



Whistleblowing Policy

Date policy was adopted: 06/08/2024

Date last reviewed: 06/08/2024

Frequency of review: Annually

At The Duckling Nursery we expect all our colleagues, both internal and external, to hold the welfare and safety of every child as their paramount objective and always be professional. We recognise that there may be occasions where this may not happen and we have in place a procedure for staff 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 the manager 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 who raise legitimate concerns about specified matters. These are called 'qualifying disclosures.'

A qualifying disclosure is one made in the public interest by an employee who has a reasonable belief that any 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.

Disclosures do not have to be made 'in good faith' but 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
- You must not seek any personal gain.

It is not necessary for the employee to have proof that such an act is being, has been, or is likely to be, committed; a reasonable belief is sufficient.

Role of the Local Authority Designated Officer (LADO)

The role of the Local Authority Designated Officer (LADO) was introduced within the 'Working Together to Safeguard Children' guidance in 2006. LADOs give advice and guidance on how concerns or allegations about adults working with children should be investigated

Disclosure of information

Keeping Children Safe in Education (DfE 2024) and the SET procedures (ESCB 2022) set out the procedures in respect of allegations against an adult working with children (in a paid or voluntary capacity). These procedures should be followed where an adult has:

- behaved in a way that has harmed a child, or may have harmed a child and/or
- possibly committed a criminal offence against or related to a child, and/or
- behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children, and/or
- behaved or may have behaved in a way that indicates they may not be suitable to work with children

Disclosure Procedure

1. Any concerns about an adult in the Duckling Nursery should be **reported to the Manager or the Deputy Manager**, who will then decide how to take this forward.
2. In some cases, it might not be clear whether an incident constitutes an allegation. If this is the case, it will be necessary for us to **explore the concerns to establish some facts** – this initial fact-finding is not an investigation, it is to clarify information and to direct our response to the concern raised.
3. Where an allegation against an adult in The Duckling Nursery is received, and it is felt that any of the above criteria apply, the SET procedures (ESCB, 2022) require this to be **reported to the Essex Workforce Allegations Team** at LADO@essex.gov.uk. This should be done by the Manager or Deputy Manager **within one working day** (or sooner via 03330 139797 if immediate safeguarding is required).
4. In the event of an allegation relating to the conduct and behaviour of an agency member of staff, we will **liaise with the agency**, while following due process, to facilitate a joint investigation or enable the agency to move this forward.
5. In accordance with the Statutory framework for the Early Years Foundation Stage (DfE, 2024), we will also **inform Ofsted of any allegations** of serious harm or abuse by any person working, or looking after children at the premises (whether the allegations relate to harm or abuse committed on the premises or elsewhere).
6. We will also **notify Ofsted of the action taken** in respect of the allegations. We will make these notifications as soon as reasonably practicable, but **within 14 days** of the allegations being made. We are aware that not complying with these requirements without reasonable excuse is committing an offence.

Staffing matters are confidential and the setting operates within a statutory framework around Data Protection. We do not share information about any individual staff member with anyone other than any appropriate statutory agency.

How to contact the LADO

There are four LADOs for Essex County Council and they are based within the Children's Safeguarding Team. They can be contacted by phone on 03330 139 797 or by e-mail: lado@essex.gov.uk If referring an allegation, a written referral is required. The referral form can be accessed via the [Essex Safeguarding Children Board website](#). You must request a secure email link by emailing the duty LADO prior to sending the referral form, you will receive a response within one working day. It is no longer possible for the duty LADO to receive password protected or encrypted documents.

If a concern is raised outside of office hours, and an immediate referral to Social Care is required, this should be made to Essex Social care on 0845 606 1212. The LADO should then be informed at the first available opportunity.

Assurances

When information is disclosed, the manager will ensure that:

- Employees will suffer no detriment of any sort for making such a disclosure in accordance with this procedure.
- Any disclosure or concerns raised will be treated seriously and will be dealt with consistency and confidentiality and will be followed through in a detailed and thorough manner.

Misuse of the disclosure procedure

- Any employee who is involved in victimising employees who make a disclosure, takes any action to deter employees from disclosing information or makes malicious allegations in bad faith will be subject to potential disciplinary action which may result in dismissal.
- Failure to report serious matters will also be investigated and potentially lead to disciplinary action which may result in dismissal.
- Any management employee who inappropriately deals with a whistleblowing issue (e.g. failing to react appropriately by not taking action in a timely manner or disclosing confidential information) may be deemed to have engaged in gross misconduct which could lead to dismissal.

Reporting serious childcare incidents to Ofsted

The Duckling Nursery will also [report serious childcare incidents to Ofsted](#) within **14 days**. The day of the incident is the first of these 14 days.

We must tell Ofsted about:

- any allegation of serious harm or abuse by any person living, working or looking after children on the premises
- if a person looking after a child has something significant affecting their health
- an event that might affect the smooth running of the childcare, such as fire or a flood at the premises
- the death of a child
- serious accidents, injuries or illnesses to a child
- food poisoning affecting two or more children

Below are the telephone numbers of the LADO, the Essex children's social care team and Ofsted so all staff may contact them if they cannot talk to anyone internally about the issues or concerns observed.

Contact information

Local Authority Designated Officer (LADO)

Phone: 03330 139 797 Email: lado@essex.gov.uk

Essex Children's Social Care

Consultation line: 0345 603 7627 Out of hours emergency duty team: 0345 606 1212

Ofsted

Phone: 0300 123 1231 Email: enquiries@ofsted.gov.uk

NSPCC Whistleblowing advice:

Phone: 0800 028 0285 Email: help@nspcc.org.uk

Web: <https://www.nspcc.org.uk/keeping-children-safe/reporting-abuse/dedicated-helplines/whistleblowing-advice-line/>