



## Whistleblowing Policy

Whistleblowing is the term used when a worker passes on information concerning wrongdoing. The wrongdoing will typically (although not necessarily) be something they have witnessed at work.

At Brentwood Day Nursery we expect all our staff, both internal and external, to be always professional and hold the welfare and safety of every child as their paramount objective. 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 staff members to talk through any concerns they may have with their Designated Safeguarding Lead (DSL) or Deputy Safeguarding Lead (Dep DSL) at the earliest opportunity to enable any problems to be resolved as soon as they arise.

### 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.

**An allegation may relate to a person who works with children who has:**

- Behaved in a way that may have harmed a child
- Possibly committed a criminal offence against a child
- Behaved in a way that indicates they may pose a risk of harm to children
- Behaved or may have behaved in a way that indicates they may not be suitable to work with children

### **Disclosure of information**

If, in the course of your employment, you become aware of information which you reasonably believe indicates that a child is, or may be, or is likely to be, in risk of danger and/or one or more of the following may be happening, you **MUST** use the nursery's disclosure procedure set out below:

- That a criminal offence has been committed or is being committed or is likely to be committed.
- That a person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject (e.g. EYFS, Equalities Act 2010).
- That a miscarriage of justice has occurred, is occurring, or is likely to occur.
- That the health or safety of any individual has been, is being, or is likely to be endangered.
- That the environment, has been, is being, or is likely to be damaged.
- That information tending to show any of the above, has been, is being, or is likely to be deliberately concealed.

### **Disclosure procedure**

- If this information relates to child protection and safeguarding then the nursery's Safeguarding children and child protection policy should be followed, with particular reference to the staff and volunteering section.
- Where you reasonably believe one or more of the above circumstances listed above has occurred, you should promptly disclose this to your DSL or Dep DSL so that any appropriate action can be taken. If it is inappropriate to make such a disclosure to your DSL or Dep DSL (i.e. because it relates to your DSL and/or Dep DSL) you should speak to the other qualified Lead Safeguarding members of staff. If you are not satisfied with how it is dealt with, you **MUST** contact the Local Authority Designated Officer (LADO) and report within 24 hours.
- Employees will suffer no detriment of any sort for making such a disclosure in accordance with this procedure. For further guidance in the use of the disclosure procedure, employees should speak in confidence to the nursery manager/owner.
- Any disclosure or concerns raised will be treated seriously and will be dealt with in a consistent and confidential manner and will be followed through in a detailed and thorough manner. The DSL and/or Dep DSL **MUST** report any allegations of this nature to LADO within 24 hours. We will follow the guidance provided.
- 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 can 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.
- The telephone numbers of the Local Authority Designated Officer (LADO), the local authority children’s social care team and Ofsted are all displayed on the notice board in the entrance area to the nursery so all staff may contact them if they cannot talk to anyone internally about the issues or concerns observed.

This policy was adopted on	Signed on behalf of the nursery	Date for review
27.2.24	<i>RL Austin</i>	27.2.25