SAFEGUARDING CHILDREN:

WHISTLE BLOWING POLICY AND PROCEDURES

Definition

Whistleblowing can be defined as raising a concern about malpractice, either within the workplace or externally, about a danger, risk, malpractice or wrong-doing which affects others. (Whistleblowing Commission's Code of Practice) We encourage everyone to raise concerns openly as this will enable Phoenix Early Learners to most effectively assess and investigate the issue.

Policy Statement

Phoenix Early Learners (PEL) is committed to delivering a high-quality preschool service, promoting organisational accountability and maintaining public confidence. We will ensure that all staff are familiar with the whistleblowing procedure.

Aim

This policy provides individuals in the workplace with protection from victimisation or punishment where they raise a genuine concern about misconduct or malpractice in the organisation. The policy is underpinned by the Public Interest Disclosure Act 1998, which encourages people to raise concerns about misconduct or malpractice in the workplace, in order to promote good governance and accountability in the public interest. The Act covers behaviour, which amounts to:

- A criminal offence
- Failure to comply with any legal obligation
- A miscarriage of justice
- Danger to health and safety of an individual and/or environment
- Deliberate concealment of information about any of the above.

It is not intended that this policy be a substitute for, or an alternative to our formal Grievance Procedure, but is designed to nurture a culture of openness and transparency within Phoenix Early Learners, which makes it safe and acceptable for employees and volunteers to raise, in good faith, a concern they may have about misconduct or malpractice.

Staff Responsibilities

Staff acknowledge their individual responsibility to bring matters of concern to the attention of the Designated Safeguarding Lead or Deputies or a Trustee and/or relevant agencies. If a member of staff, volunteer or student, acting in good faith, wishes to raise such a concern, receives an allegation about a colleague or witnesses inappropriate behaviour towards a child or children this must be reported immediately to the Designated Safeguarding Lead (unless the DSL is the subject of the allegation, in which case it should be reported to one of the Deputy Designated Leads/Trustee) who will advise the employee or volunteer of the action that will be taken in response to the concerns expressed. Concerns should be investigated and resolved as quickly as possible.

Staff/volunteers/students can raise a concern at any time about an incident that happened in the past, is happening now, or you believe will happen in the near future.

If an employee or volunteer feels the matter cannot be discussed with the DSL or is not satisfied with the way the DSL dealt with a concern, he or she should contact the Chair of the Trustees or directly to the Local Authority Designated Officer (LADO):

The Bromley LADO (Local Authority Designated Officer) can be contacted by phone at 020 8461 7775, or by email at LADO@bromley.gov.uk. For out-of-hours emergencies, contact the Children's Social Care Emergency Duty Team on 0300 303 8671.

If an issue cannot be resolved and the member of staff believes a child remains at risk because the setting or the local authority have not responded appropriately, the NSPCC have introduced a whistle-blowing helpline 0800 028 0285 for professionals who believe that:

- their own or another employer will cover up the concern
- they will be treated unfairly by their own employer for complaining
- if they have already told their own employer and they have not responded

Phoenix Early Learners will ensure that all staff are aware of the NSPCC whistleblowing helpline - Call 0808 800 5000, Email help@nspcc.org.uk

Managers' responsibilities

Managers notified of concerns under this policy are expected to:
• ensure that all staff and volunteers are familiar with the policy
• ensure that concerns raised are taken seriously;
• treat the matter in confidence, within the parameters of the case;
• where appropriate, investigate properly and make an objective assessment of the concern;
• keep the person raising the concern updated with progress, without breaching confidentiality;
• ensure that the action necessary to resolve a concern is taken;
• take appropriate steps to ensure that the employee's working environment and/or working relationship is/are not prejudiced by the fact of disclosure.

Confidentiality

By law a disclosure in good faith to the DSL will be protected. Confidentiality will be maintained wherever possible and the employee or volunteer will not suffer any personal detriment as a result of raising any genuine concern about misconduct or malpractice within the organisation.

We encourage everyone to raise concerns openly as this will enable us to most effectively assess and investigate the issue. However, there will be occasions when individuals feel unable to provide their name. Therefore, we will consider all anonymous disclosures on their merits and these are always preferable to remaining silent.

However, before you choose to raise an anonymous concern, you should consider the following:

- It may be more difficult for Phoenix Early Learners to investigate the concern or take any action as, for example, it may not be possible to confirm the allegation from other sources or ask you for follow up information
- You are unlikely to receive feedback on your concern
- You may not be afforded all protections under this policy and the law as there will be no evidence that it was you who raised the concern.

Individuals raising concerns when they have a reasonable belief of possible wrongdoing will be supported and protected under this policy, even where they are unable to provide evidence or where further investigation demonstrates the concern to be unfounded.

However, individuals who knowingly make false or malicious allegations may be subject to disciplinary procedures.

If a concern is reported to the media, in most cases any whistleblowing law rights will be lost.

Legal framework

Primary legislation

Public Interest Disclosures Act 1998

Secondary legislation

Sexual Offences Act (2003)

WHISTLE BLOWING – PROCEDURES

This guidance is written for staff, paid or voluntary, working with children in education settings and is in line with Bromley Council's 'Raising Concerns – Something Wrong? – How To Report It!' https://www.bromleysafeguarding.org/articles.php?id=604

All staff should be aware of the preschool's child protection/safeguarding procedures, including procedures for dealing with allegations against staff. Staff must acknowledge their individual responsibility to bring matters of concern to the attention of the Leader/Trustee and/or relevant agencies. Although this can be difficult this is particularly important where the welfare of children may be at risk.

You may be the first to recognise that something is wrong but may not feel able to express your concerns out of a feeling that this would be disloyal to colleagues or you may fear harassment or victimisation. These feelings, however natural, must never result in a child or young person continuing to be unnecessarily at risk. Remember it is often the most vulnerable children or young person who are targeted. These children need someone like you to safeguard their welfare.

Don't think what if I'm wrong – think what if I'm right

Reasons for whistle blowing:

- Each individual has a responsibility for raising concerns about unacceptable practice or behaviour.
- To prevent the problem worsening or widening.
- To protect or reduce risks to others.
- To prevent becoming implicated yourself.

What stops people from whistle blowing:

- Starting a chain of events which spirals.
- Disrupting the work or project.
- Fear of getting it wrong.
- Fear of repercussions or damaging careers.
- Fear of not being believed.

How to raise a concern:

- You should voice your concerns, suspicions or uneasiness as soon as you feel you can. The earlier a concern is expressed the easier and sooner action can be taken.
- Try to pinpoint exactly what practice is concerning you and why.
- Approach the Leader or the Designated Child Protection/Safeguarding Officer.
- If your concern is about the Leader, or you feel you need to take it to someone outside the preschool, contact the Lead Officer for Education Safeguarding on 020 8461 7669.
- Make sure you get a satisfactory response – don't let matters rest.
- You should then put your concerns in writing, outlining the background and history, giving names, dates and places where you can.

- A member of staff is not expected to prove the truth of an allegation but will need to demonstrate sufficient grounds for the concern.

Please do not:

- Investigate the allegation
- Ask leading questions
- Promise confidentiality
- Discuss the allegation with the accused person even if you have to suspend them

Please do ensure:

- If the child is injured the parents are advised and medical attention is sought
- The child and other relevant children are safeguarded from any potential risk of harm

IF IN DOUBT ALWAYS SPEAK TO THE LADO.

What happens next?

- You should be given information on the nature and progress of any enquiries.
- Your employer has a responsibility to protect you from harassment or victimisation.
- No action will be taken against you if the concern proves to be unfounded and was raised in good faith.
- Allegations made frivolously, maliciously or for personal gain will be seen in a different light and disciplinary action may be taken.

Self reporting:
There may be occasions where a member of staff has a personal difficulty, or perhaps a physical or mental health problem, which they know to be impinging on their professional competence. Staff have a responsibility to discuss such a situation with the Leader so professional and personal support can be offered to the member of staff concerned. Whilst such reporting will remain confidential in most situations, this cannot be guaranteed where personal difficulties raise concerns about the welfare or safety of children.

Further advice and support:
It is recognised that whistle blowing can be difficult and stressful. Advice and support is available from your line manager.