

Barley Lane School

Hard work, humility, kindness

Whistle Blowing

Introduction

The statutory guidance '*Working together to safeguard children*', updated in 2010, makes clear that all organisations that provide services for, or work with, children, must have appropriate whistle-blowing procedures, and a culture that enables issues about safeguarding and promoting the welfare of children to be addressed by the organisation.

What is whistle-blowing?

Whistle-blowing is the term used when someone who works with or for an organisation, wishes to raise concerns about malpractice in the organisation (for example, crimes, civil offences, miscarriages of justice, dangers to health and safety or the environment), and the cover up of any of these.

Whistleblowing is very different from a complaint or a grievance. It only applies when you have no vested interest and are acting as a witness to misconduct or malpractice that you have observed.

What does the law say?

The Public Interest Disclosure Act (PIDA) 1998, known as the Whistleblowing Act, is intended to promote internal and regulatory disclosures and encourage workplace accountability and self-regulation. The Act protects the public interest by providing a remedy for individuals who suffer workplace reprisal for raising a genuine concern, whether it is a concern about child safeguarding and welfare systems, financial malpractice, danger, illegality, or other wrongdoing. The concern may relate to something that is happening or has happened in the past.

Under the Public Interest Disclosure Act, individuals are protected from reprisals for reasonably raising an honest and genuine concern internally, but you must be acting in the public interest and not for personal gain to be given this protection.

The Public Interest Disclosure Act covers all workers, including temporary agency staff. It does not cover the self-employed or volunteers. The Act also provides protection should individuals have difficulty gaining a reference from an employer because they have raised a concern. It makes it clear that any clause in a contract that purports to gag an individual from raising a concern that would be protected under the Act is void.

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

Who to contact

To raise concerns about failures in practices and procedures for the safeguarding of children in early years settings in Devon, the member of staff, volunteer or student should contact: MASH (Multi Agency Safeguarding Hub) on 0345 155 1071 or email: mashsecure@devon.gcsx.gov.uk

Ofsted – contact can be made as follows:

- A dedicated whistleblowing hotline - 0300 123 3155 (Monday to Friday from 8.00am to 6.00pm).
- By email to the whistleblowing team - whistleblowing@ofsted.gov.uk.
- By post: WBHL, Ofsted, Piccadilly Gate, Store Street, Manchester M1 2WD
- The hotline can be used by anybody who has a whistleblowing concern about services or practice in any local authority, or in a care or educational setting regulated and inspected by Ofsted, including:
 - employees and former employees
 - agency staff currently and formerly working within care or educational settings
 - voluntary workers in care or educational settings

Confidentiality

Ofsted encourage either open or confidential whistleblowing as the best means for protecting staff/volunteer/student and for the concern to be addressed.

Ofsted will ensure that their work in the handling of all concerns, complaints and safeguarding issues complies with the requirements of the Data Protection Act 1998 and the Freedom of Information Act 2000. Under the Freedom of Information Act, Ofsted has the legal obligation to provide information in response to a request unless the information is available by other means; it would not be reasonably practicable to supply it; or the information falls within the exemptions of the Act. If we receive requests for disclosure of information obtained under the whistleblowing procedure, we will always seek to maintain confidentiality where this has been requested. However, Ofsted cannot guarantee confidentiality in every case.