



Whistleblowing Policy

Natural Choice Nurseries is committed to delivering a high quality setting, which promotes organisational accountability, openness and maintains public confidence. We expect all our colleagues, both internal and external, to be professional at all times and hold the welfare and safety of every child as their paramount objective. 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 to either the owners or any members of the management team without fear of reprisal at the earliest opportunity to enable any problems to be resolved as soon as they arise.

This policy provides individuals in the workplace with protection from victimisation or punishment where they raise a genuine concern about misconduct or malpractice in the organisation.

Whistleblowing is the term used when a worker passes on information concerning wrongdoing.

Legal framework

The Public Interest Disclosure Act 1998, commonly referred to as the 'Whistleblowing Act', amended the Employment Rights Act 1996 to provide protection for employees who raise legitimate concerns about specified matters. These are called 'qualifying disclosures'. On 25th June 2013, there were some legal changes to what constitutes a qualifying disclosure.

A qualifying disclosure is one made in the public interest by an employee who has a reasonable belief that:

- A criminal offence – unlawful behaviour
- A miscarriage of justice
- An act creating risk to health and safety
- An act causing damage to the environment
- A breach of any other legal obligation (policies and procedures) or
- Concealment of any of the above
- 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.

Qualifying disclosures made before 25 June 2013 must have been made 'in good faith' but when disclosed, did not necessarily have to have been made 'in the public interest.'

Disclosures made after 25 June 2013 do not have to be made 'in good faith'; however, they must be made in the public interest. This is essential when assessing a disclosure made by an individual.

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.

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 of information

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.

Disclosure procedure

- If this information relates to child protection/safeguarding then the nursery safeguarding children policy (EYFS3-01-012) 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 Nicky Edwards, Owner.
- 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 the owner
- 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 taking action in a timely manner or disclosing confidential information) may be deemed to have engaged in gross misconduct which could lead to dismissal
- We give all of our staff the telephone numbers of the Local Authority Designated Officer for Allegations (LADO), the local authority children's social care team, the Local Safeguarding Children Board (LSCB) and Ofsted so all staff may contact them if they cannot talk to anyone internally about the issues/concerns observed.

It is not intended that this policy be a substitute for, or an alternative to Natural Choice's formal Grievance policy and procedure, but it is designed to nurture a culture of openness and transparency within Natural Choice, which makes it safe and acceptable for employees and volunteers to raise, in good faith, a concern they may have about misconduct or malpractice.

An employee or volunteer who, acting in good faith, wishes to raise a concern should normally report the matter to the manager who will advise the employee or volunteer of the action that will be taken in response to the concerns expressed. Concerns will be investigated and resolved as quickly as possible.

If an employee or volunteer feels the matter cannot be discussed with the manager, he or she should contact OFSTED on their whistle-blower dedicated telephone line which is 0300 123 3155 or Email: whistleblowing@ofsted.gov.uk. **or** send your concerns by post to:

WBHL
Ofsted
Piccadilly Gate
Store Street
Manchester
M1 2WD.

A disclosure in good faith to the manager will be protected. Confidentiality will be maintained whenever possible and the employee or volunteer will not suffer any personal detriment as a result of raising any genuine concern about misconduct or malpractice with Natural Choice.

Policy last reviewed: March 2021	
Signature:	
Printed name:	Nicky Edwards
Role of signatory:	Director and Responsible Person