

Oyster Bay Nursery

Whistleblowing Policy

Date written: October 2026

Date of last update: October 2026

Date agreed and ratified by October 2026

Date of next full review: September 2027

This policy will be reviewed at least annually and/or following any lessons learnt and/or updates to national or local guidance and procedures.

Designated Safeguarding Lead (DSL)	Debra Hines
Deputy Designated Safeguarding Lead(s)	Grace Sidders Rachel Finch
Nominated Individual	Debra Hines
Nursery Manager	Grace Sidders
Chair of Governors	Nikki Mattin

1. Policy Statement

Oyster Bay Nursery is committed to maintaining the highest standards of safeguarding, integrity, accountability and professional conduct. We recognise the importance of ensuring that employees and others working with or on behalf of the Nursery can raise serious concerns about wrongdoing, unsafe practices or failures without fear of retaliation.

Whistleblowing is the raising of a concern about a danger, risk, malpractice or wrongdoing that affects others, the public interest or the safe and effective operation of the Nursery.

We encourage individuals to raise concerns as early as possible so that they can be considered and addressed appropriately. We will take all concerns seriously, make appropriate enquiries, investigate where necessary and refer matters to external agencies when required.

The Nursery will take reasonable steps to protect individuals who raise genuine concerns from victimisation, harassment or other detrimental treatment. Concerns will be handled sensitively, and confidentiality will be respected as far as possible.

This policy explains:

- What types of concerns can be raised.
- How to report a concern internally or externally.
- How the Nursery will respond and investigate.
- The protection and support available to people who raise concerns.
- How confidentiality, anonymous disclosures and records will be managed.

The Nursery will comply with applicable whistleblowing legislation, including the Public Interest Disclosure Act 1998 and relevant provisions of the Employment Rights Act 1996, as amended.

2. Scope

This policy applies to anyone working for, volunteering at or providing services to Mama Bear Nursery, including:

- Employees and managers.
- Agency and temporary workers.
- Students and trainees.

- Volunteers.
- Contractors and self-employed workers.
- Other individuals working on behalf of the Nursery.

For the purposes of this policy, these individuals are referred to as *workers* or *individuals raising a concern*, as appropriate.

This policy covers concerns about the conduct or practices of anyone working for or on behalf of Oyster Bear Nursery, including the Nominated Individual, Nursery Manager, employees, volunteers and contractors.

2.1 What is whistleblowing?

Whistleblowing involves raising a concern that the individual reasonably believes is in the public interest. It is different from a personal grievance about an individual's own employment, although some situations may involve both.

Concerns that may be raised under this policy include, but are not limited to:

- Actual or suspected abuse, neglect or harm to a child.
- Unsafe childcare practices or failures to safeguard children.
- Conduct that may constitute a criminal offence or breach of the law.
- Failure to meet statutory or regulatory requirements.
- Fraud, bribery, corruption, theft or misuse of funds or resources.
- Health and safety risks to children, staff, families or visitors.
- Serious professional misconduct or unethical practices.
- Discrimination, harassment or abuse of authority that affects others or raises a wider public-interest concern.
- Deliberate concealment of information relating to any of the above.
- Failure to comply with relevant safeguarding duties.
- Serious failures in the delivery, management or oversight of the Nursery's services.

A person does not need to prove that wrongdoing has occurred before raising a concern. They should have a reasonable basis for their concern and provide as much relevant information as they can.

2.2 Matters normally dealt with under other policies

A concern that relates solely to an individual's own employment, such as a personal disagreement, pay issue or employment grievance, will normally be addressed through the Nursery's Grievance Policy or other relevant employment procedure.

A concern may nevertheless fall within this whistleblowing policy if it also indicates wider wrongdoing, a risk to children or another matter in the public interest.

Safeguarding concerns must be acted upon immediately in accordance with the Nursery's Safeguarding and Child Protection Policy. Staff must not delay reporting a safeguarding concern while deciding which policy applies.

3. Responsibilities of Oyster Bay Nursery

The Nominated Individual and Nursery Manager are responsible for promoting a culture in which people feel able to speak up.

The Nursery will:

- Make this policy accessible to staff and relevant individuals.
- Ensure that concerns are considered promptly, fairly and objectively.
- Take appropriate steps to protect children and others from harm.
- Arrange an investigation or external referral where appropriate.
- Protect individuals from retaliation for raising a genuine concern.
- Maintain confidentiality as far as reasonably possible and lawful.
- Provide feedback to the person raising the concern where appropriate.
- Explain what further options may be available if the individual remains concerned.
- Keep accurate and secure records of concerns and actions taken.
- Review the effectiveness of whistleblowing arrangements.

4. Responsibilities of Individuals Raising Concerns

Individuals are encouraged to:

- Raise concerns honestly and as soon as reasonably possible.
- Explain the reasons for their concern and provide relevant information where available.
- Distinguish, where possible, between what they have directly observed and what they have been told or suspect.
- Preserve relevant information and avoid interfering with evidence.

- Cooperate reasonably with any investigation.
- Maintain confidentiality and avoid discussing the matter unnecessarily with people who are not involved.

Individuals are not expected to investigate concerns themselves or prove that wrongdoing has occurred.

Knowingly making a deliberately false allegation may lead to appropriate action. However, no individual will be penalised simply because a concern raised honestly and on reasonable grounds is not substantiated.

5. Protection from Victimisation and Retaliation

Oyster Bay Nursery will not tolerate retaliation against anyone who raises a concern in accordance with this policy or makes a protected disclosure under applicable law.

Retaliation may include:

- Bullying, intimidation or harassment.
- Threats or hostile treatment.
- Unfair changes to duties or working arrangements.
- Deliberate exclusion from work activities.
- Unfair treatment in relation to training, promotion or employment.
- Dismissal or other detrimental treatment because a concern was raised.

Any individual who believes they have experienced retaliation should report this to the Nominated Individual or, where appropriate, the alternative contact identified in this policy.

Allegations of retaliation will be considered seriously and may be investigated under the Nursery's disciplinary or other relevant procedures.

The Nursery recognises that legal whistleblowing protection depends on the circumstances and applicable law. Individuals who raise concerns in good faith or on reasonable grounds will be treated fairly, and an unsubstantiated concern will not, by itself, lead to disciplinary action.

6. Confidentiality and Anonymous Concerns

The Nursery encourages individuals to raise concerns openly wherever possible because this can make it easier to clarify information and provide support.

However, an individual may ask for their identity to be kept confidential. The Nursery will take reasonable steps to protect their identity and will only share it where there is a lawful and necessary reason to do so.

In some circumstances, confidentiality may not be possible, for example where disclosure is required for a fair investigation, a legal obligation or an external investigation. Where practicable and lawful, the individual will be informed before their identity is disclosed.

Anonymous concerns will be considered according to the seriousness of the allegations, the information available, the potential risk to children or others, and whether the concern can reasonably be investigated.

A person raising an anonymous concern should provide as much factual information as possible, including relevant dates, locations, individuals involved and any supporting evidence.

The Nursery will not disregard an anonymous concern merely because the person has not identified themselves.

Whistleblowing Procedure

7. How to Raise a Concern

7.1 Initial reporting

Where appropriate, individuals should raise concerns with their line manager or the Nursery Manager in the first instance.

Concerns may be raised verbally or in writing. A written concern should include, where possible:

- A description of the concern.
- What happened, or what the individual believes may happen.
- Relevant dates, times and locations.
- The names or roles of individuals involved, if known.
- Any evidence or witnesses that may help establish the facts.
- Why the individual believes the matter is serious.
- Whether the individual wishes their identity to remain confidential.
- Whether there is an immediate risk to a child or another person.

Individuals may make clear that they wish their concern to be dealt with under the Whistleblowing Policy.

If the concern relates to an immediate risk to a child or another person, the individual must take urgent action through the relevant safeguarding or emergency procedure rather than waiting for a response under this policy.

7.2 If the concern involves the Nursery Manager

If the concern relates to the Nursery Manager, the individual should report it directly to the Nominated Individual or another appropriate senior person who is not implicated in the concern.

7.3 If the concern involves the Nominated Individual

If the concern relates to the Nominated Individual, or if the individual reasonably believes that internal reporting would be inappropriate or ineffective, they should raise the matter with the Chair of Governors.

7.4 If the concern involves the person normally responsible for receiving disclosures

If the individual believes that the normal reporting route may compromise the investigation or place them or others at risk, they should use an alternative internal contact or report the concern directly to the hair of Governors.

Individuals do not have to report a concern internally before making a protected disclosure externally where the law permits this.

8. How the Nursery Will Respond

The person receiving the concern will ensure that it is passed promptly to an appropriate person for consideration. Anyone who has a conflict of interest or is implicated in the concern must not lead the investigation.

The Nursery may make preliminary enquiries to determine the appropriate response. This may include speaking with the person raising the concern, reviewing relevant records or seeking professional advice.

Depending on the circumstances, the response may include:

- Immediate action to protect a child or another person.
- An internal management investigation.
- A formal disciplinary investigation.
- A safeguarding referral to the local authority or relevant safeguarding service.
- A referral to Ofsted or another regulatory body.

- A referral to the police where criminal conduct is suspected.
- Advice from an appropriate external specialist or legal adviser.
- Another proportionate action to address the concern.

Some matters may be resolved through an appropriate management action without a formal investigation. However, safeguarding concerns and allegations of serious wrongdoing will be escalated in accordance with the relevant procedures and legal requirements.

The Nursery will not allow an internal investigation to delay necessary protective action or a required external referral.

An employee is not expected to prove the validity of their concern, however they will need to demonstrate there are sufficient and reasonable grounds for their complaint.

9. Acknowledgement and Updates

Where the individual has provided contact details, the person handling the concern will aim to acknowledge receipt within **10 working days**.

The acknowledgement will normally:

- Confirm that the concern has been received.
- Explain who will consider the matter.
- Outline the proposed next steps, where possible.
- Indicate whether further information may be required.
- Provide an estimated timescale for an update, where practicable.

The timescale is a target rather than a reason to delay urgent safeguarding action.

The person handling the concern will provide reasonable updates where possible, particularly if the investigation is prolonged or an external agency is involved.

If the concern is anonymous, the Nursery may be unable to acknowledge receipt or provide updates.

On occasion the person considering the complaint may determine that it is not appropriate for further action to be taken. This may include where:

- There is no evidence that malpractice has occurred
- The matter is/ has been the subject of internal proceedings under another nursery policy
- The matter is/ has been the subject of externa; legal proceedings/ been referred to another external agency

- A false and malicious or vexatious complaint has been made

10. Investigation and Outcome

The Nursery will ensure that concerns are investigated impartially and proportionately, taking account of the nature and seriousness of the allegations.

The investigation may involve reviewing documents, speaking with relevant individuals, obtaining professional advice and making referrals to external organisations.

The person raising the concern may be asked to provide further information or attend a meeting. They may be accompanied by a trade union representative or workplace colleague where appropriate.

The investigator will keep a record of the enquiries made, evidence considered, conclusions reached and any actions taken.

Once the matter has been considered, the Nursery will decide what further action is necessary. This may include changes to procedures, staff training, safeguarding action, disciplinary action or referral to an external authority.

The individual who raised the concern will be informed of the outcome as far as reasonably possible and lawful.

The Nursery may be unable to disclose confidential details about another individual, employment action, safeguarding information or an ongoing police or regulatory investigation. Where detailed feedback cannot be provided, the individual will be told, where appropriate, that the matter has been considered or referred for further action.

If the Nursery decides not to take further action, it will record the reasons for that decision and explain the position to the individual where contact details are available.

11. how the matter may be taken further

This procedure is intended to provide employees with a mechanism to raise concerns internally and Oyster Bay Nursery encourages appropriate internal reporting where this is safe and suitable.

Should this process be exhausted and the employee feels that matters have not been fully/ appropriately addressed or that concerns are ongoing they may wish to raise the matter outside of the nursery setting.

Depending on the circumstances, relevant organisations may include:

- **Ofsted** — for concerns about childcare provision, safeguarding failures or regulatory non-compliance.
- **Local authority children's social care or safeguarding services** — for concerns about a child's safety or welfare.

- **The police** — where a crime is suspected or there is an immediate risk of harm.
- **The NSPCC Whistleblowing Advice Line** — for advice about safeguarding concerns involving children.

An employee who intends to raise a concern externally is encouraged to consider carefully whether this is the most appropriate form of action to resolve the issue and whether all reasonable internal steps have been taken.

If a matter is raised outside of the nursery, an employee should take all reasonable steps to ensure that confidential or privileged information is not disclosed.

Individuals should use the appropriate current official reporting route and consider whether the organisation is authorised to receive the type of disclosure they wish to make.

For immediate danger or an emergency, call **999**. For non-emergency police matters, use the appropriate non-emergency reporting route.

Individuals who are unsure about their options may seek independent advice from a trade union, professional association or a suitable legal adviser.

Nothing in this policy prevents an individual from making a disclosure protected by law or reporting a safeguarding concern to an appropriate external authority.

12. Support for Individuals Raising Concerns

The Nursery recognises that raising a concern can be stressful.

Where reasonably possible, support may include:

- Meetings in a suitable and confidential setting.
- Access to an appropriate manager who is not involved in the concern.
- Reasonable updates about the handling of the concern.
- Permission to be accompanied at relevant meetings by a trade union representative or workplace colleague, where appropriate.
- Signposting to a trade union, professional association or independent advice service.

The Nursery will consider any reported impact on the individual's wellbeing and take reasonable steps to prevent or address retaliation.

13. Other Employment Procedures

Raising a whistleblowing concern does not automatically suspend other employment procedures, such as those relating to attendance, conduct, performance or redundancy.

However, where a whistleblowing concern overlaps with another procedure, the Nursery will consider the circumstances carefully to ensure that processes are fair and that the concern is not used as a reason to disadvantage the individual.

Where appropriate, the Nursery may adjust the timing or arrangements of another process to protect the integrity of an investigation or comply with legal obligations.

14. Record Keeping and Data Protection

The Nursery will maintain a secure record of whistleblowing concerns and the actions taken.

Records may include:

- The date and nature of the concern.
- The identity of the person raising it, where known and lawfully recorded.
- Any request for confidentiality.
- The initial assessment and any immediate protective action.
- Investigation notes and relevant evidence.
- Referrals made to external agencies.
- The outcome and reasons for decisions.
- Any follow-up action or changes to Nursery practice.

Records will be held securely, with access restricted to authorised individuals. Personal information will be processed in accordance with the Data Protection Act 2018, UK GDPR and the Nursery's Data Protection and Privacy Policy.

Information will only be shared where necessary and lawful, including where required to safeguard children, investigate wrongdoing or meet a legal obligation.

Where the Nominated Individual or Nursery Manager reviews whistleblowing trends, any report will avoid identifying individuals wherever reasonably possible.

15. Monitoring and Review

The Nominated Individual will oversee the operation of this policy and review its effectiveness at least annually.

The review may consider:

- The number and nature of concerns raised.
- The actions taken and outcomes.
- Whether concerns were handled promptly and fairly.
- Any reported retaliation or confidentiality concerns.
- Staff awareness and confidence in the reporting arrangements.
- Lessons learned and improvements required.

The Nursery will use this information to strengthen safeguarding, staff support and professional practice.

This policy will also be reviewed following relevant changes in legislation, statutory guidance or Nursery procedures.