Whistleblowing

Box Pre-School Playgroup Whistle Blowing Policy

Please also refer to Safeguarding and Child Protection Policy, Code of Conduct, Data Protection Policy, Privacy Statement, Confidentiality Policy and Tapestry Policy.

Legislation

Public Interest Disclosures Act 1998

Employment Rights Act 1996

Early Years Foundation Stage Statutory Framework

Children Act 1989 and 2004

Safeguarding Vulnerable Groups Act 2006

Data Protection Act 2018 and UK GDPR

Information Sharing Act 2026

Aim

We encourage staff, students, volunteers and committee members to raise concerns about wrongdoing, unsafe practice or failures to protect children. This includes concerns that safeguarding information is being withheld inappropriately, shared unlawfully, not passed to the right people, or not acted on when a child may be at risk. We want concerns to be raised promptly so that we can take appropriate action, learn from mistakes and protect children and others.

Who does the policy apply to?

- Employees
- Students
- Volunteers including Committee members.

The whistle blowing policy covers, but may not be limited to the following areas. To qualify as a protected disclosure it must, in the reasonable belief of the worker, tend to show one or more of the following: (See below PID Act 1998)

- Conduct – (which a member of staff may consider to be a criminal offence, safeguarding, health and safety, theft. That a criminal offence has been committed or is likely to be committed)
- Disclosure – (relating to a miscarriage of justice)
- Health and safety – (risk to staff, parents, children and members of the public)
- Breaches of procedures (Links to settings policies, procedures)
- Fraud
- Environmental risks (environment is being or likely to be endangered)
- Failure to comply with legal obligations (i.e. completing accident /incident records etc.)
- Abuse – (sexual, physical or verbal abuse of children, parents, staff or any other behaviour which a member of staff genuinely finds unacceptable or inappropriate – link to safeguarding procedure)
- Other unethical contact
- The deliberate concealing of information relating to any of the above matters

- **Safeguards and Victimisation (Protection) Statement** – We will not tolerate harassment, victimisation, discrimination or disadvantage against anyone who raises a concern honestly and reasonably or assists with an investigation. We will take concerns about retaliation seriously and respond under our relevant procedures. Protection under whistleblowing law depends on the circumstances and statutory requirements; this policy does not restrict any legal right to make a protected disclosure

- **Public Interest Disclosure Act 1998** - "The Public Interest Disclosure Act 1998 gives significant statutory protection to employees who disclose information reasonably and responsibly in the public interest and are victimised as a result. The Act provides strong reasons why organisations should set up whistle blowing policies in order to foster a climate of openness and dialogue which encourages staff to feel able to raise concerns sensibly and responsibly without fear of victimisation"

Roles and responsibilities

We recognise that reporting a concern can be difficult, but Box Pre School Playgroup will support individuals through the process and take appropriate action to protect staff.

It is extremely important to report any concern/allegation . It is a staff's member duty to report concerns immediately to the supervisor/chair of committee in order to protect staff, children and parents.

Anyone who becomes aware of a concern about a child's safety or welfare must follow our Safeguarding and Child Protection Policy and raise it promptly with the Designated Safeguarding Lead (DSL), supervisor or other appropriate safeguarding contact. If the concern involves that person, or they do not act appropriately, contact the appropriate external safeguarding authority.

Whistleblowing is not a substitute for an urgent safeguarding referral. If a child is in immediate danger, staff must contact emergency services as appropriate and take urgent protective action. Staff must not wait for an internal investigation, committee meeting or management approval before making a necessary safeguarding referral or sharing information lawfully to protect a child.

Staff have the following responsibilities when disclosing/making an allegation or concern

- Staff must disclose the information in good faith
- Staff must not act maliciously or make false allegations
- Staff must not seek any personal gain

Confidentiality

We will handle concerns sensitively and restrict information to people who need it to assess, investigate or respond to the concern. We will make reasonable efforts to protect the identity of the person raising a concern. However, we cannot promise absolute confidentiality: identity or details may need to be disclosed where required by law, necessary for safeguarding, or needed for a fair investigation or process. Where it is lawful and safe to do so, we will explain this to the person who raised the concern before disclosure.

Information about children, families, staff and other people must be handled in accordance with our Data Protection Policy, Privacy Statement and confidentiality procedures. Confidentiality must not be used as a reason to withhold information that needs to be shared lawfully to safeguard a child. Equally, the existence of a safeguarding concern does not justify indiscriminate sharing. Information must be relevant, proportionate, accurate so far as reasonably possible and sent securely.

Untrue Allegations Statement – in cases where the allegation has not been founded the following will apply

- Allegation made in good faith but not confirmed by investigation – no action would be taken against member of staff
- Allegation made frivolously, maliciously or for personal gain - disciplinary action may be taken against member of staff as per our current disciplinary procedure

Information Sharing and recording

Where a concern involves safeguarding information, we will consider promptly whether information needs to be shared with children's social care, Wiltshire Council, the police, health professionals, the relevant safeguarding lead or another appropriate agency. We will follow our safeguarding procedures, local referral arrangements and applicable information-sharing law and guidance, including the statutory Information Sharing Duty where it applies to us and the circumstances.

We will not assume that parental consent is always required before information can be shared for safeguarding purposes. The person making the decision must consider the lawful basis and any additional condition required for sensitive information, the child's welfare, the purpose of sharing, who needs the information and what is necessary to share. Where urgent action is required, it must not be delayed while consent is sought.

We will keep a secure, factual record of the concern, actions taken, decisions about sharing or not sharing information, reasons for those decisions, people or agencies contacted and the outcome where known. We will limit access to those who need it and retain the record in line with our retention schedule.

How to raise a concern

In the first instance, concerns may be raised with the supervisor. If the concern involves the supervisor, or the person raising it does not feel able to approach them, it may be raised with the Chair of the Committee. If the concern involves the Chair, both the supervisor and Chair are implicated, or the concern is not handled appropriately, the person may contact an appropriate external body directly such as the IFD.

Concerns may be raised verbally or in writing. We will record verbal concerns. The person raising a concern should provide the information they have, including relevant events, dates, people involved and why they are worried, but they are not expected to investigate the matter themselves or prove the allegation.

Internal reporting is encouraged where appropriate, but it is not a precondition to making a protected disclosure or contacting an appropriate external body. A person should not delay contacting an external safeguarding authority where a child may be at risk, where the concern involves the person responsible for handling it, or where internal reporting would be unsafe or inappropriate.

Settings response procedure

We will assess concerns promptly, decide whether urgent protective action is needed, and determine an appropriate and impartial way to investigate or refer the matter. We will keep records securely and share information only with those who need it. Where possible and appropriate, we will acknowledge the concern within the existing policy timeframe and explain next steps, subject to safeguarding, confidentiality and legal restrictions. We will not promise a particular outcome or disclose information that we are not permitted to share.

How matters can be taken further

Depending on the nature of the concern, an individual may contact the local authority children's social care service (IFD), the police, Ofsted or another relevant regulator, or a prescribed person or body under whistleblowing law. The appropriate route depends on the concern. The NSPCC whistleblowing advice line may also provide advice about concerns relating to children.

Staff can call 0800 0280285 – 08:00 to 20:00, Monday to Friday and 09:00 to 18:00 at weekends. The email address is: help@nspcc.org.uk.

• Ofsted provides guidance on how to make complaints about a childcare provider: Complaints procedure - Ofsted - GOV.UK (www.gov.uk).

Any employee who unreasonably and without justification raises such issues on a wider basis, i.e. the press, without following the steps and advice in this procedure may be liable to disciplinary action.