

## Whistleblowing Policy

Welfare requirement: Safeguarding and promoting children's welfare.

The EYFS- A unique child/ positive relationships/learning and development. EYFS 2025

Key legislation and guidance: Childrens Act 2004, Childcare Act 2006, Convention on the Rights of a Child UNICEF 1989, Data Protection Act 2018, Freedom of Information Act 2000, Race Relations Act 1976, 2000, Sex Discrimination Act 1975, 1986, Sex Discrimination Regulations 1999, Human Rights Act 2000, Safeguarding Vulnerable Groups Act 2006, Working Together to Safeguard Children 2010, Keeping Children Safe in Education 2021, Complaints procedure-Ofsted-GOV UK,

Whistle blowing for employees, Education Act 2022

### Policy Statement

Madley Pre-School is committed to delivering a high-quality education and service, promoting organisational accountability and maintaining public confidence.

Whistleblowing is 'making a disclosure in the public interest'. If staff or volunteers believe there is malpractice or poor or unsafe practice in safeguarding provision in the Pre-School, they should report this by following the correct procedures. Their employment rights are protected, and they cannot be victimised by the employer.

Whistle Blowers are protected for public interest, to encourage people to speak out if they find malpractice in an organisation or workplace.

Malpractice could be improper, illegal or negligent behaviour by anyone who works with or within the Pre-School.

### When should the whistleblowing procedure be used?

In order to promote good governance and accountability in the public interest. The Public Interest Disclosure Act 1998 covers behaviour, which amounts to:

- A criminal offence
- A breach of legal obligation
- Failure to comply with any legal obligation
- A miscarriage of justice
- Mistreatment or abuse
- Seeking undue favour over a contractual matter or job application
- Financial regulations
- Danger to health and safety of an individual and/or environment
- Deliberate concealment of information about any of the above.
- This is not an exhaustive list



It is the responsibility of all staff, students and volunteers to report any improper, illegal or negligent behaviour in or connected with the Pre-School.

This procedure is appropriate where a worker has genuine concerns about activities in or connected with the Pre-School. It is not designed to replace or be used as an alternative to the grievance procedure.

The Pre-School's [Safeguarding Policy](#) must be followed where a disclosure is made relating to the safeguarding of a child.

Whistleblowing protection applies where the person making a disclosure reasonably believes that the information disclosed, and any allegations contained in it, are substantially true. If any disclosure is made in bad faith, or concerns information which is not substantially believed to be true, or if the disclosure is made for personal gain, then such a disclosure will constitute a disciplinary offence.

If a disclosure is made in good faith, but is not confirmed by any subsequent investigation, then no action will be taken against the Whistle Blower.

Victimisation of an individual for raising a disclosure will be a disciplinary offence.

### **Action to be taken by the Whistle Blower**

- Concerns should normally be reported in the first instance to the Pre-School Manager, **Fiona Batstone**. If this is not possible/appropriate, they should be reported to the Chair of the Committee.
- Concerns can be raised orally but it is good practice for the concern to be recorded in writing at an early stage to ensure that all details are correctly understood.
- A written allegation should set out the background and history of the concern, (giving names, dates and places where possible) and the reason why you are particularly concerned about the situation.
- It is preferable for you to record this in writing yourself.
- Although you are not expected to prove the truth of an allegation, you will need to demonstrate to the person contacted that there are sufficient grounds for your concern.
- If an employee or volunteer feels the matter cannot be discussed with the Manager, he or she should contact LADO (Local Area Designated Officer) on **01432 261739** for advice on what steps to follow.
- Where the whistleblower feels unable to raise an issue with the Manager or Committee Chairperson, or feels that their concerns have not been taken seriously they can:
  - Get whistle blowing advice from NSPCC on **0800 0280285** [help@nspcc.org.uk](mailto:help@nspcc.org.uk)
  - Get guidance on how to make complaints about a provider from Ofsted GOV.UK

### **Action to be taken by the Pre-School**

- The Pre-School must investigate any matter raised under this procedure thoroughly, promptly and confidentially.
- The Management must decide whether the matter falls within the scope of the setting's other policies and procedures.
- If the allegation relates to child protection, then the Child Protection policy will be followed.



- The Management Committee will investigate the matter and take action as appropriate.
- If the Whistle Blower or anyone else connected with the setting is asked or instructed to cover up malpractice, this is itself a disciplinary offence.
- If malpractice is revealed as a result of any investigation under this procedure, the setting's [disciplinary procedure](#) will be used, in addition to any appropriate external measures.
- The Whistle Blower will be informed of the outcome.

### **Confidentiality**

All concerns will be treated in confidence, and the Pre-School will do its best to protect your identity if you do not want your name disclosed. If investigation of a concern discloses a situation which is sufficiently serious to warrant disciplinary action or police involvement, then your evidence may be important. If at this stage your name needs to be released as a possible witness, then we will discuss with you first.

### **Untrue Allegations**

If you make an allegation in good faith but it is not confirmed by the investigation, no reprisals will be taken against you. If, however, you make malicious or vexatious allegations, disciplinary action may be taken against you.

This policy was adopted by:	Madley Pre-School
On:	July 2022 updated Sep 2025
Date to be reviewed:	July 2023                  Sep 2026
Signed on behalf of the provider:	_____
Name of signatory:	Fiona Batstone
Role of signatory:	Manager
	_____

