

General Welfare Requirement: Safeguarding and Promoting Children's Welfare

Children's behaviour must be managed effectively and in a manner appropriate for their stage of development and particular individual needs.

Safeguarding children

1.10.1 Whistleblowing

Policy statement for St Joseph's Pre-school

Whistleblowing is the mechanism by which staff, committee members and parents/carers can voice their concerns, made in good faith, without fear of repercussion. Staff who use whistle blowing procedures will have their employment rights protected¹. St Joseph's Pre-school is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees, and others we deal with, to recognise their individual responsibilities to bring matters of concern to the attention of the Lead Practitioner/Chair of Committee and/or relevant external agencies and that to not do so may result in charges of serious neglect on their part where the welfare of children may be at risk.

By using this policy we aim to:

- provide avenues for relevant parties to raise concerns in confidence and receive feedback on any action taken;
- ensure that they receive a response to their concerns and that if they are aware of how to pursue them if they are not satisfied; and
- reassure them that they will be protected from possible reprisals or victimisation if they have a reasonable belief that they have made a disclosure in good faith.

St Joseph's Pre-school recognises that a decision to report a concern can be a difficult one to make. If what is being said is true, there should be nothing to fear because the relevant party will be doing their duty to their employer and those that St Joseph's Pre-school provides a service for. All concerns will be treated in confidence and every effort will be made not to reveal the identity of the whistleblower if they so wish. At the appropriate time, however, they may need to come forward as a witness.

By law² (the Public Interest Disclosure Act 1998), whistleblowers are protected from:

- unfair dismissal, ie someone is dismissed for whistleblowing, it will be treated as an automatic unfair dismissal;
- detriment, ie. detriment means someone experiences one or both of the following because they made a disclosure:
 - being treated worse than before; or
 - having their situation made worse.

To claim protection, whistleblowers must show they:

- made a qualifying disclosure;
- followed the correct disclosure procedure; or
- were dismissed or suffered a detriment as a result of making the disclosure

¹ (c23) the Public Interest Disclosure Act 1998

² Public Interest Disclosure Act 1998

The member of staff would usually have 3 months minus 1 day from the date of the unfair dismissal or detriment to make a claim to an employment tribunal.

However, if the concern is a personal problem only and not in the public interest, it will not be covered by whistleblowing law.

St Joseph's Pre-school is committed to good practice and high standards and wants to be supportive of employees. The Pre-school will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect their staff when they raise a concern. Any investigations into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect the staff.

This policy encourages the staff, however, to put their name to the concern wherever possible.

Please note that:

- staff/committee members/parents must disclose information in good faith;
- staff/committee members/parents must believe it is substantially true;
- staff/committee members/parents must not act maliciously or make false allegations; and
- staff/committee members/parents must not seek any personal gain.

Concerns expressed anonymously are much less powerful but will be considered at the discretion of the committee. In exercising this discretion the factors taken into account would include:

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

If an allegation is made in good faith, but is not confirmed by the investigation, no action will be taken against the person who made the disclosure. If, however, an allegation is made frivolously, maliciously or for personal gain, disciplinary action may be taken against the informant.

The whistleblowing policy is intended to cover major concerns that fall outside the scope of other procedures. Qualifying disclosures include:

- a criminal offence, eg. possible fraud and corruption – ie. unauthorised use of funds;
- the breach of a legal obligation by St Joseph's Pre-school, eg. the Pre-school neglected their duty of care towards children attending the setting;
- miscarriage of justice, eg. a member of staff has been dismissed over something which turned out to be a computer error;
- health and safety risks, including risks to the public as well as other employees³;
- damage to the environment;

In addition, staff/committee members/parents can also whistleblow about someone trying to cover up information about any of these issues.

³ Legally classed employees or workers are protected by Employment Rights Act 1996 if they whistleblow about health and safety

Thus, any serious concerns staff have about any aspect of service provision or the conduct of employees of St Joseph's Pre-school or others acting on behalf of St Joseph's Pre-school can be reported under the whistleblowing policy. This may be something that:

- makes anyone feel uncomfortable in terms of known standards, their experience or the standards they believe St Joseph's Pre-school subscribes to; or
- is against St Joseph's Pre-school's policies and procedures.
- falls below established standards of practice; or
- amounts to improper conduct.

How to raise a concern

As a first step the concerns should be raised either verbally or in writing (ie. letter or email) with the individual's immediate manager. This may depend, however, on the seriousness and sensitivity of the issues involved and who is suspected of malpractice. If St Joseph's Pre-school is closed then the individual should escalate their concerns to the Chair of the Committee.

Staff/committee members/parents who wish to make a written report are invited to use the following format:

- the background history of the concern (giving relevant dates);
- the reason why they are particularly concerned about the situation; and
- whether they have raised their concern with anyone else and their response.

If a concern is raised immediately after it has happened; the easier it becomes to take action. The whistleblower will not be expected to prove beyond doubt the truth of the allegation, but will need to demonstrate to the person contacted that there are reasonable grounds for concern. It could be that the person noticing the issue may wish to consider discussing the concern with a colleague first or may find it easier to raise the matter if there are two (or more) people who have the same experience or concerns. It is also possible to invite a professional representative or a friend to be present during any meetings or interviews in connection with the concerns that have been raised.

St Joseph's Pre-school has in place a complaints procedure for further guidance as to what procedures to follow. This policy does NOT replace the complaints procedure.

St Joseph's Pre-school will respond to any concerns using the guidelines within this policy and the complaints policy and procedure. St Joseph's Pre-school hopes this will satisfy the relevant parties especially with regard to any action taken. If this does not answer the concerns, and it is felt that it is right to take the matter further, the following are possible contact points:

- ACAS helpline : 0300 123 1100
- [Protect](#) - a UK whistleblowing charity that offers free legal advice, call 020 3117 2520
- Gloucestershire Early Years team – 01452 427224
- Office for Standards in Education, Children's Services and Skills ([Ofsted](#)) :
Email enquiries@ofsted.gov.uk or telephone 0300 123 4666 – quote the setting's URN: EY299203. Following Ofsted's [Complaints procedure](#) "Complain about childcare"
- Your local Citizens Advice Bureau
- Your trade union

- The police

If the matter is taken outside St Joseph's Pre-school, it should be ensured that no confidential information is disclosed. Please check with our confidentiality and data protection policies⁴ for guidance.

Consulting with and referring to Gloucestershire Local Authority Designated Officer (LADO)

Advice from the Gloucestershire Safeguarding Children Partnership (GSCP) is that any allegation against a person who works with children should be reported immediately to the Lead Practitioner or Chair in the first place.

An allegation may relate to a person who works with children who has:

- behaved in a way that has harmed a child, or may have harmed a child;
- possibly committed a criminal offence against or related to a child;
- behaved towards a child or children in a way that indicates they may pose a risk of harm to children;
- behaved in a way that indicates they may not be suitable to work with children.

If an individual working at or associated with the setting presents behaviour which meets the LADO criteria and we are seeking advice or if we are unsure, we will complete a referral/consultation form it will be sent to amadmin@gloucestershire.gov.uk where it will be read by the duty LADO who will then respond with the appropriate advice and information. Alternatively, dependent on the nature of the allegation or concern we may telephone the Allegation Management Service on 01452 426994.

The LADO should be informed within one working day of all allegations that come to the employer's attention or that are made directly to the police. The role of LADO is to be involved in the management and oversight of allegations against people who work with children. They are not responsible for undertaking investigations. They can provide advice and guidance to the setting.

It is to be noted that Gloucestershire LADO service do not deal with allegations re bullying, unless there is clear evidence that it is by an adult working with children. Parental complaints need to follow St Joseph's Pre-school's complaints policy as do any general dissatisfaction with the setting/team or individual⁵.

Further guidance:

- ACAS : [Whistleblowing at work](#)
- Gloucestershire County Council : [The Role of the LADO & The Allegations Management Process](#)
- NSPCC [Whistleblowing Advice Line](#) : 0800 028 0285 or email help@nspcc.org.uk

Associated Policies and Procedures

- 1.2 Safeguarding Children and Child Protection
- 1.10 Making a Complaint

⁴ Policy 1.4 Confidentiality and Policy 5.4 Data Protection

⁵ Policy 1.10 Making a complaint

Version Number	Author	Purpose of Change	Date
1.0	K Coupe	Reviewed and page numbered	Sept 2014
2.0	Committee	Reviewed	Sept 2017
3.0	K Coupe & H Elliott	Reviewed, updated and version controlled	01/05/2019 Committee Meeting
4.0	K Coupe	Reviewed and updated with reference to "Guidance for safer working practice for those working with children & young people in education settings" v2 May 2019 and associated Addendum dated April 2020	29/04/2021 Committee via email (quorate)
5.0	N Powers & K Coupe	Reviewed and updated – some minor errors, plus <ul style="list-style-type: none"> • inclusion of details when anything should be brought to the Gloucestershire LADO's attention; and • addition of "Associated Policies and Procedures" section as per Safeguarding Audit S175/157 (2022) 	23 Jan 2023 Committee Member (L Finn)
6.0	K Coupe	Reviewed and updated in line with ACAS guidance and reference to Keeping Children Safe in Education (latest version). Also, hyperlinks added.	21 Jan 2025 Committee Member (H Heaven)