



## PUDDLEDUCKS Nursery & Pre-School

### WHISTLE BLOWING POLICY

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#### **Introduction**

The statutory guidance '*Working together to safeguard children*', updated March 2015, makes clear that all organisations that provide services for, or work with, children, must have appropriate whistle-blowing procedures, and a culture that enables issues about safeguarding and promoting the welfare of children to be addressed by the organisation.

#### **What is whistle-blowing?**

Whistle-blowing is the term used when someone who works with or for an organisation, wishes to raise concerns about malpractice in the organisation (for example, crimes, civil offences, miscarriages of justice, dangers to health and safety or the environment), and the cover up of any of these.

Whistleblowing is very different from a complaint or a grievance. It only applies when you have no vested interest and are acting as a witness to misconduct or malpractice that you have observed.

#### **What does the law say?**

The Public Interest Disclosure Act (PIDA) 1998, known as the Whistleblowing Act, is intended to promote internal and regulatory disclosures and encourage workplace accountability and self-regulation. The Act protects the public interest by providing a remedy for individuals who suffer workplace reprisal for raising a genuine concern, whether it is a concern about child safeguarding and welfare systems, financial malpractice, danger, illegality, or other wrongdoing. The concern may relate to something that is happening or has happened in the past.

Under the Public Interest Disclosure Act, individuals are protected from reprisals for reasonably raising an honest and genuine concern internally, but you must be acting in the public interest and not for personal gain to be given this protection.

The Public Interest Disclosure Act covers all workers, including temporary agency staff. It does not cover the self-employed or volunteers. The Act also provides protection should individuals have difficulty gaining a reference from an employer because they have raised a concern. It makes it clear that any clause in a contract that purports to gag an individual from raising a concern that would be protected under the Act is void.

For more information on the law visit: [www.pcaw.co.uk/law/uklegislation.htm](http://www.pcaw.co.uk/law/uklegislation.htm)

#### **Responsibilities and expectations**

All staff should adhere to the settings Whistle-blowing Policy and protocol set out as required. Normally, they should first raise their concern internally, for example with the setting manager.

This is Beverley Smith. If they feel unable to do this (perhaps because their concern relates to them), they should raise their concern with Director & Deputy Manager Cheryl Stephens.

If any staff is worried at any stage about how to raise their concern, they should always seek independent advice at the earliest opportunity. This may be to check who may be best placed to deal with their concern or simply to talk the matter through in confidence first and discuss how to raise their concern.

If your concern is about an immediate or current risk to an individual child or children, it is important that you follow our Safeguarding policy and procedures in line with the Local Safeguarding Children's board or local safeguarding partners.

A disclosure (made with honest intent and without malice, based on information believed to be true) can be made to either Director/Manager Beverley Smith or Director/Deputy Manager Cheryl Stephens. It may also be necessary to contact external agencies e.g Ofsted (see details below) or the Designated Officer for the Local Authority, MASH (formally known as LADO) 01225 718079 or 01225 713945. Please refer to our Safeguarding Policy for full details.

**Ofsted** – contact can be made as follows:

- A dedicated whistleblowing hotline - 0300 123 3155 (Monday to Friday from 8.00am to 6.00pm).
- By email to the whistleblowing team - [whistleblowing@ofsted.gov.uk](mailto:whistleblowing@ofsted.gov.uk).
- By post: WBHL, Ofsted, Piccadilly Gate, Store Street, Manchester M1 2WD
- The hotline can be used by anybody who has a whistleblowing concern about services or practice in any local authority, or in a care or educational setting regulated and inspected by Ofsted, including:
  - employees and former employees
  - agency staff currently and formerly working within care or educational settings
  - voluntary workers in care or educational settings

### **Confidentiality**

Ofsted encourage either open or confidential whistleblowing as the best means for protecting staff/volunteer/student and for the concern to be addressed.

Ofsted will ensure that their work in the handling of all concerns, complaints and safeguarding issues complies with the requirements of the General Data Protection Regulation (GDPR) 2018 and the Freedom of Information Act 2000. Under the Freedom of Information Act, Ofsted has the legal obligation to provide information in response to a request unless the information is available by other means; it would not be reasonably practicable to supply it; or the information falls within the exemptions of the Act. If we receive requests for disclosure of information obtained under the whistleblowing procedure, we will always seek to maintain confidentiality where this has been requested. However, Ofsted cannot guarantee confidentiality in every case.