerns expressed where the complainant wishes to remain anonymous are much less powerful but the school will consider anonymous concerns on a case by case basis.

Independent Advice and Help line

If you are unsure whether to use the school's Whistleblowing Policy, or you want independent advice at any stage, you may contact the independent charity called Public Concern at Work. This organisation seeks to ensure that concerns about serious malpractice are properly raised and addressed in the workplace. The staff will give you free expert and confidential advice about how to raise a concern about serious malpractice at work using a Whistle blowing Policy. The contact number is:

Public Concern at Work on 0207 404 6609

The Trade Unions encourage their members to contact them for advice before they take action in accordance with the policy.

This policy was adopted on	Signed on behalf of the nursery	Date for review
<i>1st September 2015</i>		<i>January 2017</i>