

Whistle blowing policy 2022

Revised March 2023

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Smallville Nursery is committed to the highest possible standards of openness, honesty and accountability. In line with that commitment, we encourage employees and others with serious concerns about any aspect of the settings, operations to come forward and voice those concerns. It is recognised that certain cases will have to proceed on a confidential basis. This policy document makes it clear that employees can do something without fear of reprisals. It is intended that this policy will encourage and enable employees to raise serious concerns within the setting rather than overlooking a problem or having it playing on their mind.

Procedure

Staff have the right and individual responsibility to raise any matters of concern regarding poor practice at work. Staff are responsible for safety and wellbeing of all children attending the Nursery and this takes priority over loyalty towards colleagues.

General Principals:

This policy is intended to

- Encourage and enable individuals to raise genuine and legitimate concerns
- Support staff to take an active role in the elimination of poor practice
- Ensure concerns are appropriately investigated
- Protect those making the complaint from victimisation or retaliation

In addition to this policy, we have other policies and procedures covering discipline, grievance and complaints. This policy is intended to complement these and to cover concerns that fall outside the scope of other procedures.

The manager and proprietor will investigate promptly and thoroughly, all concerns that are raised in accordance with this policy and will take appropriate action.

Confidentiality:

The management will do its best to protect a person's identity when a concern is raised, however in some circumstances identities will have to be revealed to the person complained against and the complainant may be asked to provide written or verbal evidence in support of their complaint. If a person's identity is to be disclosed, he or she will

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be told before the disclosure and the reasons why this is necessary. Once the concerns have been raised, we expect that the complainant will not talk about this to any other person inside or outside the setting.

Anonymous Complaints:

When a concern is expressed anonymously it is much less powerful and harder to investigate. However, they may still be considered and looked at.

Untrue allegations:

If an allegation is made in good faith but it is not confirmed by the investigation, no action will be taken against the complainant. If, however, an allegation proves to be malicious, action may be taken against the person responsible for the malicious act.

How to raise a concern:

In the first instance, concerns should be raised with the Nursery Manager – **Kelly Hall**. However, this may not always be appropriate, in which cases concerns should be raised with the Director – **Stuart Bruce Jones**

Concerns are best raised in writing, included in this should be the background and history of the concern, giving names, dates, places where possible and the reason why you are particularly concerned. The earlier you express your concerns the easier it is to take action. If you do not wish to put the allegations in writing, the person to whom you are making the complaint will make a written record of the interview and will ask you to sign to confirm accuracy of the notes taken. Although you will not be expected to prove the truth of your allegations, you will be required to demonstrate that there are sufficient grounds for your concern.

You should not:

- Investigate the matter yourself
- Alert those suspected of being involved
- Approach or accuse individuals
- Tell anyone other than the designated person's i.e. Manager and Proprietor

Within a week of the receipt of your concern, you will receive a written

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acknowledgement of your concern, with a copy of your statement where appropriate. The Manager and Proprietor will investigate your concern and within 2 weeks you will be informed of what action is being taken and you will be kept up to date on the progress of the investigation. You will also be informed of the outcome of any investigation.

If your concerns cannot be expressed to the Manager or Director then you can contact the LADO (Local Area Designated Officer) at:

Telephone: 03000 41 08 88

Email: kentchildrenslado@kent.gov.uk

If a call is urgent i.e a child is in immediate danger and requires safeguarding, call 03000 41 11 11.

If a call is urgent and outside of office hours call 03000 41 91 91. If you are not satisfied with the outcome of the investigation, you may elevate your concerns directly to Ofsted.

Members of staff may contact Public Concern at Work at any stage for free, confidential advice, if they are unsure how to raise a concern.

For more information on the law visit: www.pcaaw.co.uk/law/uklegislation.htm

COUNTY LADO SERVICE- CHILDREN'S SAFEGUARDING LADO REFERRAL FORM – for Professionals

Date of referral	Select Date
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Section A – only complete form if you can answer 'Yes' to Q1 and at least one of the other 4 questions

1. Does this person work in the wider children's workforce in KENT [not Bromley, Bexleyheath or Medway (Strood, Rochester, Chatham, Gillingham & Rainham)]	Select
Has this person met the Harm Threshold:	
1. Behaved in a way that has harmed a child or may have harmed a child?	Select
2. Possibly committed an offence against or related to a child?	Select
3. Behaved towards a child or children in a way that indicates that he or she would pose a risk of harm to children if they work regularly or closely with them?	Select
4. Behaved in a way that indicates they may not be suitable to work with children? (includes transfer of risk, risk by association)	Select

Please note that if you are **unsure** whether a referral should be made you can call the County LADO Service on **03000 410 888** and ask to speak with the **LADO ENQUIRIES OFFICER** who would be happy to advise you.

Section B - The Person Being Referred (*if more than one person involved, please complete separate forms*)

***Sections are mandatory, and every effort should be made to complete before submitting the referral. If key data is missing the referral may be returned to you due to the County LADO Service not being able to proceed.**

Full name of Person being referred *		Date of Birth * / age	
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Previous names known (including maiden/aliases)* Record unknown if do not have the information		IF A FOSTER CARER- Do they have a partner?	Select
		Full Name of partner	
Gender *	Select	Partner's Date of Birth *	
Home Address *		Disability (if known)	Select
		Ethnicity	Select
Employer's name and address (including Agency & Voluntary organisations) *			
Job Title /Role *		Start date of current employment *	
What contact does the person have with children in that role?			
Is this their main/substantive role?	Select		
Does the person have any other contact (through work/volunteering with children?) Please provide details if known		Is the person aware that a referral has been made to the LADO?	Select
Have there been previous concerns or allegations against		Does this person live with children?	Select

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this person? If yes, please give details			
Section C - Details of Child Involved (if applicable) or adult (if historical)			
Full name of Child		Date of Birth	
Gender	Select	Disability	Select
Ethnicity	Select	SEN	Select
Home Address		Status of child	Select
Details of Parents or Local Authority (and social worker) if child is in care		Are parents or social worker aware of incident?	Select
Section D - DETAILS OF THE ALLEGATION/CONCERN			
What is the nature of the allegation, concern or harm caused or posed by this individual?	Click to select	Has child been harmed or sustained an injury?	Select
			Is this a historical allegation?
<p>Please provide details of incident that have given rise to the concerns (please provide as much information as possible including details of any other children involved, injuries/harm suffered, dates and location, details of any witnesses and any actions/decision that have been taken)</p> <p>Date, time and location of Incident*: </p> <p><u>Details:</u></p>			

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Any Actions taken so far?

Section E -

<p>Have you informed the member of staff (MOS) you have made a referral?</p>	<p>Select</p>	<p>Date informed and details of what information was shared?</p>	
<p>Reason for not informing MOS at this stage:</p>			

Please note it is expected the MOS is informed about an allegation made against them and to work transparently and timely with them. If MOS has not been informed at the point of the referral, possibly due to safeguarding reasons, the LADO will discuss with the referrer how and when this should be undertaken.

Section F - Details of Person completing this form.

<p>Your name *</p>		<p>Your Role *</p>	
<p>Telephone Number *</p>		<p>Email address: *</p>	
<p>Organisation Name and Address *</p>			
<p>Are you the person with lead responsibility for allegation management in your organisation?</p>	<p>Click to select</p>	<p>If no, what is the name and contact details of your lead person?</p>	

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Have you consulted with the LADO Enquiries Officer about this allegation/concern?	Select	Number of form: (provided in title of email)	
Name of LADO Enquiries Officer:		Date contacted:	

Attach copy of Enquiries Form if relevant

For Office Use only

Section G	
LADO Scoping and rationale	
Name of allocated LADO	
Does this referral meet the threshold for LADO procedure? What is the categorisation? (Allegation, Consultation or For information only)	
Advice given with Rationale around: <ul style="list-style-type: none"> ➤ Immediate safeguards ➤ Triangulation of known information – context, searches, complicating factors ➤ Welfare support ➤ Next steps/sign posting 	

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(using the Quality Assurance Practice framework)			
Search Results	MOS - YP - SETTING -		
Liberi ID (MOS)		Liberi ID (Child)	

Note: To be completed electronically and emailed as a 'word document only' to kentchildrenslado@kent.gov.uk

All allegations (and where you are unsure) must be notified to the LADO within 1 working day (24 hours)

Please ensure the child/ren are safeguarded by making a referral to the Childrens Social Work Services where appropriate. This is separate from the County LADO Service referral.

ALLEGATIONS AGAINST STAFF
WORKING WITHIN THE CHILDRENS WORKFORCE

COUNTY LADO SERVICE
GUIDANCE FOR INVESTIGATION REPORTS FOR ALL SETTINGS

The County LADO Service are often asked for example investigation reports or templates. This is a suggestion and can be adapted in line with your own internal processes and advice from your HR representatives. This is a not a statutory document.

General points to address for all investigations: -

- Ensure whoever is investigating understands or has experience in **safeguarding**.
- Ensure that the investigating officer is **sufficiently impartial** or consider **commissioning** someone to complete on your behalf.
- Refer to the member of staff's contractual obligations and **code of conduct**.
- Be mindful of the **policy** and procedures relevant under safeguarding children.
- Ensure you are clear what the **allegation** is against the member of staff.
- Are you clear from the **LADO** what needs to be addressed?
- Ensure the **child's voice** and **lived experience** is included.
- Be clear on member of staff's voice, **insight and understanding** of risk and professional conduct.
- Provide a clear or recommended **outcome(s)** in line with allegation management.
- Clear **timeframe** for completion (maximum 10 working days).

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- Ensure author of report knows it is acceptable and **appropriate to share** the content with the LADO.

October 2019 County LADO Service

Updated June 2020



INVESTIGATION REPORT TEMPLATE

TITLE e.g. ALLEGATION MANAGEMENT REPORT

Member of Staff	Job Title/Role	Setting details
Investigating Officer	Job Title/Role	Setting Details
Date of allegation	Date Investigated	Date Concluded

OVERVIEW / SUMMARY

Set out what has been alleged and by who, what is being investigated and the outcome.

You will need to ensure that this clearly identifies the focus of the investigation and whether there are one or more allegations that need to be addressed.

Example:

An allegation of inappropriate conduct has alleged to have taken place on 00/00/20000 by staff member X. Staff member X is alleged to have held child Y against the classroom wall (inappropriate physical intervention) whilst continuing to shout in their face in front of the class (inappropriate behaviour/emotional abuse) This was reported by to staff member on 00/00/2000.

This report covers the investigation into this safeguarding concern. The investigation was to establish whether the child Y suffered harm and whether staff member X presented and or continues to present a risk to this child and or others. The investigation assessed whether staff member X breached their professional code of conduct, practice and policy (list which ones...)

The outcome of the investigation is...

METHODOLOGY

Detail here terms of reference, what you did and your sources of information. In some circumstances it may be useful to record a chronology and attached as an addendum to the report.

Details of **witnesses** that you have interviewed. If you have not interviewed a witness – explain the rationale behind your decision not to interview them.

Interview with and record/account of **member of staff subject to the investigation/allegation** must be included and analysed.

Reference to the **child's voice and lived experience** must be included. If not interviewed as part of this process explain how you have obtained the information. For example, child may have been interviewed by Social Worker and or Police as part of the investigation. Clear acknowledgement of safeguarding concerns and impact on the child is important and must be analysed.

Documents reviewed e.g. training records, incident logs, procedures.

BACKGROUND – contextual safeguarding

Include details of employment / circumstances leading up to the current situation and actions taken in response to the allegation.

This will include details of safer recruitment processes e.g. whether references were requested, clear DBS etc.

Previous allegation management concerns and any relevant disciplinary actions.

ANALYSIS

Pull together information gathered, facts and evidence.

Consider what supports the allegation(s) and what has been provided as mitigating factors. This may include highlighting areas that are unclear and the reasons why.

Remember that you are considering this against the test of **'balance of probabilities'** under Childrens safeguarding.

CONCLUSIONS AND RECOMMENDATIONS

This is where you provide an overall fact-based assessment on a) whether there is evidence to support the allegations and b) the strength of the evidence.

The conclusions should be clear and concise without stating opinion or assumptions.

A clear rationale must be provided.

Refer to the allegation management outcomes and record clearly which outcome(s) has been reached. Do not leave this blank – an outcome or recommended outcome is expected and will be requested by the LADO who will adjudicate and confirm the final outcome(s) decisions.

Substantiated – there is sufficient identifiable information to prove the allegation – this did happen. Employer to refer to DBS if matter is serious enough to warrant dismissal or cessation of role.

False – there is sufficient evidence to disprove the allegation

Malicious – there is clear evidence to prove there has been a deliberate act to deceive and the allegation has been entirely false

Unfounded – there is no evidence or proper basis which supports the allegation being made. It might indicate that the person making the allegation misinterpreted the incident or was mistaken about what they saw. Alternatively, they may not have been aware or all the circumstances

Unsubstantiated - An unsubstantiated allegation is not the same as a false allegation. It means that there is insufficient evidence to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.

Sign and date your report – SHARE with the LADO.