

Whistleblowing Policy

Whistleblowing is the term used when a member of staff at Brightsparks wishes to raise a concern about malpractice within the nursery. Whistleblowing is different from a complaint or a grievance. It only applies when you have no vested interest, and you are acting as a witness to misconduct or malpractice that you have observed.

At Brightsparks we expect all our colleagues, both internal and external, to be professional always and hold the welfare and safety of every child as their paramount objective. However, we recognise that there may be occasions where this may not happen, and we have in place a procedure for staff to disclose any information that suggests children's welfare and safety may be at risk.

We expect all team members to talk through any concerns they may have with their manager or deputy at the earliest opportunity to enable any problems to be resolved as soon as they arise.

Legal Framework

If, in the course of your employment, you become aware of information which you reasonably believe indicates that a child is/may be or is likely to be in risk of danger and/or one or more of the following may be happening, you **MUST** use the nursery's disclosure procedure set out below:

- That a criminal offence has been committed or is being committed or is likely to be committed
- That a person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject (e.g. EYFS, Equalities Act 2010)
- That a miscarriage of justice has occurred, is occurring, or is likely to occur
- That the health or safety of any individual has been, is being, or is likely to be endangered
- That the environment, has been, is being, or is likely to be damaged
- That information tending to show any of the above, has been, is being, or is likely to be deliberately concealed.
- Any other unethical conduct
- An act that may be deemed as radicalised or a threat to national security is being, has been, or is likely to be, committed.

The Public Interest Disclosure Act has the following rules for making a protected disclosure:

- You must believe it to be substantially true
- You must not act maliciously or make false allegations
- You must not seek any personal gain.

Disclosures must be made in the public interest; this is essential when assessing a disclosure made by an individual. It is not necessary for the employee to have proof that such an act is being, has been, or is likely to be, committed; a reasonable belief is sufficient.

Disclosure procedure

- If this information relates to child protection/safeguarding then the nursery's safeguarding children policy should be followed, with particular reference to the staff and volunteering section.
- Where you reasonably believe one or more of the above circumstances listed above has occurred, you should promptly disclose this to your manager so that any appropriate action can be taken. If it is inappropriate to make such a disclosure to your manager (i.e. because it relates

to your manager) you should speak to Emma Jones (brightsparks1@icloud.com) or your area manager Heidi Costello (heidi.brightsparks@gmail.com)

- Employees will suffer no detriment of any sort for making such a disclosure in accordance with this procedure. For further guidance in the use of the disclosure procedure, employees should speak in confidence to the nursery manager or Emma Jones.
- Any disclosure or concerns raised will be treated seriously and will be dealt with in a consistent and confidential manner and will be followed through in a detailed and thorough manner
- Any employee who is involved in victimising employees who make a disclosure, takes any action to deter employees from disclosing information or makes malicious allegations in bad faith will be subject to potential disciplinary action which may result in dismissal
- Failure to report serious matters can also be investigated and potentially lead to disciplinary action which may result in dismissal
- Any management employee who inappropriately deals with a whistleblowing issue (e.g. failing to react appropriately by not acting in a timely manner or disclosing confidential information) may be deemed to have engaged in gross misconduct which could lead to dismissal
- If staff have been dissatisfied with the results after reporting their concern to the manager or Emma Jones, they can call Ofsted's dedicated Whistleblowing Hotline (0300 123 3155). It is staffed from 8am to 6pm, Monday to Friday. You can also email the Ofsted whistleblowing team (whistleblowing@ofsted.gov.uk) An alternative number is the NSPCC Whistleblowing Helpline 0800 028 0285.
- We also display via posters around the nursery the telephone numbers of the Local Authority Designated Officer (LADO), the local authority children's social care team, the Croydon Safeguarding Children Board (CSCB) so all staff may contact them if they cannot talk to anyone internally about the issues/concerns observed.

This policy was reviewed on	Signed on behalf of the nursery	
March 2017 May 2018 September 21 June 22		

Please see LADO Process below

The LADO Process

An Allegation/concern is made against a Professional or volunteer who works with children

Designated Manager contacts the LADO for advice/guidance

LADO decides on threshold

- 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 they may pose a risk of harm to children
- Behaved or may have behaved in a way that indicates they may not be suitable to work with children

Meets Threshold

May meet Threshold

Doesn't meet Threshold

LADO & Manager agrees immediate Risk management plan, including consideration of suspension

Conduct/Behaviour

Referral to Police

Employer Investigation

NFA

Evaluation Meeting/Discussion

Police Investigation

Employer Investigation

Review Evaluation Meeting

Concerns Substantiated

Concerns not Substantiated

Criminal prosecution

Disciplinary

NFA