WHISTLEBLOWING POLICY

Statement of Intent

English Russian Vishenka Nursery is committed to open and honest communication between all members of its community. To this end we nurture a culture of openness in which employees, parents and volunteers feel safe to raise - without fear of reprisal - a concern they may have about the alleged misconduct or malpractice of a member of staff. The well-being and safety of the children being our prime concern, it must take priority over any loyalty towards work colleagues.

Aim of this Policy

Children cannot be expected to raise concerns in an environment where staff fail to do so.

- To assist staff to be aware of, and understand, their individual responsibility to bring matters of concern about the conduct of staff to the attention of senior personnel (i.e. the Head or DSLs) and/or relevant external agencies, particularly where the welfare of children may be at risk.
- To enable and encourage individual staff members to raise genuine and legitimate concerns about the conduct of colleagues.
- To support staff in taking an active role in the elimination of poor or insufficient practice, malpractice or misconduct.
- To ensure any concerns raised are investigated appropriately and confidentially.
- To ensure protection to those making the complaint against any form of retaliation or victimization.

Context

This policy should be read in the context of our nursery policies on Safeguarding and Child Protection, Managing Allegations against Staff, the Staff Code of Conduct and government guidance on whistleblowing. Whistle blowers are protected by law.

WhistleBlowing

Whistle blowing is the mechanism by which staff can disclose concerns about the attitude or actions of colleagues without fear of repercussion, when such disclosure is made in good faith. It applies when the complainant has no vested interest but is rather acting as a concerned observer. It is not a vehicle for airing personal grievances. Such disclosure may frequently, albeit not exclusively, relate to the alleged misconduct of a colleague where the observer has heard or seen something which suggests that a child has suffered or is suffering harm, or is likely to suffer harm at the hands of that colleague, or if they believe that a member of staff or other person working with children has displayed inappropriate behaviour or interest towards a child.

If the concern is about an immediate or current risk to a child, members of staff must follow the procedures laid out in our Safeguarding and Child Protection Policy. Therefore, although the substance

of the disclosure may be similar to that raised under the Managing Allegations against Staff policy, whistle blowing is restricted to concerns raised by staff about colleagues and the mechanisms for staff to air those concerns.

The concerns need not exclusively relate to children. Whistle blowing may also relate to a disclosure that a colleague has committed a criminal offence, or put someone at a health and safety risk, has committed financial malpractice (including bribery and corruption) or is covering up wrongdoing. All concerns raised in accordance with this Policy will be promptly investigated and appropriate action will be taken. Staff must also follow this policy if they have a concern that a disclosure or allegation of abuse has not been dealt with properly or has not been referred on to external agencies.

Procedures

When a staff member has observed or heard something that gives cause for serious concern, the following actions should be taken:

- They should report the concern to the Head. If the concern is about the Head, they should report to the DSL.
- They should record what they have witnessed in writing including, where possible, any background, names, other witnesses, dates, times and places as well as the nature of the concern. If for any reason they do not wish to put their concern in writing, the person to whom they report will make a written record and ask them to sign to confirm its accuracy. A written record should be kept.
- The staff member making the disclosure should not:
  - Investigate the matter themselves.
  - Tell those they suspect to be involved.
  - Accuse or approach individuals.
  - Tell anyone other than the Head (or the DSL, where the concern is about the Head).
- The member of staff making the disclosure will receive a written acknowledgement of their concern within one week of its receipt. The Head will investigate the concern. The whistle blower will be informed of what action is being taken within two weeks of the original report. They will be kept informed of the progress of the investigation and of its outcome.

Safeguarding

Nothing within this policy is intended to prevent staff from complying with their statutory obligations in accordance with Keeping Children Safe in Education (DfE September 2022). In particular:

- Safeguarding and Child Protection Policy: You should raise any initial safeguarding concerns about a child with the Designated Safeguarding Lead in accordance with the Nursery's Safeguarding and Child Protection Policy and procedures.
- Safeguarding–concerning a member of staff: You should raise any concerns about another staff member with the Head, or if the concern is about the Head, with the DSL (without first notifying the Head) in accordance with the 'procedures' above.

- Whistleblowing policy: You should follow this procedure to raise concerns about poor or unsafe safeguarding practices at the Nursery or potential failures by the Nursery or staff to properly safeguard the welfare of children if you are concerned that the Nursery's Safeguarding and Child Protection policy and procedures are not being followed correctly.
- Referral: If a child is in immediate danger or is at risk of harm a referral should be made to Children's Social Care and/or the Police immediately. Anyone can make a referral.

Confidentiality

If a concern is raised anonymously, it is very difficult to investigate. The Head will respect and protect a person's identity when a concern is raised. However, in certain circumstances, identities will have to be revealed to the person complained against and the complainant may be asked to provide written evidence in support of the complaint. If a person's identity is to be disclosed, he or she will be informed before the disclosure and given reasons why this is necessary.

Relevant external reporting

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. Where a staff member feels unable to raise an issue with their employer or feels that their genuine concerns are not being addressed, other whistle blowing channels may be open to them.
Staff are strongly encouraged to seek advice before reporting a concern to anyone external. In most cases it should not be necessary to alert anyone external but before doing so, as well as considering the internal help and support available, external advice should be sought from:

- General guidance can be found at https://www.gov.uk/whistleblowing
- Protect: if there are any concerns about disclosing a suspected wrongdoing, the independent whistleblowing charity, Protect, operates a confidential helpline. Staff can email for advice to whistle@protect-advice.org.uk or call on 020 3117 2520.
- The NSPCC whistleblowing helpline is available as an alternative route for staff who do not feel able to raise concerns regarding child protection failures internally or have concerns about the way an issue is being handled by their Nursery. Staff can call 0800 028 0285 – line is available from 8.00 AM to 8.00 PM, Monday to Friday, email: help@nspcc.org.uk13 or visit NSPCC whistleblowing advice line.
- Other agencies include: Local Authority's Designated Officer; Children's Social Care; the Independent Schools Inspectorate (ISI); the Department for Education (DfE)

You should under no circumstances approach a commercial body or the media with details of the suspected wrongdoing. If you approach any such body and/or where your concern is disclosed in a malicious manner or for personal gain, this may make the disclosure unreasonable and the protection given to you by this procedure may be lost. Additionally, Vishenka nursery may consider this to be gross misconduct and disciplinary action may be taken against you. If you have any queries about this procedure, you should contact the Head or the DSL.