



Whistleblowing Policy

Previous update: Dominika Baran October 2017

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Recent update: Kelly Harries December 2020

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Legislation

Whistleblowing law is located in **the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998)**. It is intended to promote internal and regulatory disclosures and encourage the workplace accountability and self-regulation. The act protects the public interest by providing a remedy for individuals who suffer work place reprisal for raising a genuine concern, whether it is a concern about child safeguarding and welfare systems, financial malpractice, danger, illegality or other wrongdoing.

Laurel Farm Kindergarten aims to create a culture that enables concerns about safeguarding and promoting welfare of children to be addressed by the organization. Laurel Farm Kindergarten is committed to the highest possible standards of openness, probity and accountability.

This policy must be read in conjunction with these Kindergarten policies:

- Safeguarding and Child Protection Policy and Procedure
- Complaints and Grievances Policy and Procedure
- Staff Behaviour Policy

Aims of the Policy

- To encourage you to feel confident in raising concerns and to question and act upon concerns about practice.
- To provide avenues for you to raise concerns in confidence and receive feedback on any action taken.
- To ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied.
- To reassure you that you will be protected from possible reprisals or victimization if you have a reasonable belief that you have made a disclosure in good faith.

Types of concern to be reported

As part of our Safeguarding Policy and Procedure, and to ensure the welfare of the children under our care at Laurel Farm Kindergarten, it is the staff, volunteers, students, Trustees responsibility to report any concerns regarding:

- Sexual, physical or other abuse of the children or members of staff.
- Conduct which is an offence or breach of law.
- Failure to comply with a legal obligation.
- Disclosures related to miscarriages of justice.
- Health and safety risks, including risks to the public as well as other employees.
- Damage to the environment
- The unauthorized use of public funds.
- Possible fraud and corruption.
- Other unethical conduct
- Actions which are unprofessional, inappropriate or conflict with a general understanding of what is right or wrong.

NB. Other procedures are available to employees e.g. the Grievance Procedure which relates to complaints about your own employment. This policy also does not replace other corporate complaints procedures which are for public use.

Safeguarding and Victimisation

Laurel Farm Kindergarten recognizes that the decision to report a concern can be a difficult one to make. If what you are saying is true, you should have nothing to fear because you will be doing your duty to the Kindergarten and those for whom you provide the service.

Laurel Farm Kindergarten will not tolerate any harassment or victimization (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith.

Confidentiality

All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At the appropriate time, however, you may need to come forward as a witness.

This policy encourages you, however, to put your name to your concern whenever possible. Please note that:

- Staff must disclose the information in good faith
- Staff must believe it to be substantially true
- Staff must not act maliciously or make false allegations
- Staff must not seek any personal gain

How to raise a concern

As a first step you should normally raise concerns with your immediate supervisor/manager, Elodie Rummage/ Dominika Baran (Lead Kindergarten Teachers), who will discuss the concern with the Board of Trustees.

However, this depends on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if your concern is of your supervisor or if you believe your supervisor is involved you should approach the Chair of Trustees directly.

How will the Board of Trustees respond to my concern?

The action taken by the Board of Trustees will depend on the nature of the concern. The matters raised may be:

- Resolved without the need for investigation;
- Investigated internally;
- Referred to the police;
- Referred to the External Auditor; or
- Form the subject of an independent inquiry.

In order to protect individuals and Laurel Farm Kindergarten, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take.

As soon as possible after a concern has been raised (normally within 10 working days) the Board of Trustees will write to the individual concerned to acknowledge the issue that has been raised and to indicate the future course of any action.

Will I be involved with the investigation?

The amount of contact between the individual raising the concern and the Trustees considering the issue will depend on the nature of the matters raised.

The individual may be approached to provide further information.

If a meeting is arranged then the individual concerned has the right to be accompanied by an appropriate person; this could be a Trade Union representative, a fellow Member or some other person of their choice.

Will I be informed of the outcome of the investigation?

The person raising a concern will need to be assured that the issue has been appropriately addressed. Therefore the Board of Trustees, subject to legal constraints, will inform them in writing about the outcomes of any investigations.

How can I take a concern further?

This Policy is intended as an avenue for individuals to raise concerns within Laurel Farm Kindergarten. The objective will be to investigate reported concerns to the satisfaction of all parties. However, if you are not satisfied you may take your concerns outside of the Kindergarten and these are possible contact points:

- The Local Authority Designated Officer (LADO) who works within Children's Services and gives advice and guidance to those within an organisation who have concerns about the behaviour of an adult who works with children and young people. To contact the LADO a LADO referral form is the initial method of contact,

available through BANES

- Your Member of Parliament;
- The External Auditor;
- Relevant professional bodies or regulatory organisations;
- A solicitor;
- The police.

The charity “Protect – Speak Up, Stop Harm” provides free confidential advice to workers who have concerns about wrongdoing in the workplace. The charity can be contacted by telephone on **020 3117 2520**.

Or via their website: <https://protect-advice.org.uk/pcaawchangesnametoprotect/>

The NSPCC’s “what you can do to report abuse” dedicated helpline is available as an alternative route for staff who do not feel able to raise concerns regarding child protection failures internally or have concerns about the way a concern is being handled by their school or college. <https://www.nspcc.org.uk/what-you-can-do/report-abuse/dedicated-helplines/whistleblowing-advice-line/>.

Staff can call 0800 028 0285 – the line is available from 8:00 AM to 8:00 PM, Monday to Friday and email: help@nspcc.org.uk.

References:

<https://www.gov.uk/government/publications/the-public-interest-disclosure-act>

https://www.bathnes.gov.uk/sites/default/files/siteimages/whistleblowing_policy_jan_2016.pdf