

Whistleblowing Policy

Kingfisher Kindergarten Ltd is committed to maintaining a culture in which everyone working within the setting feels able to raise concerns about unsafe, illegal, unethical or inappropriate practice.

The safety and welfare of children is our highest priority. We recognise that staff and other people working with children may sometimes become aware of poor practice, wrongdoing or safeguarding concerns that need to be reported and addressed. Kingfisher Kindergarten Ltd encourages an open and honest culture in which concerns can be raised without fear of victimisation or detrimental treatment.

This policy explains how concerns can be raised, how they will be dealt with and what individuals can do if they feel unable to raise a concern within the setting.

This policy applies to all employees and other individuals working with or for Kingfisher Kindergarten Ltd, including agency workers, temporary workers, students, apprentices, volunteers, contractors and other workers.

What is whistleblowing?

Whistleblowing is when a person working within or with an organisation raises a concern about wrongdoing that affects, or may affect, other people or the public interest.

Whistleblowing may include concerns about:

- a criminal offence being committed, having been committed or being likely to be committed
- failure to comply with a legal obligation
- danger to the health or safety of any individual
- children being placed at risk of harm
- poor, unsafe or unaddressed safeguarding practice
- serious professional misconduct
- fraud, financial malpractice or corruption
- deliberate falsification or concealment of records
- information relating to wrongdoing being deliberately concealed
- being instructed or pressured to conceal wrongdoing

A concern may relate to something that:

- has happened in the past
- is happening now
- the individual reasonably believes may happen in the future

A person does not need to have proof before raising a concern. They should raise the concern honestly and have a reasonable belief that the information indicates wrongdoing.

The current EYFS requires early years providers to have clear whistleblowing procedures so that staff can report poor or unsafe practice within the setting's safeguarding arrangements.

Examples of concerns that may amount to whistleblowing

Examples may include:

- safeguarding concerns being repeatedly ignored
- a concern about a child not being appropriately referred to children's social care
- staff being discouraged from reporting safeguarding concerns
- inappropriate or unsafe behaviour towards children being routinely accepted
- required safeguarding procedures not being followed
- records being deliberately falsified or concealed
- a serious health and safety risk being ignored;
- illegal activity taking place within the setting;

- financial fraud or serious financial misconduct;
- serious breaches of legal or regulatory requirements;
- an attempt by someone in authority to prevent wrongdoing being reported; or
- an attempt to cover up any of the above.

This list is not exhaustive.

Whistleblowing and safeguarding

Safeguarding concerns must always be taken seriously and acted upon promptly. Whistleblowing may be appropriate where a member of staff believes that safeguarding practice within the setting is unsafe, poor or is not being appropriately addressed.

For example, a member of staff may whistleblow if:

- they have raised a safeguarding concern but believe it has been ignored;
- they believe a safeguarding concern has not been referred when it should have been;
- they believe inappropriate behaviour towards children is being tolerated;
- they believe safeguarding records are being altered or concealed;
- they are being prevented from reporting a safeguarding concern;
- they are instructed not to disclose information about a child who may be at risk; or
- they believe management is failing to take appropriate action to protect children.

The DfE's current early years guidance specifically identifies these types of circumstances as situations in which whistleblowing procedures may be required.

However, whistleblowing must **never delay action to protect a child****.**

Where a child may be at immediate risk of harm, the setting's safeguarding procedures must be followed immediately and the appropriate children's social care service and/or police contacted.

Immediate danger to a child

If a child is in immediate danger, staff must contact the police by calling:

****999****

Staff must not wait for permission from the Manager, Owner or DSL before contacting the emergency services where immediate action is required to protect a child. Where appropriate, the relevant children's social care service should also be contacted.

Whistleblowing is different from a grievance

Whistleblowing is different from raising a personal grievance.

A grievance normally concerns an individual's own employment circumstances, such as:

- pay;
- working hours;
- holidays;
- working relationships;
- disagreements with colleagues;
- disciplinary action; or
- other personal employment matters.

These matters should normally be dealt with through the setting's Grievance Procedure. However, a personal grievance may also contain information that amounts to a protected whistleblowing disclosure if it concerns wrongdoing in the public interest. If there is uncertainty about which procedure applies, the concern should still be raised. Kingfisher Kindergarten Ltd will determine the appropriate procedure. A concern will not be dismissed simply because the person raising it is also involved in a separate employment dispute.

Who can raise a whistleblowing concern?

Concerns may be raised by:

- employees
- agency workers
- temporary workers
- students

- apprentices
- volunteers
- contractors
- self-employed individuals working for the setting
- other individuals working with or providing services to Kingfisher Kindergarten Ltd

Concerns should be raised as soon as reasonably possible. Individuals should not assume that somebody else will report the matter.

How to raise a concern within Kingfisher Kindergarten Ltd

Where possible, a concern should initially be raised with the person's manager or a Designated Safeguarding Lead (DSL). The concern may be raised verbally or in writing.

Owner / DSL

Name: La-Ryne van der Westhuizen

Telephone: 07894966562

Email: laryne@kingfisherkindergarten.uk

Manager / DSL

Name: Kirsty Johnson

Telephone: 07763 666455

Email: kirsty@kingfisherkindergarten.uk

Deputy Manager / DSL

Name: Kirstie Hart

Telephone: 07763 666455

Email: kirstie@kingfisherkindergarten.uk

Where appropriate, the person raising the concern should provide as much information as they can:

- what they are concerned about
- what they have seen, heard or been told
- when and where the matter occurred
- who was involved
- whether anyone is currently at risk
- whether the matter has previously been reported
- any relevant evidence or documentation

An individual should not delay raising a concern because they do not have all of this information.

If the concern involves the Manager or DSL

If the concern involves a member of Management or DSL, the concern should be reported directly to:

Owner / Registered Provider: La-Ryne van der Westhuizen

Telephone: 07894966562

Email: laryne@kingfisherkindergarten.uk

The concern should not be reported to the person who is the subject of the concern.

If the concern involves the Owner / Registered Provider

If the concern involves the Owner / Registered Provider, or if an individual does not feel able to raise the concern internally, they should seek advice or report the concern to an appropriate external organisation.

Depending on the nature of the concern, this may include:

- children's social care
- the Local Authority Designated Officer (LADO)
- Ofsted
- the police
- the NSPCC Whistleblowing Advice Line
- another appropriate prescribed person or regulatory body

The individual does not have to raise a concern internally where doing so would be inappropriate or could increase the risk to a child or another person.

Oxfordshire LADO

Where an allegation concerns an adult working with children and the relevant safeguarding arrangements are through Oxfordshire, the Oxfordshire LADO should be contacted.

Oxfordshire Local Authority Designated Officer
Telephone: 01865 810603

The Oxfordshire LADO service deals with allegations concerning staff and volunteers, including those working in children's settings.

The setting will follow the current Oxfordshire LADO referral and consultation arrangements.

Children living in Oxfordshire

Kingfisher Kindergarten Ltd is located in South Oxfordshire.

For children who ****live in Oxfordshire****, safeguarding referrals should be made to Oxfordshire County Council's Multi-Agency Safeguarding Hub (MASH).

Oxfordshire MASH
Telephone: .345 050 7666
Opening hours:
Monday–Thursday: 8.30am–5.00pm
Friday: 8.30am–4.00pm
Emergency Duty Team – out of hours: 0800 833 408

If a child is in immediate danger, call ****999****.

Oxfordshire County Council states that MASH is the service for children's social care referrals and that urgent concerns should be raised by telephone. Staff should follow our safeguarding procedures and the relevant Oxfordshire safeguarding procedures when making a referral.

Children living in Reading

Kingfisher Kindergarten Ltd also cares for children who ****live in Reading****.

For children whose home address is within the Reading Borough, safeguarding concerns should be referred to Brighter Futures for Children – Children's Single Point of Access (CSPoA).

Brighter Futures for Children – Children's Single Point of Access
Telephone: 0118 937 3641
Email: cspoa@reading.gov.uk
Daytime hours:
Monday–Friday, 9.00am–5.00pm
Out-of-hours Emergency Duty Service: 01344 351999

If a child is in immediate danger, call ****999****.

Brighter Futures for Children confirms that CSPoA is the service for raising concerns about children and young people who live in Reading, including safeguarding concerns. Professionals can contact CSPoA by telephone or email. Where an online referral is required, staff should use the current professional referral process provided by Brighter Futures for Children.

If there is an immediate risk of significant harm, the police should be contacted on ****999**** and the concern should also be shared with CSPoA without delay. Brighter Futures for Children states that its referral process should then be completed within 24 hours.

The Brighter Futures for Children CSPoA service should only be used for children who live in Reading. If a child lives outside Reading, the setting must contact the children's social care service responsible for that child's home local authority.

Allegations concerning staff or other adults working with children

Whistleblowing may involve concerns about a member of staff, volunteer, student, agency worker, contractor or other adult working with children.

Where an allegation is made that an adult working with children:

- has behaved in a way that has harmed a child or may have harmed a child
- may have committed a criminal offence against or related to a child
- has behaved towards a child or children in a way that indicates they may pose a risk of harm
- may otherwise be unsuitable to work with children

the setting must follow its Allegations Against a member of Staff and other Adults Policy and seek advice from the Local Authority Designated Officer (LADO) and/or other safeguarding agencies.

Staff must not attempt to conduct their own investigation into an allegation before seeking appropriate safeguarding advice. The setting will take care not to prejudice any police, children's social care or LADO investigation.

Ofsted

Kingfisher Kindergarten Ltd is an Ofsted-registered early years provider and must comply with Ofsted notification requirements. The setting will notify Ofsted of relevant significant events within the required timescales.

Current Ofsted guidance states that registered nurseries and other daycare providers must report significant events affecting their childcare as soon as possible and always within 14 days. This includes allegations of harm or abuse committed at the premises or elsewhere by people who live on, work on or look after children on the premises. The setting will not delay an Ofsted notification unnecessarily while waiting for the outcome of an internal investigation or another agency's investigation.

Where a matter also requires referral to children's social care, the LADO or police, those referrals will be made separately and without delay.

NSPCC Whistleblowing Advice Line

Staff may seek independent advice from the NSPCC Whistleblowing Advice Line if they are concerned about how Kingfisher Kindergarten Ltd is working with children or dealing with safeguarding concerns.

NSPCC Whistleblowing Advice Line

Telephone: 0800 028 0285

Email: help@nspcc.org.uk

The NSPCC service does not replace the setting's safeguarding responsibilities. Where a child is at immediate risk, the appropriate statutory agency or police must be contacted without delay.

Legal protection for whistleblowers

Workers may have legal protection when they make a qualifying protected disclosure under whistleblowing legislation. The protection applies where the relevant legal conditions are met. In general, a worker must have a reasonable belief that the information being disclosed tends to show certain types of wrongdoing and that the disclosure is in the public interest.

Examples of wrongdoing covered by whistleblowing legislation include:

- criminal offences
- failure to comply with a legal obligation
- miscarriages of justice
- danger to health or safety
- damage to the environment
- deliberate concealment of information relating to these matters

The DfE's current early years guidance confirms that workers are legally protected when making whistleblowing disclosures to their employer or an appropriate prescribed person. Kingfisher Kindergarten Ltd will not victimise or penalise an individual for raising a genuine concern.

Protection from victimisation

Kingfisher Kindergarten Ltd will not tolerate:

- bullying
- harassment
- intimidation
- victimisation
- dismissal
- detrimental treatment
- other retaliation

because an individual has raised a genuine whistleblowing concern.

Any deliberate victimisation or retaliation against an individual because they have raised a genuine concern may be treated as a disciplinary matter. Staff are encouraged to report any concerns about victimisation to the Owner / Registered Provider.

Confidentiality

Whistleblowing concerns will be treated sensitively and, wherever possible, confidentially. Information will only be shared with those who need to know in order to:

- safeguard children or other individuals
- assess the concern
- investigate the concern
- obtain professional advice
- make an appropriate referral
- comply with a legal or regulatory requirement

The identity of the person raising the concern will not normally be disclosed unnecessarily. However, confidentiality cannot be guaranteed in every circumstance.

Information may need to be shared with:

- children's social care
- the police
- the LADO
- Ofsted
- another regulatory body
- another appropriate organisation

Staff must not discuss confidential safeguarding or whistleblowing matters with colleagues, parents or other individuals unless authorised to do so.

Anonymous concerns

Kingfisher Kindergarten Ltd will consider anonymous whistleblowing concerns wherever possible. However, anonymity may make it more difficult to:

- obtain further information
- clarify the concern
- investigate the matter
- provide feedback
- protect the person raising the concern

An individual may choose to remain anonymous when contacting an appropriate external organisation.

False or malicious allegations

Kingfisher Kindergarten Ltd recognises that a concern may be raised honestly but subsequently not be substantiated. A concern will not be regarded as misconduct simply because an investigation does not uphold it. However, deliberately making a dishonest, malicious or knowingly false allegation may be treated as misconduct or gross misconduct under the setting's Disciplinary Procedure.

The setting will distinguish between:

- a genuine concern that is not substantiated
- an allegation that was deliberately dishonest or malicious

Covering up wrongdoing

Any instruction to conceal wrongdoing or prevent a genuine concern from being raised will be taken seriously. If an individual is told not to report a concern, they should not feel obliged to remain silent.

The concern should instead be raised with:

- the Owner / Registered Provider
- the appropriate external safeguarding service
- the LADO
- Ofsted
- the police
- another appropriate prescribed person

depending on the nature and seriousness of the concern.

How Kingfisher Kindergarten Ltd will respond

When a whistleblowing concern is raised, the setting will:

1. listen to the concern and take it seriously
2. record the concern appropriately
3. consider whether immediate safeguarding action is required
4. identify whether the matter is a whistleblowing concern, safeguarding concern, allegation against an adult, grievance, complaint or another matter
5. seek appropriate professional advice where necessary
6. make referrals to children's social care, the LADO, police, Ofsted or another relevant organisation where required
7. preserve relevant records and evidence
8. investigate internally where it is safe and appropriate to do so
9. maintain confidentiality as far as reasonably possible
10. protect the person raising the concern from victimisation
11. provide appropriate feedback where this is possible

The person raising the concern will not normally be given detailed information about another person's disciplinary action or other confidential information.

Investigations

An internal investigation will only be undertaken where it is appropriate to do so. Where the concern relates to safeguarding, an allegation against an adult working with children, or a potential criminal offence, the setting will seek appropriate advice before commencing an investigation.

The setting will not undertake an investigation that could:

- compromise a police investigation
- interfere with children's social care enquiries
- prejudice a LADO process
- place a child or another person at further risk

Records

Kingfisher Kindergarten Ltd will maintain appropriate confidential records of whistleblowing concerns.

Records may include:

- the date the concern was raised
- the nature of the concern
- the name of the person raising the concern, where known
- the person to whom the concern was reported
- immediate action taken
- safeguarding referrals
- advice received
- external agencies contacted
- investigation undertaken
- action taken
- outcome
- any improvements or changes made as a result

Records will be securely stored and managed in accordance with the setting's data protection and record-keeping procedures.

Learning from whistleblowing

Where appropriate, Kingfisher Kindergarten Ltd will use concerns raised through this policy to identify improvements in:

- safeguarding practice
- staff training
- supervision
- management
- policies and procedures
- health and safety
- professional conduct
- the overall safety and welfare of children

The purpose of whistleblowing is not simply to identify individual wrongdoing. It also provides an opportunity for the setting to identify and address weaknesses in its systems and practice.

Staff awareness and training

All staff will be made aware of this policy as part of their induction.

Staff will be reminded that they:

- have a responsibility to raise safeguarding concerns
- should not assume somebody else will report a concern
- can raise concerns about unsafe or poor practice
- can escalate concerns if they believe they have not been appropriately addressed
- will be supported when raising genuine concerns

The setting will provide appropriate safeguarding training and opportunities for staff to discuss safeguarding concerns confidentially. The current EYFS requires providers to ensure staff know how to use the setting's whistleblowing procedures.

Responsibilities

The Owner / Registered Provider is responsible for ensuring that:

- this policy is implemented
- staff know how to raise concerns
- concerns are taken seriously
- safeguarding concerns are acted upon promptly
- appropriate external agencies are contacted
- staff are protected from victimisation
- appropriate records are maintained
- this policy is reviewed regularly

The DSL is responsible for:

- supporting staff to raise concerns
- ensuring safeguarding concerns are appropriately recorded
- making or supporting referrals to children's social care
- liaising with safeguarding partners
- ensuring allegations against adults are dealt with through the appropriate process
- promoting a culture in which staff feel able to speak up

All staff and other individuals working with children have a responsibility to:

- remain alert to unsafe or inappropriate practice
- report safeguarding concerns promptly
- use the whistleblowing procedure where appropriate
- follow the setting's safeguarding procedures
- maintain confidentiality
- cooperate with appropriate investigations

Key contact information

Immediate danger

Police – 999

Oxfordshire child – safeguarding concern

Oxfordshire MASH – 01865 519800

Oxfordshire out-of-hours emergency

Emergency Duty Team – 0800 833 408

Oxfordshire allegation against staff/adult

LADO – 01865 810603

Reading child – safeguarding concern

Brighter Futures for Children CSPoA – 0118 937 3641

Reading out-of-hours emergency

Emergency Duty Service – 01344 351999

NSPCC Whistleblowing Advice Line

0800 028 0285

Ofsted

0300 123 1231

This policy was adopted by Kingfisher Kindergarten Ltd

Date to be reviewed

Annually

Signed on behalf of the provider

La-Ryne van der Westhuizen

Role of signatory

Owner