

9 WHISTLEBLOWING POLICY AND PROCEDURES

The reporting of malpractice and improper conduct

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1. INTRODUCTION

At Chigwell and Hainault Nursery, we expect all our colleagues, both internal and external, to hold the welfare and safety of every child as their paramount objective and always be professional. 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 the manager at the earliest opportunity to enable any problems to be resolved as soon as they arise.

2. DEFINITION

The term 'whistleblowing' relates to situations whereby an employee/worker discloses illegal or unethical conduct within an organisation. Unlike wrongdoing where the consequences are strictly personal, whistleblowing is unique as it focuses on matters relevant to the public interest. In other words, a whistle blower makes a disclosure about wrongdoing in the public interest.

If the consequences of an employer's conduct have wider implications for the general public, then the individual exposing the wrongdoing is 'whistleblowing'. The law protects whistle blowers from any potential consequences to their employment, for example by providing protection from dismissal, from being overlooked for promotion, from victimisation, harassment, or any other unfair treatment.

Current UK legislation in place for the protection of whistle blowers was brought in under the Public Interest Disclosure Act 1998 (PIDA) and expanded upon with the introduction of the Enterprise and Regulatory Reform Act (ERRA) 2013. These Acts provide the legal framework that governs the circumstances in which employees can legally blow the whistle, as well as setting out the requirements for legal protection following the event.

The United Synagogue are committed to developing and maintaining the highest possible behavioural standards and a culture encouraging openness, probity and accountability of all employees, workers, and contractors. This Whistleblowing Policy provides a framework to enable and encourage you to raise and report, or 'disclose', genuine concerns regarding any relevant aspect of the settings work. The Policy aims to reassure you that you will be protected from possible reprisals or detriment if you have a reasonable belief that any disclosure you make is true.

3. 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'.

A qualifying disclosure is one made in the public interest by an employee who has a reasonable belief that any of the following is being, has been, or is likely to be committed:

- A criminal offence
- 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 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.

Disclosures do not have to be made 'in good faith', but 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.

4. WHO IS THE WHISTLEBLOWING POLICY APPLIED TO?

This Whistleblowing Policy applies to all employees, including nursery staff, apprentices, trainees and work experience placements, board of management and volunteers. It also covers contractors working for the nursery on our premises, for example, agency workers and consultants, as well as suppliers and any organisations providing services under a contract with the United Synagogue and its nursery.

Note that workers who are not employees cannot claim unfair dismissal due to blowing the whistle but, because of the protection afforded, they can claim 'detrimental treatment'.

The Policy does not cover other persons such as members of the public or parents.

5. ROLE OF THE LOCAL AUTHORITY DESIGNATED OFFICER (LADO)

The role of the Local Authority Designated Officer (LADO) was introduced within the 'Working Together to Safeguard Children' guidance in 2006. LADOs give advice and guidance on how concerns or allegations about adults working with children should be investigated.

6. DISCLOSURE OF INFORMATION

Keeping Children Safe in Education (DfE 2024) and the SET procedures (ESCB 2022) set out the procedures in respect of allegations against an adult working with

children (in a paid or voluntary capacity). The procedures should be followed where an adult has:

- Behaved in a way that has harmed a child, or may have harmed a child and/or
- Possible committed a criminal offence against or related to a child, and/or
- Behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children, and/or
- Behaved or may have behaved in a way that indicates they may not be suitable to work with children

Complaints from the public that relate to the standard of service delivered by the Nursery or Nursery Contractors should be reported through the *setting's* Complaints Procedure.

7. HOW TO RAISE A CONCERN

Where there are concerns relating to a child protection matter, action should be taken in accordance with the setting's Child Protection Policy and any other advice and guidance set out by the Local Authority and the Department for Education (DfE).

Statutory guidance issued by the DfE in relation to the safeguarding of children and young people includes '**Working Together to Safeguard Children**' and '**Keeping Children Safe in Education**' (KCSIE). The relevant DfE website page can be located at: <https://www.gov.uk/government/collections/statutory-guidance-settings#safeguarding-children-and-young-people>

When raising your concern, you may wish to take advice on the matter from any of those listed in the section below or discuss your concerns with a colleague first. It is advisable that you report your concern as early as possible. A significant delay in reporting the matter may make the subsequent investigation difficult to pursue. Please note you do not have to work through these in order and can jump to step 4 should you think this is appropriate.

Step 1

1. Any concerns about an adult in the Chigwell and Hainault Nursery should be reported to the Manager or the Deputy Manager, who will then decide how to take this forward.

It is always preferable for concerns to be raised in writing. Where this is the case, the following details should be included wherever possible:

Name and contact details.

- Background and history, names and relevant dates and the reasons why you are particularly concerned about the situation.
- Whether you wish your name to remain confidential

- Whether you want feedback
- The names and roles of any employees or others who may support your concern(s).

If you feel hesitant about putting your concerns in writing at this stage, you should speak to the manager to whom you wish to make the report and arrange to meet with him/her. However, you may be asked to put the details in writing at a later stage.

Step 2

In some cases, it might not be clear whether an incident constitutes an allegation. If this is the case, it will be necessary for us to explore the concerns to establish some facts – this initial fact-finding is not an investigation, it is to clarify information and to direct our response to the concern raised.

Step 3

Where an allegation against an adult in the Chigwell and Hainault Nursery is received, and it is felt that any of the above criteria apply, the SET procedures (ESCB, 2022) require this to be reported to the **Essex Workforce Allegations Team** at LADO@essex.gov.uk. This should be done by the Manager or Deputy Manager within one working day (or sooner via 03330 139797 if immediate safeguarding is required).

Step 4

In the event of an allegation relating to the conduct and behaviour of an agency member of staff, we will Liaise with the agency, while following due process, to facilitate a joint investigation or enable the agency to move this forward.

Step 5

In accordance with the Statutory framework for the Early Years Foundation Stage (DfE, 2024), we will also inform Ofsted of any allegations of serious harm or abuse by any person working, or looking after children at the premises (whether the allegations relate to harm or abuse committed on the premises or elsewhere).

Step 6

We will also notify Ofsted on the action taken in respect of the allegations. We will make these notifications as soon as reasonably practicable, but within 14 days of the allegations being made. We are aware that not complying with these requirements without reasonable excuse is committing an offence.

Staffing matters are confidential, and the setting operates within a statutory framework around Data Protection. We do not share information about any individual staff member with anyone other than any appropriate statutory agency.

8. HOW TO CONTACT THE LADO

There are four LADO's for Essex County Council and they are based within the Children's Safeguarding Team. They can be contacted by phone on 03330 139797 or by email: lado@essex.gov.uk. If referring an allegation, a written referral is required. The referral form can be accessed via the [Essex Safeguarding Children Board website, https://www.escb.co.uk/](https://www.escb.co.uk/)

You must request a secure email link by emailing, the duty LADO prior to send the referral form, you will receive a response within one working day. It is no longer possible for the duty LADO to receive password protected or encrypted documents.

If a concern is raised outside of the office hours, and an immediate referral to Social Care is required, this should be made to Essex Social care on 0845 606 1212. The LADO should then be informed at the first available opportunity.

9. ASSURANCES

When information is disclosed, the manager will ensure that:

- a. Employees will suffer no detriment of any sort for making such a disclosure in accordance with this procedure.
- b. Any disclosure or concerns raised will be treated seriously and will be dealt with consistency and confidentially and will be followed through in a detailed and thorough manner.

10. MISUSE OF THE DISCLOSURE PROCEDURE

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 will also be investigated and potentially lead to disciplinary action which may result in dismissal.

10. REPORTING SERIOUS CHILDCARE INCIDENT TO OFSTED

Chigwell and Hainault Nursery will also report serious childcare incidents to Ofsted within 14 days. The day of the incident is the first day of these 14 days.

We must tell Ofsted about:

- Any allegation of serious harm or abuse by any person living, working or looking after children on the premises
- If a person looking after a child has something significant affecting their health
- an event that might affect the smooth running of the childcare, such as fire or a flood at the premises
- the death of a child
- serious accidents, injuries or illnesses to a child
- food poisoning affecting two or more children

Contact Details

Below are the telephone numbers of the LADO, the Essex children's social care team and Ofsted so all staff may contact them if they cannot talk to anyone internally about the issues or concerns observed.

Contact information

Local Authority Designated Officer (LADO)

Phone: 03330 139 797 Email: lado@essex.gov.uk

Essex Children's Social Care

Consultation line: 0345 603 7627

Out of hours emergency duty team: 0345 606 1212

Ofsted Phone: 0300 123 4666 Email: enquiries@ofsted.gov.uk

NSPCC Whistleblowing advice: Phone: 0800 028 0285 Email: help@nspcc.org.uk

Web: <https://www.nspcc.org.uk/keeping-children-safe/reporting-abuse/dedicatedhelplines/whistleblowing-advice-line/>

If these channels have been followed and you still have concerns, or if you feel that the matter is so serious that you cannot discuss it with any of the above, then you should contact:

Contact for Employees/Workers in US Nurseries
Claudia Kitsberg – US Head of Safeguarding – 0208343 8989 David Frei - US Safeguarding Officer – 07545 101660 Tamar Berman – Nominated Individual - 07918 286812

IMPORTANT NOTE: If you decide that you need to make a disclosure to a prescribed person other than your employer, you must make sure you have chosen the correct person or body for your issue.

A full list of prescribed persons and bodies that you can make a disclosure to can be found on the following link:

<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies>