

Whistleblowing

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Intention

The purpose of this policy is to provide a framework that enables all staff members, volunteers, and anyone associated with the nursery to raise concerns about wrongdoing without fear of reprisal. We understand that there may be times when staff feel reluctant to raise concerns internally, and this policy provides a guide for when and how concerns should be escalated externally. This policy is designed to support a culture of openness and accountability, where all members of the nursery community feel empowered to speak up and contribute to a safe and nurturing environment.

For information regarding how to raise safeguarding concerns internally, please review the Child Protection and Safeguarding Policy.

Acronyms

This policy uses the following acronyms:

- LADO: Local Authority Designated Officer
- NSPCC: National Society for the Prevention of Cruelty to Children
- HSE: The Health and Safety Executive
- ICO: The Information Commissioner
- HMRC: Commissioners for HM Revenue and Customs
- OFSTED: Office for Standards in Education, Children's Services and Skills

Definitions

Whistleblowing

Whistleblowing is when a worker reports certain types of wrongdoing. The wrongdoing being disclosed must be in the public interest. The specific types of wrongdoing covered by whistleblowing law are:

- A criminal offense, for example, fraud
- Situations where someone's health and safety is in danger
- Risk or actual damage to the environment
- A miscarriage of justice
- Instances where the company is breaking the law
- The belief that someone is covering up wrongdoing

It is important to note that personal grievances, such as bullying, harassment, or discrimination, are not typically covered by whistleblowing law, unless the specific case is also in the public interest.

For the wrongdoing to be relevant for whistleblowing, the worker must reasonably believe that one or more of the specific wrongdoings outlined above have occurred.

Legislative context

Legal guidelines and frameworks

- The Public Interest Disclosure Act 1998

Legal duties

The nursery will protect employees from unfair dismissal, victimisation, or any other negative consequences as a result of whistleblowing.

Before you whistleblow

Whistleblowing should be a last resort when internal processes have not resolved a concern or if the staff member reasonably believes that internal channels are unsuitable for their concern. The nursery has escalation procedures in place to ensure concerns are addressed properly before the need to raise them externally.

If you are unsatisfied with the outcome of a concern you raised

Before whistleblowing, you should first attempt to escalate the matter internally by completing an Escalation Safeguarding Form. These forms can be raised for the attention of specific individuals within the company including the setting's Senior Manager, the Nursery Directors or the Board Safeguarding Lead. These individuals serve as an additional escalation point if a concern has not been handled adequately. They can also be reached by using the contact details found on the Policy Directory.

Any concern escalated internally will initially be received only by the designated recipient on the form. While we respect the confidentiality and privacy of the person raising the concern, safeguarding information may need to be shared on a need-to-know basis if it is in the best interests of the child.

If you have concerns about a conflict of interest

If the concern involves senior staff members or requires an impartial perspective, you can escalate it to the Board Safeguarding Lead, who provides an independent review before external reporting becomes necessary. See the Policy Directory for contact details.

When is it appropriate to whistleblow?

If a concern is in the public interest and staff have first raised this internally but internal procedures have failed to resolve the issue, then external whistleblowing is an appropriate course of action.

When is it appropriate to whistleblow without raising internally first?

It is appropriate to whistleblow without reporting the concern internally first when:

1. The individual reasonably believes that reporting internally would be ineffective or unsafe
2. The individual reasonably believes that reporting internally may result in unfair treatment or retaliation

Who can raise a whistleblowing concern?

Whistleblowing procedures apply to the following individuals who are legally protected under whistleblowing legislation:

- Permanent staff
- Casual and temporary staff
- Apprentices

- Students on placements or work experience
- Board members

These procedures do not apply to parents or others who are connected to the nursery but not employed by the company. Instead, they should follow the nursery’s complaints policy to raise concerns.

How to raise a whistleblowing concern

| | |
|--------|---|
| Step 1 | Rule out raising the concern internally first |
| Step 2 | Make sure the concern relates to wrongdoing covered by whistleblowing legislation |
| Step 3 | Identify the correct organisation to whistleblow to |

How to identify the appropriate organisation to report to

Below are the most common entities for whistleblowing in a nursery setting. Contact details for these organisations can be found in the Policy Directory.

- LADO: Report safeguarding concerns about staff
- NSPCC: For concerns related to child welfare and protection
- Police: For criminal offenses or emergencies
- Ofsted: If the nursery is not meeting EYFS requirements
- HSE: For concerns about the health and safety of individuals at work, or the health and safety of the public arising out of or in connection with the activities of persons at work
- ICO: For concerns relating to data protection and to freedom of information

For a full list of organisations you can whistleblow to, and guidance on when to contact them, refer to [Whistleblowing: List of Prescribed People and Bodies](#).

Raising concerns anonymously

Individuals can raise concerns anonymously. However, if key details are missing, it may not be possible to investigate further. A major challenge with anonymous reports is that investigators may need additional information, which can be difficult to obtain without knowing who made the report.

As an alternative, individuals can report concerns confidentially. This means their identity is known to those handling the case but will be protected as much as possible. Confidential reporting allows for a more thorough investigation while still safeguarding the whistleblower’s identity.

Speaking with the press

Whistleblowing concerns should be raised through the appropriate internal or external channels outlined in this policy. Reporting concerns directly to the media is not an appropriate course of action. In most cases, whistleblowers who disclose information to the media will lose their legal protections.

Essential knowledge for staff from this policy

| Key learning | Level |
|--|-------|
| Explain when it is appropriate to whistleblow | L1 |
| Explain which organisation you should whistleblow to for concerns relating to: staff conduct, child welfare, criminal offences, EYFS compliance, health and safety and data protection (and where you can find this information) | L1 |

Monitoring and review

- Confirm the Policy Directory is displayed at the nursery and is on the website, containing the contact details for the HSE, the ICO, the LADO, the NSPCC Whistleblowing Advice Line, Ofsted and the Police

Further reading

- [Whistleblowing: List of Prescribed People and Bodies.](#)
- [Whistleblowing for employees: What is a whistleblower](#)
- [Complaints procedure - Ofsted](#)
- [What to do if you are worried about a child being abused: Advice for practitioners](#)