

# *Spilsby Playgroup*



## ***Whistleblowing Policy***

**2023/2024**

## **The aim**

Whistleblowing allows an employee of an organisation to pass on information that they reasonably believe shows wrongdoing or a cover up by that organisation. At Spilsby Playgroup we recognise that our staff are often in the best position to know when the interests of others are being put at risk. We also recognise that staff can act as an early warning system on matters of safeguarding, health and safety or to help uncover fraud and mismanagement in the workplace.

We recognise that some staff may feel reticent about disclosing such information because they:

- feel that they are being disloyal to their colleagues
- fear reprisals through harassment or victimisation
- or are unsure of the best way to proceed.

Whatever the reason, they may believe it is easier to ignore their concern which may be just a suspicion. In any situation the Public Interest Disclosure Act 1998 is designed to provide protection to individuals, who make certain disclosures of information in the public interest, from detriment or dismissal.

Spilsby Playgroup is committed to ensuring that all its activities are conducted ethically, honestly and to the highest possible standard of openness and accountability to protect and safeguard the needs of all staff, children and their families. In line with that commitment, we aim to create an environment where concerns about any activity can be disclosed without the fear of detriment or dismissal.

To be a whistleblower and to be protected under law, you need to be a worker. This includes:

- employees
- temporary agency staff
- home workers
- trainees on vocational schemes
- people whose employment has ended

## **Complaints that count as whistleblowing**

You're protected by law if you report any of the following:

- a criminal offence, for example fraud
- someone's health and safety is in danger
- risk or actual damage to the environment
- a miscarriage of justice
- the company is breaking the law
- you believe someone is covering up wrongdoing

## **Complaints that do not count as whistleblowing**

Personal grievances (for example bullying, harassment, discrimination) are not covered by whistleblowing law, unless your particular case is in the public interest.

The appropriateness of using one or more of the following procedures should be considered in the first instance by those wishing to raise concerns:

- Code of Employee Conduct;
- Equal Opportunities Policy
- Disciplinary / Grievance Procedure
- Complaints Procedures
- Safe Recruitment and Selection Procedures.

When a disclosure is made in line with the above, Spilsby Playgroup will not tolerate harassment or victimisation (including informal pressure) of the Whistleblower.

All cases of suspected harassment or victimisation of the Whistleblower will be investigated under our grievance / disciplinary / code of conduct procedures. If harassment or victimisation is proved, the perpetrator will be considered to be guilty of a disciplinary offence and will be subject to appropriate disciplinary action in accordance with our Disciplinary Procedure.

All whistle blowing concerns raised will be treated with the strictest confidence and Spilsby Playgroup will make every effort not to reveal the identity of the person (the Whistleblower) making the disclosure, unless required by law.

Depending on the nature of the concern and the outcome of the resulting investigation, the Whistleblower may be required to come forward as a witness. The identity of the Whistleblower shall not be made known to the person(s) who are subject of the disclosure without the Whistleblower being previously informed.

A Whistleblower wishing to remain known only to the person(s) involved in the investigation shall have the option of withdrawing the disclosure if the continuation of the investigation would necessarily lead to their identification to the person(s) who are subject to the disclosure. Whistleblowers are encouraged to put their names to any disclosures they make, as anonymous disclosures may prohibit the action that Spilsby Playgroup can take against person(s) subject to the disclosure. Also, it makes it difficult to provide feedback to the Whistleblower and to ask follow up questions.

If a disclosure is made in good faith but is not confirmed through investigation, no action will be taken against the Whistleblower and the Manager / Responsible Officer will ensure that he or she suffers no reprisals. However, if there is evidence that a malicious and false disclosure has been made by the Whistleblower, then disciplinary action may be taken. Individuals should raise Whistle blowing concerns as soon as they have reasonable suspicion and are not expected to investigate the matter themselves or prove that the concern is well founded.

## How to raise a concern

- Staff are encouraged to first raise their concerns with the Playgroup Duty Manager (if appropriate) who will then be responsible for taking the matter forward, as below.
- If individuals believe that the concern is of a serious enough nature or that management is involved, they should approach the Owner of Spilsby Playgroup who will take the matter further, as below.
- If an individual feels the concern relates to the owner /management team then they can refer their concerns as below.

## For all concerns relating to children, The Local Area Designated Officer (LADO) should be contacted

The LADO must be contacted within one working day in respect of all cases in which it is alleged that a person who works with children has:

- behaved in a way that has harmed, or may have harmed a child;
- possibly committed a criminal offence against or related to a child; or
- behaved towards a child or children in a way that indicates they may pose a risk of harm to children.

If you are unsure whether a LADO referral form should be completed, make contact with the LADO service on 01522 554674 to discuss your concerns.

For further information relating to the role of the LADO see Appendix 2.

Individuals may also contact the initial Response Team directly on 08458 505010

Or the Ofsted Whistle Blowing hotline service on 0300 123 3155 (Monday to Friday from 8.00am to 6.00pm). Email: [whistleblowing@ofsted.gov.uk](mailto:whistleblowing@ofsted.gov.uk).

The first person to receive the Whistleblower's concern should record the details on a Whistleblower concern record form. (Appendix A)

## During and following concerns raised by a whistle-blower

- When requested, where appropriate and within legal guidelines Spilsby Playgroup will aim to provide feedback to the Whistleblower.
- Spilsby Playgroup will give as much feedback as possible after considering the legal implications and the confidentiality it owes to other employees.
- Any feedback given to the Whistleblower will be recorded and kept in Nursery unless this might compromise any investigation
- At all times the Whistleblower is encouraged to seek further advice if they see further evidence that the wrongdoing is continuing or if they are anxious about some perceived or actual reprisal.
- All Staff are reminded that they have an obligation of confidentiality to Spilsby Playgroup and must ensure that confidential matters relating to the work and successful administration of the Nursery are not improperly disclosed.



# The Role of the Local Authority Designated Officer

The role of the LADO (or Designated Officer) is set out in Working Together to Safeguard Children (2018) (Chapter 2 Paragraph 4) and is governed by the Local Authorities duties under section 11 of the Children Act 2004.

The Officer LADO is responsible for managing allegations against adults who work with children. This involves working with police, children's social care, employers and other involved professionals. The LADO does not conduct investigations directly, but rather oversees and directs them to ensure thoroughness, timeliness and fairness. Ordinarily, to ensure impartiality, the LADO will not have direct contact with the adult against whom the allegation has been made, or the family of the child/children involved but will, as part of their role ensure that these have information regarding outcomes.

This guidance outlines procedures for managing allegations against people who work with children who are paid, unpaid, volunteers, casual, agency or anyone self employed.

The LADO must be contacted within one working day in respect of all cases in which it is alleged that a person who works with children has:

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- behaved towards a child or children in a way that indicates they may pose a risk of harm to children.

There may be up to three strands in the consideration of an allegation:

- a police investigation of a possible criminal offence;
- enquiries and assessment by children's social care about whether a child is in need of protection or in need of services;
- consideration by an employer of disciplinary action in respect of the individual.

The LADO is responsible for:

- Providing advice, information and guidance to employers and voluntary organisations around allegations and concerns regarding paid and unpaid workers.
- Managing and overseeing individual cases from all partner agencies.
- Ensuring the child's voice is heard and that they are safeguarded.
- Ensuring there is a consistent, fair and thorough process for all adults working with children and young people against whom an allegation is made.
- Monitoring the progress of cases to ensure they are dealt with as quickly as possible.
- Recommending a referral and chairing the strategy meeting in cases where the allegation requires investigation by police and/or social care.

The LADO is involved from the initial phase of the allegation through to the conclusion of the case. The LADO is available to discuss any concerns and to assist you in deciding whether you need to make a referral and/or take any immediate management action to protect a child.