Whistleblowing Policy

Statement of Intent

St Thomas More Montessori Preschool is committed to the highest possible standards of openness and accountability. In line with this commitment, we encourage Employees, volunteers and others with genuine concerns about any person linked with the setting and/or others (e.g. Parents/Carers) to come forward and voice those concerns.

This policy document makes it clear that Employees, volunteers, Parents/Carers and others can do so without fear of reprisals. The Whistleblowing Policy is intended to encourage and enable Employees and others to raise such concerns **within** St Thomas More Montessori Preschool rather than overlooking the problem.
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. They may also fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may be just suspicion of malpractice and wrongdoing at work.
The procedure allows Employees, Volunteers, Parents/Carers and outside agencies to raise concerns about St Thomas More Montessori Preschool Management or Employees.

Aims
This policy aims to:

- Provide avenues for you to raise genuine concerns and receive feedback on any action taken;
- Allow you to take the matter further if you are dissatisfied with the outcome or response;
- Reassure you those steps will be taken to protect you from reprisals or victimisation for whistleblowing in good faith.

This Whistleblowing policy is intended to cover genuine concerns that fall outside the scope of other procedures. That concern may be about something that:

- Contributes to a safeguarding risk involving children in the preschool care

    - 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 he or she would pose a risk of harm to children

The procedure will be communicated to all Employees, Volunteers as well as Parents/Carers, Students and others.

Harassment or Victimisation
St Thomas More Montessori Preschool recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal. St Thomas More Montessori Preschool will not tolerate harassment or victimisation and will take action to protect you when you raise a concern in good faith. However, should you feel that you have suffered harassment, either directly or indirectly as a result of raising a concern, you should refer to the Employees Handbook or Complaints Policy.

This does not mean that if you are already the subject of disciplinary or redundancy procedures, that those procedures will be halted as a result of your whistleblowing. This applies to Parents/Carers of the setting who then decide to seek alternative childcare.

Confidentiality

St Thomas More Montessori Preschool will do its best to protect your identity when you raise a concern. However, it must be appreciated that, in the interests 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
You are strongly encouraged to put your name to any allegation. Concerns expressed anonymously are much less powerful. Anonymous allegations will be considered and any action taken at the discretion of St Thomas More Montessori Preschool, in conjunction with the relevant agencies, where appropriate.
In exercising this discretion, the following factors will be taken into account when considering how to deal with any allegations:

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

Malicious or Vexatious Allegations
If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make a malicious or vexatious allegation, disciplinary action may be taken against you in accordance with the Preschool procedures.

How to raise a concern

- As a first step, you should report any concerns or allegations to the Preschool Manager , in their absence the Deputy Preschool Manager, Designated Safeguard Lead or Senior Management- Michelle Wisbey

This depends, however, on the seriousness and sensitivity of the issues involved and who you think may be involved in the malpractice.

- If you believe that your Preschool Manager is involved, you should approach Senior Management- Michelle Wisbey.
- If you feel the Senior Management may be involved, as a first step you should approach the Preschool Manager.
-

Although you are not expected to prove the truth of an allegation, you will need to demonstrate to the person contacted that there are sufficient grounds for initial enquiries to be made.

How the Preschool Management will respond

The action taken by St Thomas More Montessori Preschool will depend on the nature of the concern. Many cases may not meet the criteria set out previously or may do so without warranting consideration of either a police investigation or enquiries by the LADO.

Initial Response to an Allegation or Concern

The person to whom the allegation is reported should treat the matter seriously and keep an open mind. They should NOT investigate the matter or ask leading questions, make assumptions or promise confidentiality.
They should:

- Make a written record of the information (where possible in child/adult's own words) including time, date and place of incident/s, persons present and what was said
- Sign and date the written record
- Immediately report the matter to Senior Management, Michelle Wisbey

Initial Action by Management
When informed of an allegation or concern, senior management should NOT investigate the matter or interview staff, children or potential witnesses.
They should:

- Obtain written details of the concern/allegation, signed and dated by the person receiving
- Approve and date the written details
- Record any information about times, dates, locations and names of witnesses
- Record discussions about the child and/or member of staff, any decisions made, and the reasons for those decisions.

- The Employer, Michelle Wisbey, will notify LADO with one working day of an allegation being made and prior to any further investigation taking place. Referrals should NOT be delayed in order to gather evidence.
- The employer will seek advice from LADO or the police about how much information should be disclosed to the accused person.
- OFSTED will be informed and invited to take part in subsequent discussions or meetings.
- Subject to restrictions on the information that can be shared, the employer, will, as soon as possible, inform the accused person about the nature of the allegation, how enquiries will be conducted and the possible outcome.
- The LADO will advise the employer whether or not informing the parents of the child/ren involved will impede the disciplinary or investigative processes. Acting on this advice, if it is agreed that the information can be fully or partially shared, the employer should inform the parent/s. In some circumstances, however, the parent/s may need to be told straight away (e.g. if a child is injured and requires medical treatment).
- The accused member of staff should:
    - Be treated fairly and honestly and helped to understand the concerns expressed and processes involved;
    - Be kept informed of the progress and outcome of any investigation and the implications for any disciplinary or related process;
    - If suspended, be kept up to date about events in the workplace.

Initial Action by LADO and Senior Management
There are three strands of consideration of an allegation:

The matters raised may:

- Be investigated internally; for disciplinary or capability action
- Warrant a police investigation of a possible criminal offence
- Require a social care investigation and/or assessment about whether a child is in need of protection or services

The LADO and Senior Management should consider the following:

- Whether appropriate safeguarding actions has been taken
- Whether further details are needed in order to establish whether there is evidence or information that establishes that the allegation is false or unfounded.

The following definitions apply when determining the outcome of allegation investigations:

- **Substantiated:** there is sufficient identifiable evidence to prove the allegation;
- **False:** there is sufficient evidence to disprove the allegation;
- **Malicious:** there is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false;
- **Unfounded**: there is no evidence or proper basis which supports the allegation being made. It might also indicate that the person making the allegation misinterpreted the incident or was mistaken about what they saw. Alternatively they may not have been aware of all the circumstances;
- **Unsubstantiated:** this is not the same as a false allegation. It means that there is insufficient evidence to prove or disprove the allegation; the term therefore does not imply guilt or innocence.

Allegations against staff in their personal lives

- If an allegation or concern arises about a member of staff, outside of their work with children, and this may present a risk of harm to children for whom the member of staff is responsible, the same principles outlined in these procedures will apply.
- If an allegation of abuse against someone closely associated with a member of staff may present a risk of harm to children which the staff is responsible for then the following will apply:
    - The ability and willingness of the member of staff to adequately protect the children
    - Whether measures need to be put in place to ensure children's safety
    - Whether the role of the member of staff member is compromised

Disciplinary Process

Following on from any investigations the LADO and Senior Management will discuss whether disciplinary action is appropriate in cases where:

- a police or social care enquiry is not necessary
- any subsequent police investigation or court trial is complete and to be closed or prosecution discontinued

The discussion should consider any potential misconduct or gross misconduct on the part of the member of staff and take into account:

- Information provided by the police or local social care
- Result of any investigation and trial
- Different standard of proof in disciplinary and criminal proceedings

Disciplinary Action

- If formal disciplinary action is not required, the employer should institute appropriate action within three working days.
- If a disciplinary hearing is required, and further investigation is not required, it should be held within 15 working days.
- If further investigation is needed to decide upon disciplinary action, the employer and the LADO should discuss whether the employer has appropriate resources or whether the employer should commission an independent investigation because of the nature and/or complexity of the case and in order to ensure objectivity.
- The investigation should not be conducted by a relative or friend of the member of staff.
- The aim of an investigation is to obtain, as far as possible, a fair, balanced and accurate record in order to consider the appropriateness of disciplinary action and/or the individual's suitability to work with children. Its purpose is not to prove or disprove the allegation.
- If, at any stage, new information emerges that requires a child protection referral, the investigation should be held in abeyance and only resumed if agreed with local authority children's social care and the police. Consideration should again be given as to whether suspension is appropriate in light of the new information.
- The investigating officer should aim to provide a report within ten working days.
- On receipt of the report the employer should decide, within two working days, whether a disciplinary hearing is needed. If a hearing is required, it should be held within 15 working days.

Sharing information for disciplinary purposes

- Wherever possible, police and local authority children's social care should, during the course of their investigations and enquiries, obtain consent to provide the employer and/or regulatory body with statements and evidence for disciplinary purposes.
- If the police or CPS decide not to charge, or decide to administer a caution, or the person is acquitted, the police should pass all relevant information to the employer without delay.
- If the person is convicted, the police should inform the employer and the LADO straight away so that appropriate action can be taken.

Record keeping

- Employers should keep a clear and comprehensive summary of the case record on a person's confidential personnel file and give a copy to the individual.
- The record should include details of how the allegation was followed up and resolved, the decisions reached and the action taken. It should be kept at least until the person reaches normal retirement age or for ten years if longer.
- The purpose of the record is to enable accurate information to be given in response to any future request for a reference if the person has moved on. It will provide clarification where a future DBS request reveals non convicted information, and will help to prevent unnecessary reinvestigation if an allegation re-surfaces after a period of time. In this sense it may serve as a protector to the individual themselves, as well

as in cases where substantiated allegations need to be known about to safeguard future children.
- Details of allegations that are found to be malicious should be removed from personnel records.

Substantiated allegations
If an allegation is substantiated and the person is dismissed or the employer ceases to use the person's service or the person resigns or otherwise ceases to provide his/her services, the LADO should discuss with the employer whether a referral should be made to the Disclosure and Barring Service (DBS). The employer should make this referral but the LADO has overall responsibility to ensure the referral is made in a timely manner.

HOW THE MATTER CAN BE TAKEN FURTHER

If the complaint has not been dealt with in a manner which is satisfactory to the employee, Parent/Carer or others involved, then they can contact OFSTED directly

Whistleblowing to OFSTED

Before you contact the hotline

Before whistleblowing to Ofsted, you should read the policy 'Whistleblowing to Ofsted about children's social care services'

- It is important that you understand the process to follow as this will help ensure that you receive the legal protections that are available to whistleblowers.

- If you do contact us, we will ask whether you have read the policy so that you can be clear about what actions we may take. If you have not read the policy, we will strongly advise you to do so.

- You can whistleblow to Ofsted by:

  Telephone: Whistleblowing Hotline (0300 1233155). It is staffed from 8am – 6pm, Monday – Friday.

  Email: whistleblowing@ofsted.gov.uk

  Post: WBHL, Ofsted, Piccadilly Gate, Store Street, Manchester, M1 2WD.

- You can contact the NSPCC National Whistleblowing Advice Line by telephone or email, see **www.nspcc.org.uk/preventing-abuse/child-protection-system/england/reporting-your-concerns/**

By registering a formal complaint with OFSTED an Officer in most cases will be sent to the Preschool to carry out a further investigation. If applicable, a report would then be sent with action points.

Further information can be found at the following website:

http://www.ofsted.gov.uk/resources/whistleblowing-ofsted-about-safeguarding-local-authority-childrens-services

Essex duty LADO (Local Authority Designated Officer) Telephone: 03330 139 797

Contacting the Essex Duty LADO

The Essex Duty LADO telephone line is open from Monday to Friday (during office hours, excluding public holidays). All calls are managed by an IT system, so when the Duty LADO is engaged in a telephone call you will receive an automated voice message asking you to leave your contact details.

Due to the high number of referrals we receive you are strongly advised to leave a message if you do not get an immediate response, as the system places all incoming calls in a queue.

It is also important to note that the Essex LADO does not cover areas located under Southend-on-Sea Borough Council or Thurrock Council.

The above duty line is for allegations made against those who work with children only and is not a general line of enquiry for children's safeguarding. For child protection enquiries that are not related to an allegation about a professional, please call 0345 603 7627. For education advice and guidance that is not related to safeguarding, please call 01245 433360. For allegations relating to the abuse of vulnerable adults, please call 0345 603 7630.

The legal framework for this work is:

Primary legislation

The Children Act 1989 – section 17, 20, 31, 47

The Protection of Children Act 1999

Data Protection Act 1998

Public Interest Disclosure Act (PIDA) 1998

Freedom of Information Act 2000

The Children Act 2004, 2006 (Every Child Matters) section 10, 11, 13, 14

Safeguarding Vulnerable Groups Act 2006

The Children (NI) Order

The Children (Scotland) Order

Secondary Legislation

Sexual Offences Act (2003)

Criminal Justice and Court Services Act (2000)

Human Rights Act (1999)

Race Relations (Amendment) Act (2000)

Race Relations (Amendment) Act (1976) Regulations

Rehabilitation of Offenders Act 1974

Protection of Freedoms Act 2012

Guidance

Working Together to Safeguard Children (revised 2006, 2013)

What to do if you are worried about a child (ESCB)

The Framework for the Assessment of children in Need and Their Families (2000)

The Common Assessment Framework (2005)

Statutory Framework for the Early Years Foundation Stage 2012, 2014

Keeping children safe in Education 2016

SET LSCB Procedures 2017

Adopted at staff meeting.....

Date.....

Review Date.....