

Mayday Playschool Whistle Blowing Policy

Mayday Playschool is committed to tackling unlawful acts including fraud, corruption, unethical conduct, and malpractice regardless of who commits them, or where in the setting they are committed. In this way Mayday Playschool ensures that its services are used in the best interests of the local community.

Mayday Playschool aims to ensure that anyone wishing to raise a concern feels confident in the process under this policy. This policy is designed to allow you to raise a concern without fear, reprisals, or victimisation, if your disclosure is made in good faith.

To encourage and enable you to do this, Mayday Playschool will ensure that anyone who uses this policy to raise a concern will be protected from any form of detriment, harassment, or victimisation regardless of:

- The content of the concern you raise
- With whom you raise the concern and
- Whatever the outcome of raising the concern.

The Whistleblowing policy provides an opportunity for your concern to be dealt with internally, after all that is where the solutions will be found, or through an agreed external body.

There is always a temptation to take a concern directly to the media, but this does not necessarily mean that the issues raised are appropriately addressed and often fails to protect innocent parties. You should remember that you have a duty of confidence to your employer and that unauthorised disclosure on information maybe a disciplinary offence.

The best advice before you decide on what action to take is to seek the advice of – Customer First contact number 01634 334466, Ofsted contact number 0300 1231231, or Local Authority Designated Office (LADO) 016334 331229.

What is covered by Whistleblowing?

A concern can relate to any unethical or unprofessional conduct within Mayday Playschool including malpractice and abuse. The policy not only covers acts that have occurred but also potentially unethical or unprofessional conduct.

The person making the disclosure must do so in the reasonable belief that it shows one or more of the following:

- A criminal offence has been committed, is being committed, or is likely to be committed.
- A person has failed, is failing or is likely to fail to comply with any legal obligation to which she/he is subject.
- A miscarriage of justice has occurred, is occurring, or is likely to occur.
- Actual or potential acts of fraud and corruption or the misuse of public funds.
- The health & safety of any individual (employee or member of the public) has been, is being, or is likely to be endangered.
- The environment has been, is being, or is likely to be damaged.
- Actual or potential acts of all forms of discrimination.
- The actual or possible abuse (sexual or physical) of clients in the setting care.
- Actual or potential acts of harassment or bullying of, or by, someone working for Mayday Playschool.
- Any unethical conduct that causes concern or brings the reputation of Mayday Playschool into disrepute.
- The deliberate concealment of information that would indicate any of the above.
- Information tending to show any matter falling within any one of these points has been, is being, or is likely to be concealed.

If you are in any doubt as to whether to raise a concern, then confidential advice can be sought from

- Medway Council customer First contact number 01634 334466.
- Local Authority Designated officer (LADO) contact number 01634 331229
- Ofsted on 0300 1231231.

Note: If, when disclosing a concern, you commit a criminal offence, for example accepting a bribe and/or acts of corruption, you may lose your rights to protection from detriment.

Who is covered by the Whistleblowing policy?

The public interest Disclosure Act 1998 will protect workers who disclose information the correct manner from dismissal or penalisation. 'Workers' include individuals who are:

- Employees employed under a contract of employment
- Employed under any other contract, under which they perform personally any work or services.
- Undertaking work experience as part of a training course.

How am I protected?

Under the public interest disclosure Act, to qualify for protection for disclosure the worker must:

- Be acting in good faith.
- Have reasonable grounds for believing that the information disclosed indicates the existence of
- one of the problems itemised in section 2 above.

Confidentially

Mayday Playschool accepts that wherever possible the confidentiality of anyone wishing to raise a concern will be protected. There might however be occasions where your confidentiality cannot be protected, for example, where there is the involvement of the police.

If there is any possibility that your confidentiality cannot be protected, you will be told of the reasons and offered appropriate advice and support.

Raising a concern

You are encouraged to raise a concern provided that:

- You have reasonable belief that the information you hold, or the allegation is accurate,
- You make the disclosure in good faith.

Under no circumstances should you investigate your concern yourself.

Anonymously raised concerns

Concerns expressed anonymously will be investigated based on their merits. However, an investigation may be hampered by the inability to gain further information and Mayday Playschool would encourage

you to provide some method of contacting you to assist in the investigation.

Misuse of the Whistleblowing Policy

Raising a concern with malicious intent or for personal gain, or the gain of others is not acceptable and may lead to disciplinary action and possible termination of contract.

Who can concerns be raised about?

You can raise a concern about the practice of anyone who undertakes work for, or on behalf of Mayday Playschool

How to raise a concern

No matter with whom you raise your concern it will be dealt with under this procedure. If the person whom you raise the concern feels it necessary, they may want to refer your concern on to either a specialist team or Ofsted. If this is the case, you will be contacted first and can discuss any issues this may raise. A concern would normally be raised initially with your Manager or Supervisor. However, this may not always be possible, dependent on the nature of the concern and who is involved, you may wish to contact Customer first or Ofsted.

What to consider when expressing a concern

To enable your concerns to be dealt with in a proper and effective manner here are some guidelines for you to consider.

- Be as clear as possible about what the concern is and to whom and what it relates. You may also want to discuss the concern with others to see if it is shared.
- Be as clear as possible about who may be involved, when and where actions may have taken place. Please ensure the facts are recorded, i.e. record the dates and times in a diary. This way you can be clear about what has been heard or seen and when, rather than rely on memory or hearsay.
- Ensure you ask for your concerns to be dealt with under this procedure.

The procedure to be followed

To ensure that all concerns raised are taken seriously and are fully investigated Mayday Playschool has agreed a procedure to be followed in all cases.

If, at any stage of the procedure, you are asked or wish to meet with someone addressing the concerns raised you have the option to be accompanied by a work colleague, or a representative from a professional body.

When you first raise a concern:

- When you wish to express your concern, by telephone or in person, you will
- Receive an acknowledgment of your concerns within five working days of notifying the investigating person whom you have expressed the concern (this can be sent to your home address).
- The investigating person will then decide how to progress your concern. This may mean undertaking an investigation. This does not mean that the concern is either true or untrue but will help to assess the gravity of the complaint and establish the facts. It could be possible that concerns raised may be the result of a misunderstanding or an authorised change in practice.

Within ten working days of making your concerns known you will either:

- Have a confidential meeting with the investigating person to further discuss your concerns or
- Have received, in writing, an outline of how the investigating person intends to deal with the concerns raised.

Dependent on the nature of the concern you may have subsequent meetings with the relevant investigating person. These can be held off-site if preferred.

The outcome of your concern

Having raised the concern, Mayday Playschool recognises that you will need to be assured that the issues have been dealt with correctly. You will be kept informed on a regular basis of what actions

are being taken and the results of any investigations.

In some situations, such as referrals to external bodies, it may not be appropriate (or legally possible) to supply you with the full information discovered, However the reasons for this will be explained at that time.

All uses of the policy will be formally recorded and a register maintained.

Taking your concern further

If a worker is considering contacting the press, they are strongly advised to seek guidance from professional or other representative bodies and to discuss the matter where possible with professional managers. If you decide to proceed with contacting the media, you must inform the Manager or Deputy of the action you have taken or are proposing to take.

Disclosures to the media can be made under the Ias, and will be protected if the following circumstances are met:

- The disclosure is made in good faith
- The employee reasonably believes the information and any allegations are substantially true
- The employee does not act for personal gain.

Additionally, one or more of the following conditions must be met

- The worker reasonably believes they would be subjected to a detriment if a disclosure were made to the employer or prescribed person.
- In the absence of an appropriate prescribed person, the worker reasonably believes a disclosure to their employer would result in the destruction or concealment of information about the wrongdoing,
- The worker has previously disclosed substantially the same information to their employer or prescribed person.
- It must be reasonable to make the disclosure.

Please be aware that that premature contact with the media, where none of the conditions above are met, may result in disciplinary action or termination of contract.

This policy was adopted at a meeting of Mayday Playschool
Updated 7-9-20

Signed on behalf of the setting by all members of staff

This policy related to Safeguarding & Welfare requirements EYFS

Legal Framework

Children Act 1989/2004

Childcare Act 2006

Safeguarding vulnerable groups Act 2006

Disclosure and Barring service

