The Duckling Nursery Ltd.

Whistleblowing Policy

Date policy was adopted:	06/08/2024
Date last reviewed:	27/08/2026
Frequency of review:	Annually, or sooner if legislation/guidance changes
Next planned review:	27/08/2027

Purpose

At The Duckling Nursery Ltd. the welfare and safety of every child is paramount. We expect all staff, agency workers, students, volunteers, contractors and leaders to act professionally and to raise concerns about poor or unsafe practice, wrongdoing, or failures in safeguarding. Concerns raised under this policy will be taken seriously and acted on without delay.

This policy applies to all staff, including students and volunteers, and explains when and how concerns should be reported and the process that will be followed after a concern is raised. It should be read alongside the nursery safeguarding and child protection policy, staff code of conduct, complaints policy and disciplinary procedures.

The Early Years Foundation Stage (EYFS) requires providers to have appropriate whistleblowing procedures, ensure staff know how to use them, and ensure staff feel able to raise concerns about poor or unsafe safeguarding practice. The nursery will support an open culture in which concerns can be raised without fear of victimisation.

Legal and statutory framework

This policy has been reviewed with reference to:

- Employment Rights Act 1996, as amended by the Public Interest Disclosure Act 1998 and subsequent legislation.
- Statutory framework for the Early Years Foundation Stage (EYFS) for group and school-based providers.
- Working Together to Safeguard Children 2026.
- Prevent duty guidance for England and Wales, where relevant.
- Ofsted guidance on complaints, safeguarding notifications and significant events.
- Essex local safeguarding and Local Authority Designated Officer (LADO) procedures.

Keeping Children Safe in Education is statutory for schools and colleges. It is not the primary statutory safeguarding framework for a standalone early years nursery, although relevant parts may be used as supplementary good-practice guidance.

What whistleblowing means

Whistleblowing is the raising of a concern about wrongdoing, malpractice, unsafe practice or a failure that affects the public interest. In an early years setting this includes concerns that children may be at risk, safeguarding procedures are not being followed, poor practice is being ignored, records are being falsified, or legal duties are not being met.

A worker may have legal protection when they make a qualifying disclosure in the public interest and reasonably believe that one or more of the following has occurred, is occurring, or is likely to occur:

- a criminal offence;
- a failure to comply with a legal obligation;
- a miscarriage of justice;
- danger to the health or safety of any individual;
- damage to the environment; or
- deliberate concealment of information about any of the above.

A person raising a concern does not need to prove the wrongdoing. They should have an honest and reasonable belief in the information they are reporting. Concerns about individual employment grievances that are not in the public interest should normally be raised through the nursery grievance procedure instead.

Safeguarding concerns and allegations about adults

Any concern that an adult who works with, volunteers with, or has access to children may have harmed a child, may pose a risk of harm, may have committed a criminal offence against or related to a child, or may be unsuitable to work with children must be treated as a safeguarding concern and acted on promptly.

The Essex LADO should be contacted within 24 hours where the criteria for an allegation or suitability concern are met. The LADO provides advice and oversight about concerns and allegations relating to people who work or volunteer with children.

If there is an immediate risk of harm, the nursery will contact Essex Children's Social Care and/or the police without delay. The need to protect a child takes priority over internal procedures.

How to raise a concern

1. Raise the concern as soon as possible with the Nursery Manager or Assistant Manager. Concerns may be raised verbally or in writing. Staff should give as much factual information as they can, including dates, times, people involved and any immediate risk to a child.
2. If the concern is about the Manager, or the member of staff does not feel able to report to the Manager, the concern should be raised with the registered provider/nominated individual or another senior person who is not implicated – Mrs Moore – Assistant Manager, Mrs Nicholls – Third in Charge, Miss Jenni Taylor – DDSL.
3. If the concern involves the registered provider/nominated individual, or the person raising the concern believes the matter is not being addressed appropriately, they should use an external route without delay, such as the LADO, Essex Children's Social Care, Ofsted or the NSPCC whistleblowing advice line.
4. Where an agency worker is involved, the nursery will inform the agency as appropriate while continuing to follow safeguarding and LADO procedures. Agency involvement does not replace the nursery's duty to safeguard children or make required referrals/notifications.

What happens after a concern is raised

1. The concern will be recorded promptly, including the date, the person raising it, the nature of the concern, immediate safeguarding action and the person responsible for follow-up.

2. The person receiving the concern will assess whether any child is at immediate risk and will make immediate referrals to children's social care and/or the police where required.
3. Where the concern relates to an adult working or volunteering with children and meets the relevant criteria, the LADO will be contacted within 24 hours and the nursery will follow the advice given. The nursery will not carry out an internal investigation that could compromise a safeguarding or criminal investigation.
4. The nursery may carry out limited initial fact-finding only where necessary to clarify the information and decide the correct safeguarding response. This is not a substitute for a LADO, social care or police investigation.
5. The concern will be reviewed by senior leadership and appropriate action will be taken. The person who raised the concern may be told that action has been taken, but confidential information about other individuals or formal proceedings will not normally be shared.
6. A record will be kept of the concern, decisions, referrals, advice received, action taken and outcome in accordance with safeguarding, data protection and record-retention requirements.

Ofsted notification requirements

Registered early years providers must make required notifications to Ofsted as soon as reasonably practicable and, where the EYFS specifies a 14-day deadline, no later than 14 days. The nursery will use the current Ofsted notification process and retain evidence of the notification and any follow-up action.

Allegations of harm or abuse:

- Until 31 August 2026, the EYFS requires Ofsted to be informed of allegations of serious harm or abuse by anyone living, working or looking after children at the premises, whether the alleged harm or abuse occurred on the premises or elsewhere, together with the action taken.
- From 1 September 2026, the EYFS threshold changes from allegations of "serious harm" to allegations of "harm" or abuse. The nursery will therefore notify Ofsted of any allegation of harm or abuse covered by the EYFS and of the action taken, as soon as reasonably practicable and within 14 days.

The nursery will also notify Ofsted of other significant events and changes where required by the EYFS and Ofsted guidance. Because notification requirements can depend on the circumstances, the registered provider will check the current Ofsted guidance whenever a significant incident, change or suitability concern occurs rather than relying only on a fixed list in this policy.

A referral to children's social care about a child does not automatically mean that a separate Ofsted significant-event notification is required; the registered provider will consider the EYFS and current Ofsted guidance and notify Ofsted where the legal threshold is met.

External routes for staff

A member of staff does not have to use the internal route first if a child may be at immediate risk, if the concern involves senior leaders, if they feel unable to raise the issue internally, or if they believe a genuine concern is not being addressed. Staff may contact:

- Essex Local Authority Designated Officer (LADO) for allegations or suitability concerns about adults working or volunteering with children.
- Essex Children's Social Care where there is a concern about a child's safety or welfare; in an emergency, call the police on 999.

- Ofsted to make a complaint or provide information about possible failure to meet early years regulatory requirements.
- NSPCC Whistleblowing Advice Line for independent advice about safeguarding concerns that have not been addressed appropriately.

Ofsted is not yet a prescribed person for whistleblowing in the legal sense at the date of this review; however, staff can make a complaint to Ofsted about a provider not meeting regulatory requirements. Staff seeking legal protection for a protected disclosure should consider the statutory whistleblowing rules and may wish to obtain independent advice.

Confidentiality, anonymity and protection from detriment

The nursery will treat whistleblowing concerns sensitively and will protect the identity of the person raising the concern as far as reasonably possible. Absolute confidentiality cannot be guaranteed because information may need to be shared with the LADO, children's social care, police, Ofsted, legal advisers or others who have a lawful safeguarding or regulatory role.

No member of staff will be subjected to victimisation, bullying, harassment or other detriment for raising a genuine concern or making a protected disclosure in accordance with the law. Any retaliation or attempt to prevent a person from raising a safeguarding concern may be treated as a disciplinary matter.

Anonymous concerns will be considered, although anonymity can make it harder to investigate or obtain further information. Staff are encouraged to identify themselves where they feel able to do so.

Malicious or knowingly false allegations

A concern that is raised honestly but is not substantiated will not result in disciplinary action against the person who raised it. Deliberately making a knowingly false or malicious allegation may be dealt with under the nursery's disciplinary procedures. This does not apply merely because a concern is mistaken or cannot be proven.

Training and staff awareness

Whistleblowing procedures will be covered during induction and safeguarding training. Staff will be reminded regularly how to raise concerns, who they can approach if a senior leader is involved, and which external routes are available. Leaders will promote a culture in which professional challenge is welcomed and staff understand that safeguarding concerns will be taken seriously.

Contact information

Local Authority Designated Officer (LADO)

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

Essex Children's Social Care

Children and Families Hub / consultation: 0345 603 7627 Out of hours emergency duty team: 0345 606 1212

Ofsted

Phone: 0300 123 1231 General email: enquiries@ofsted.gov.uk

Use the current GOV.UK Ofsted complaints/notification service when reporting regulatory concerns or notifiable events.

NSPCC Whistleblowing Advice Line

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

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

Policy review

This policy will be reviewed annually and sooner if the EYFS, Ofsted requirements, whistleblowing law, Working Together to Safeguard Children or local Essex safeguarding procedures change. The registered provider is responsible for ensuring staff are informed of any material change.