



Safeguarding and Welfare Requirement: Information and Records

Providers must maintain records and obtain and share information to ensure the safe and efficient management of the setting, and to help ensure the needs of all children are met.

Whistleblowing Policy

Impact Montessori Nursery

1. Policy statement

Impact Montessori Nursery is committed to maintaining a culture of openness, honesty, accountability and safeguarding. We encourage all staff, volunteers, students, agency workers and other workers to raise genuine concerns about wrongdoing, unsafe practice or conduct that may place children, families, staff or the public at risk.

We recognise that staff may sometimes be concerned about raising a matter because they fear that doing so may affect their employment, relationships with colleagues or professional reputation. No person should suffer detrimental treatment, victimisation or disadvantage because they have raised a genuine concern in good faith.

Whistleblowing is different from raising a personal grievance or complaint about an individual's employment. Whistleblowing generally concerns information about wrongdoing that is in the public interest. The law provides protection to workers who make qualifying protected disclosures when the relevant legal conditions are met. GOV.UK+1

The nursery will take all concerns seriously and will respond proportionately, fairly and promptly.

2. Purpose of this policy

This policy aims to:

- encourage staff to raise concerns at the earliest opportunity;
- provide a clear and accessible procedure for raising concerns;
- protect children and other individuals from harm;
- ensure concerns about unsafe, unlawful or improper practice are investigated appropriately;
- protect whistleblowers from retaliation or victimisation;
- maintain confidentiality wherever reasonably practicable;
- ensure concerns are handled fairly and objectively; and
- explain how concerns can be raised externally if the worker does not feel able to raise them internally.

3. Who this policy applies to

This policy applies to:

- permanent and temporary employees;
- managers and senior staff;

- agency workers;
- bank staff;
- apprentices and trainees;
- students and work-experience placements;
- volunteers;
- contractors and other workers providing services to the nursery.

The nursery encourages anyone working with or on behalf of Impact Montessori Nursery to raise concerns where appropriate.

4. What is whistleblowing?

Whistleblowing occurs when a worker reports information about certain types of wrongdoing and reasonably believes that making the disclosure is in the public interest.

Examples may include concerns that:

- a criminal offence has been committed, is being committed or is likely to be committed;
- a legal or regulatory requirement is being breached;
- the health or safety of children, staff, families or other individuals is being endangered;
- children are being abused, neglected or placed at unacceptable risk;
- safeguarding procedures are deliberately ignored or undermined;
- serious professional misconduct is occurring;
- there is fraud, theft, financial malpractice or deliberate misuse of nursery funds;
- records are being falsified or deliberately concealed;
- serious discrimination, harassment or unlawful conduct is occurring;
- the environment is being seriously harmed;
- information relating to wrongdoing is being deliberately concealed.

These examples are not exhaustive.

Current government guidance identifies criminal offences, breaches of legal obligations, dangers to health and safety, environmental damage, sexual harassment and deliberate concealment of wrongdoing as examples of matters that may qualify as whistleblowing disclosures. GOV.UK+1

5. What is not normally whistleblowing?

A personal grievance or employment dispute will not normally constitute whistleblowing where it concerns only the individual raising it.

Examples may include:

- dissatisfaction with pay or working hours;
- a disagreement about annual leave;
- a personal dispute with another member of staff;
- an individual employment complaint;
- concerns about performance management that do not raise a wider public-interest issue.

Such matters should normally be raised under the nursery's **Grievance, Complaints or Disciplinary procedures**, as appropriate.

However, a concern that appears to be a personal grievance may still constitute whistleblowing if it also raises a genuine public-interest concern about serious wrongdoing.

6. Safeguarding concerns

Safeguarding concerns must always be treated as a priority.

If a staff member believes that a child is being abused, neglected, exploited or placed at immediate risk, they must not wait for the whistleblowing process before taking appropriate safeguarding action.

The nursery's **Safeguarding and Child Protection Policy** must be followed.

Where a child is in immediate danger, emergency services should be contacted by calling **999**.

Where a worker has concerns about safeguarding practice, including concerns that a manager or designated safeguarding lead has failed to act appropriately, the worker should report the concern to another senior person or use an appropriate external reporting route.

The NSPCC provides a dedicated whistleblowing advice service for people with concerns about how child protection issues are being handled. The current government list identifies the NSPCC as a prescribed body for matters concerning child welfare and protection. GOV.UK

7. Who should I report my concern to?

Where possible, concerns should initially be raised with:

Nursery Manager:

Name: _____

Telephone: _____

Email: _____

If the concern relates to the Nursery Manager, or the worker does not feel comfortable reporting to the Manager, the concern should be raised with:

Nursery Owner/Director:

Name: _____

Telephone: _____

Email: _____

If the concern involves the owner/director or no suitable internal person is available, the worker may raise the concern externally with an appropriate prescribed person or other relevant authority.

8. How to raise a concern

A concern may be raised:

- verbally;
- in writing;
- by email;
- in person; or
- anonymously, where necessary.

Staff are encouraged to provide as much relevant information as possible, including:

- what has happened or is believed to be happening;
- when and where the concern arose;
- who is involved;

- who may be affected;
- whether there is an immediate risk;
- whether the concern has previously been reported;
- any relevant documents or evidence; and
- any other information that may assist with the investigation.

A Staff member does **not** need to have completed an investigation or obtained conclusive evidence before raising a genuine concern.

Staff should not attempt to investigate matters themselves where doing so could place a child, themselves or others at risk or could interfere with a formal investigation.

9. Anonymous concerns

Impact Montessori Nursery will accept anonymous concerns wherever possible.

However, anonymous reporting can make an investigation more difficult because:

- further information may not be available;
- clarification may not be possible;
- the nursery may be unable to provide feedback;
- it may be more difficult to establish the facts.

Government guidance confirms that workers can make whistleblowing disclosures anonymously, although this may limit the ability to investigate and provide feedback. GOV.UK

10. Confidentiality

We will make reasonable efforts to protect the confidentiality of a whistleblower's identity.

Information will only be shared with people who need it for the purposes of assessing, investigating or responding to the concern, subject to legal and safeguarding requirements.

Workers should not discuss whistleblowing concerns with colleagues, parents, children, social media or external parties unless this is necessary and appropriate.

There may be circumstances where the nursery is legally required to disclose information, for example to the police, Ofsted, children's social care or another statutory authority.

We cannot guarantee that a whistleblower's identity will remain confidential in every circumstance.

11. Protection from victimisation

Impact Montessori Nursery will not tolerate retaliation against anyone who raises a genuine concern.

Victimisation, bullying, harassment, intimidation, threats, dismissal or other detrimental treatment because a worker has raised a genuine whistleblowing concern will be treated seriously.

Examples of unacceptable behaviour include:

- threatening the whistleblower;
- deliberately excluding them from work or professional activities;
- spreading malicious rumours about them;
- changing their working arrangements without legitimate reason as retaliation;

- subjecting them to disciplinary action because they raised a genuine concern;
- attempting to identify or expose an anonymous whistleblower;
- pressuring them to withdraw their concern.

Staff who believe they are experiencing retaliation should report this immediately to the Nursery Manager, owner/director or an appropriate external body.

Staff may have statutory protection from detriment or dismissal where the legal requirements for a protected disclosure are met. GOV.UK+1

12. Malicious or knowingly false allegations

The nursery encourages genuine concerns to be raised without fear.

However, deliberately making a false allegation, or deliberately providing false information, may constitute misconduct and may result in disciplinary action.

A concern will **not** be treated as malicious merely because it cannot be substantiated.

The nursery will distinguish between:

- a genuine concern that cannot ultimately be proven; and
- a deliberately dishonest or malicious allegation.

13. Receiving and assessing a concern

When a concern is raised, the person receiving it will:

1. acknowledge the concern where the worker's identity is known;
2. consider whether there is an immediate safeguarding, health and safety or criminal risk;
3. take immediate protective action where necessary;
4. determine whether the matter should be handled under whistleblowing, safeguarding, grievance, disciplinary or another procedure;
5. determine who should undertake the investigation;
6. consider whether an external authority must be notified;
7. maintain appropriate records; and
8. provide appropriate feedback to the whistleblower, subject to confidentiality and legal restrictions.

Where the concern relates to the person responsible for dealing with it, another appropriate person will be appointed.

14. Investigation

Investigations will be conducted as fairly and objectively as possible.

Depending on the nature of the concern, the investigation may involve:

- reviewing records and documents;
- speaking with staff or other relevant people;
- reviewing CCTV or electronic records where lawfully available;
- obtaining professional or legal advice;
- consulting safeguarding professionals;
- contacting the local authority, police, Ofsted or another regulator where appropriate.

The person who is the subject of a concern will be treated fairly and will be given an appropriate opportunity to respond, subject to safeguarding and investigative requirements.

Where there is a potential criminal offence or child protection concern, the nursery will not interfere with or duplicate the work of the police or statutory safeguarding agencies.

15. Safeguarding and allegations against staff

Where a whistleblowing concern involves an allegation against a member of staff, volunteer, student, manager, owner or another person working with children, the nursery will follow its **Safeguarding and Child Protection Policy** and procedures for allegations against adults.

The concern may need to be referred to the Local Authority Designated Officer (LADO), children's social care, the police and/or Ofsted, depending on the circumstances.

The nursery will cooperate fully with any statutory investigation.

16. External reporting

Workers may raise concerns externally where appropriate.

Ofsted is listed by the government as a prescribed person for matters relating to the regulation and inspection of children's social care, and the current government prescribed-person list provides its whistleblowing contact details. GOV.UK+1

Ofsted whistleblowing contact:

Telephone: **0300 123 3155**

Email: **whistleblowing@ofsted.gov.uk**

For child protection concerns, the NSPCC whistleblowing advice line is:

Telephone: **0800 028 0285**

Email: **help@nspcc.org.uk**

The current government guidance identifies the NSPCC as a prescribed body for matters concerning child welfare and protection. GOV.UK

Workers may also seek independent advice from **Acas, Protect, their trade union, Citizens Advice or an independent legal adviser**. Government guidance recommends obtaining independent advice where a worker is unsure about their legal position. GOV.UK+1

Workers should ensure that an external organisation is appropriate for the particular concern. The government's current list of prescribed persons explains which bodies can receive protected disclosures for particular matters. GOV.UK

17. Feedback to the whistleblower

Where the whistleblower's identity is known, Impact Montessori Nursery will provide appropriate information about the progress and outcome of the concern, subject to:

- confidentiality;
- data protection requirements;
- safeguarding considerations;

- employment law;
- legal restrictions; and
- the rights of other individuals involved.

The whistleblower will not necessarily receive full details of any disciplinary or employment action taken against another person.

18. Record keeping

A confidential record will be maintained of whistleblowing concerns, including:

- the date the concern was received;
- the nature of the concern;
- the person or persons responsible for dealing with it;
- actions taken;
- referrals to external agencies;
- investigation findings;
- actions taken as a result; and
- relevant correspondence and communications.

Records will be stored securely and retained in accordance with the nursery's data protection and records management arrangements.

Information will only be retained for as long as necessary and in accordance with applicable legal and regulatory requirements.

19. Monitoring and review

The Nursery Manager/Owner will monitor the effectiveness of this policy and ensure that staff are aware of how to raise concerns.

The policy will be reviewed:

- at least annually;
- following a significant whistleblowing incident;
- following changes to legislation or government guidance; or
- where the nursery identifies that its procedures require improvement.

Staff will be reminded during induction and appropriate staff training that they have a responsibility to raise concerns about unsafe, unlawful or improper practice.

20. Related policies

This policy should be read alongside:

- Safeguarding and Child Protection Policy;
- Allegations Against Staff Policy;
- Staff Code of Conduct;
- Complaints Policy;
- Grievance Policy;

- Disciplinary Policy;
- Health and Safety Policy;
- Online Safety Policy;
- Data Protection and Confidentiality Policy;
- Prevent Duty Policy.

Legal and regulatory framework

This policy has regard to:

- Employment Rights Act 1996, including whistleblowing protections;
- Public Interest Disclosure Act 1998;
- Early Years Foundation Stage (EYFS) Statutory Framework;
- relevant safeguarding legislation and guidance;
- current government whistleblowing guidance.

Current government guidance confirms that a whistleblowing policy should provide clear procedures, reasonable confidentiality, protection against victimisation, appropriate timescales, anonymous reporting arrangements and information about relevant prescribed persons. GOV.UK

Policy administration

This policy was adopted by: Impact Montessori Nursery

Date adopted: _____

Date to be reviewed: _____

Signed on behalf of the provider: _____

Name of signatory: _____

Role of signatory: Nursery Manager / Owner / Director

Next review date: _____