



2. Whistleblowing Policy

Policy Statement:

Whistleblowing is the term used when a worker passes on information concerning wrongdoing.

At St Vincent's Nursery we expect all our employees to be professional at all times and hold the welfare and safety of every child 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 children's welfare and safety may be at risk. Employees are often the first to realise that there may be something seriously wrong within their setting; however, they may not express their growing concerns because they feel that speaking up would be disloyal to their colleagues or they fear harassment or victimisation.

St Vincent's Nursery is committed to the highest possible standards of openness, probity and accountability. In line with this commitment we encourage all employees or others with genuine concerns about any person linked to the nursery to come forward and voice their concerns. We expect all staff members to talk through any concerns they may have with the Nursery Manager at the earliest opportunity to enable any problems to be resolved as soon as they arise. The nursery will seriously consider and investigate any allegation made.

This policy applies to all employees, volunteers, parents and those contractors working for the nursery or on the nursery premises.

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 workplace malpractice or wrong-doing. These are called 'qualifying disclosures'.

A qualifying disclosure is one made in the public interest by an employee who has a reasonable belief that the following is being, has been, or is likely to be, committed:

- 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 legal obligation
- Concealment of any of the above
- Any other unethical conduct
- An act that may be deemed as radicalised or a threat to national security
- Sexual harassment

Disclosures do not have to be 'in good faith' but 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 make false allegations

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.

Aims of the Policy:

This policy aims to:

- Safeguard the welfare of children
- Provide a mechanism for raising concerns about possible wrong-doing
- Ensure all allegations are fully considered and investigated
- Ensure feedback is provided to the person whistleblowing on actions in response to their allegations
- Outline the steps to be taken if the nursery's response is not to the satisfaction of the person whistleblowing and allows them to take matter further
- Reassure any person whistleblowing that they will be protected from possible reprisals or victimisation if they have a reasonable belief that wrong-doing has, is or will take place and that any disclosure is made in good faith and / or in public interest
- Ensure full and formal record of concerns and actions taken on any matter raised with respect to this policy will be made

Responsibilities of Employees:

It is the duty of employees to report any concerns or suspicions regarding children's safety or their welfare. Any employee making an allegation in good faith, irrespective of whether subsequent investigation proves the allegation, is protected by this policy and no action will be taken against them.

However, where an allegation is made frivolously, maliciously or for personal gain, disciplinary action may be taken against the employee.

Employees are not expected to prove the truth of an allegation; however, they need to demonstrate to the Nursery Manager that there are sufficient grounds for initial enquiries to be made.

Disclosure of information:

If, in the course of your employment, you become aware of information which you reasonably believe indicates that a child 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, 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, [Equality Act 2010](#))
- 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 sexual harassment, bullying, discrimination, or the use of offensive language (e.g., racial or other discriminatory slurs) has been committed
- That inappropriate staff conduct or professional misconduct has occurred, is occurring, or is likely to occur
- That information tending to show any of the above has been, is being, or is likely to be deliberately concealed

Disclosure Procedure:

If this information relates to child protection / safeguarding then the Safeguarding Children Policy should be followed, with particular reference to the staff and volunteering section.

Where it is reasonably believed that one or more of the circumstances listed above has occurred, the employee should promptly disclose this to the Designated Safeguarding Lead (DSL) or deputy DSL (DDSL) so that any appropriate action can be taken. If it is inappropriate to make such a disclosure to the DSL / DDSL (i.e. because it relates directly to them) the employee should speak to **Anita Harrop**, Headteacher of St Vincent's Primary School and Registered Person.

All concerns are better raised in writing; the employee is advised to set out the background and history of the concern, giving names, dates and places, where possible, and the reason why they are particularly concerned about the situation. Employees who feel unable to put their concerns in writing or would prefer to talk through the matter first can raise them with the DSL / DDSL verbally.

The earlier the employees express their concerns, the easier it is to take action. 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.

Failure to report serious matters can also be investigated and potentially lead to disciplinary action which may result in dismissal.

Any 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.



Harassment or Victimisation:

St Vincent's Nursery will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect employees when they raise a concern; policies are already in place to support this intent.

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.

Confidentiality:

St Vincent's Nursery will do its best to protect your identity when you raise a concern. However, it must be appreciated that, in the interest of natural justice, any investigation process may reveal the source of the information and a statement by you may be required as part of the evidence.

Anonymous Allegations:

Employees who wish to whistleblow are strongly advised to put their name to allegations. Concerns expressed anonymously are much less powerful but they will be considered in line with this policy and any action will be taken at the discretion of the nursery and in conjunction with the relevant agencies where appropriate.

In exercising this discretion, the following factors will be taken into account considering how to deal with any allegations:

- The seriousness of the issue raised
- The credibility of the allegation
- The likelihood of confirming the allegation from attributable resources

How the Nursery Will Respond to Concerns:

An initial investigation will be conducted by the Investigation Officers in order to identify the most appropriate course of action. Any action taken by the nursery will depend upon the nature of the concern.

The appointed Investigation Officers are the Designated Safeguarding Officer and the Deputy Designated Safeguarding Officer. If the concern is related to one of the above, the duty of an Investigation Officer will be allocated to the nursery's Registered Person – Anita Harrop, Headteacher of St Vincent's Catholic Primary School.

The matters raised may:

- Be investigated internally
- Be referred to the Nursery Staffing and Children Committee
- Form the subject of an independent inquiry
- Be referred to the police or other appropriate statutory enforcement agencies
- Where appropriate, Trafford Children's First Response / LADO will be informed to seek advice and support
- OFSTED will be informed of any safeguarding issues

Any person, who is subject of an allegation, should at the appropriate time be given details of the allegation in order to respond. To protect individuals, initial enquiries will be made to whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations that fall within the scope of specific procedures (i.e. Safeguarding or discrimination issues) will normally be referred for consideration under those procedures.

Some concerns may be solved by agreed actions without the need for an investigation. In the event of a raised concern the nursery will write to the employee within 10 working days of the issue being formally raised:

- Acknowledging that the concern has been received
- Indicating how we propose to deal with the matter
- Giving an estimate of how long it will take to provide a final response
- Informing the employee whether any initial enquiries have been made
- Informing the employee whether further investigations will take place, and if not, why not

At any meetings arranged as part of the investigation process, the employee has the right to be accompanied by an accredited trade union official or by another employee of the nursery not involved in the area of work to which the concern relates.

Subject to legal constraints, the employee will receive information about the outcomes of any investigations to assure them that action has been taken and that the matter has been properly addressed.

All information that needs to be shared with relevant parties will be done so in line with our Data Protection Policy.

How the Matter can be Taken Further:

In order for any unresolved matters to be taken further, our Complaints and Compliments Policy will be followed; this policy outlines individual stages that will take place.

If the complaint has not been dealt with in a manner which is satisfactory to the employee, parent / carer or others involved, at Stage 5 of the Complaints and Compliments Policy they can get in touch



St Vincent's Nursery, Orchard Road, Altrincham, Cheshire, WA15 8EY

with relevant professional bodies or regulatory organisations (Health & Safety Executive, Environment Agency etc.), a solicitor or the police; they can also contact OFSTED directly at the following address:

OFSTED
Piccadilly Gate
Store Street
Manchester
M1 2WD
Tel: 0300 123 1231
www.ofsted.gov.uk

By registering a formal complaint with OFSTED an officer may be sent to the nursery to carry out further investigation. If applicable, a report would then be sent with action points.

If the matter is taken outside the nursery, no confidential information should be disclosed. It is advisable to check and take advice prior to such action. Furthermore, when raising a concern externally, consideration should be given to whether releasing such information would constitute a criminal act under relevant legislation, e.g. the [Children Act 2004](#).

Whilst the nursery acknowledges the right of individuals to take their concerns into the public arena and the media in exceptional circumstances, it reserves the right to apply its disciplinary processes where such action is found to be inappropriate.

We give all of our staff the telephone numbers of the Local Authority Designated Officer (LADO) so all staff may contact the LADO if they cannot talk to anyone internally about the issues or concerns observed.

Low-level Concerns About Adults Working with Children

The term 'low-level' does not mean that the concerns are insignificant; it means that the adult's behaviour towards a child does not meet the threshold for an allegation as set out above.

For more information, please see our Low-level Concerns Policy.



Contact Telephone Numbers

<i>Ivana Butterworth</i>	Nursery Manager Designated Safeguarding Officer	0161 928 7581 ibeckett@stvincentsnursery.com
<i>Hayley Golden</i>	Deputy Manager Deputy Designated Safeguarding Officer	0161 928 7581 hgolden@stvincentsnursery.com
<i>Anita Harrop</i>	Headteacher at St Vincent's Primary School Nursery Registered Person	0161 911 8040 ahharrop@stvincents.trafford.sch.uk
<i>Anita Hopkins</i>	Local Authority Designated Officer	0161 912 5024 Anita.hopkins@trafford.gov.uk
<i>Catherine Fleming</i>	Trafford Strategic Safeguarding Partnership	0161 912 4286 catherine.fleming@trafford.gov.uk
<i>Trafford Children's First Response</i>	General enquiries / advice	0161 912 5125
	Child Protection referrals	0161 912 5124 firstresponse@trafford.gov.uk
	Out of Hours Emergency duty team	0161 912 2020
<i>OFSTED</i>		0300 123 1231
<i>Police</i>	Non-emergency Emergency	101 999

Professional Allegations Flowchart



If you become aware of a situation meeting the following criteria you should follow the steps below

1. An adult working with children has behaved in a way that has harmed, or may have harmed a child;
2. Possibly committed a criminal offence against, or related to a child;
3. Behaved towards a child or children in a way that indicated they may pose a risk of harm to children; or
4. Behaved or may have behaved in a way that indicates they may not be suitable to work with children.

Without delay inform the setting manager or deputy in their absence
Ensure children are safeguarded and make referrals to Childrens First Response
If a child is in immediate risk of harm, ring police (999)

Manager to contact the LADO within 1 working day if they are satisfied that any of the 4 criteria above are met
Setting to complete a referral form

If the allegation is in relation to the setting manager, you should contact the setting owner

Have you informed parents/carers?
Have you informed Ofsted as soon as possible?

LADO will advise the setting manager and devise a plan of action for progressing any investigation. (either criminal or internal)

Should the setting owner also be the manager then you should either contact the LADO directly or Childrens First Response

Does not meet threshold

LADO Strategy meeting

Police investigation

Employer action

Section 47 strategy meeting led by childrens social care

Local Authority Designated Officer (LADO) for Trafford – Anita Hopkins
Email: LADO@trafford.gov.uk Telephone: 0161 912 5024
Referral Form: [Allegations of Professional Abuse](#)
Childrens First Response (CFR): 0161 912 5125



Report a concern to Ofsted: Notify Ofsted of the action taken as soon as reasonable practicable but in any event within 14 days (3.10 EYFS)
Telephone: 0300 1231231
Email: enquiries@ofsted.gov.uk
[Report a serious childcare incident - GOV.UK](#)