Whistleblowing Policy

At Millfield, 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 (including students and volunteers) 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 Liz and John Miller at the earliest opportunity to enable any problems to be resolved as soon as they arise.

Whistleblowing definition

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, students and volunteers who raise legitimate concerns about specified matters. These are called 'qualifying disclosures'.

A qualifying disclosure is one made in the public interest by an employees, students and volunteer who has a reasonable belief that anyone 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
- Sexual harassment

Disclosures 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

It is not necessary for the person 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 sexual harassment has been committed
- 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's safeguarding children and child protection policy should be followed, with particular reference to the staff and volunteering section. See below for the Whistleblowing safeguarding concerns flowchart
- Where you reasonably believe one or more of the circumstances listed above has occurred, you should promptly disclose this to Liz and John Miller so that any appropriate action can be taken. If it is inappropriate to make such a disclosure to Liz and John Miller (i.e because it relates to them) you should speak to Amber Barlow/Abi Lord (Deputy Nursery Managers/ Deputy DSL's).
- Staff, students and volunteers 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 Liz Miller (DSL).
- 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, student or volunteer who is involved in victimising other colleagues who make a disclosure, takes any action to deter colleagues from disclosing information or makes malicious allegations or disclosures 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.
- We give all of our staff the telephone numbers of the Local Authority Designated Officer (LADO), the local authority children's social care team, the Local Authority Children's Social Care Team (LSCB) and Ofsted so all staff may contact them if they cannot talk to anyone internally about the issues/concerns observed. The following are additional channels open to staff:
  - NSPCC whistleblowing advice line is available. Staff can call 0800 0280285 – 08:00 to 20:00, Monday to Friday and 09:00 to 18:00 at weekends. The email address is: help@nspcc.org.uk.
  - Alternatively, staff can write to: National Society for the Prevention of Cruelty to Children (NSPCC), Weston House, 42 Curtain Road, London EC2A 3NH.
  - Ofsted provides guidance on how to make complaints about a provider: Complaints procedure - Ofsted – GOV.UK (www.gov.uk).
  - General guidance on whistleblowing can be found via: Whistleblowing for employees.

Policy Reviewed

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Whistleblowing flow chart

