



National Day Nurseries Association

★Brighter thinking  
for early years

# Factsheet

65 percent  
whistleblowers

## Whistleblowing Safeguarding Concerns

England

# Whistleblowing Safeguarding Concerns

## What is whistleblowing?

Whistleblowing is the term used when a worker passes on information concerning wrongdoing.

Whistleblowing procedures ensure that workers feel able to raise concerns and also feel protected so that they are confident to be able to make a disclosure. There is a legal framework which underpins whistleblowing to clarify what concerns count towards a whistleblowing disclosure and to protect those who make such a disclosure.

## 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.

## Whistleblowers

A whistleblower will need to meet the following rules in order to make a protected disclosure:

- Believe the concern to be substantially true
- Not act maliciously or make false allegations
- Not seek any personal gain.

When a whistleblower makes such a protected disclosure, then the following will apply:

- They will be protected by law and therefore they should not be treated unfairly or lose their job because they 'blew the whistle'
- They do not need to have proof that such an act is being, has been, or is likely to be, committed; a reasonable belief is sufficient.

If the whistleblower's information relates to child protection and safeguarding then the nursery's Safeguarding Children and Child Protection Policy should be followed (see the NDNA template version [here](#)).

## Serious case reviews

Due to the number of serious case reviews related to the safeguarding of babies and young children in early years settings, led to the Department for Education strengthening the statutory requirements for practitioners to ensure that each setting builds a strong safeguarding culture, with staff who feel confident to recognise when others are failing to safeguard children and take appropriate and timely action to raise concerns.

### EYFS Statutory Framework

The Early Years Foundation Stage statutory framework states:

- Providers must put appropriate whistleblowing procedures in place for staff to raise concerns about poor or unsafe practice in the setting's safeguarding provision. This must include when and how to report concerns and the process that will be followed after staff report concerns
- Providers must ensure staff are aware of the setting's whistleblowing procedures and must ensure all staff feel able to raise concerns about poor or unsafe practice and know that such concerns will be taken seriously by the senior leadership team
- Where a staff member feels unable to raise an issue with their employer, or feels that their genuine concerns are not being addressed, other channels are open to them:
  - NSPCC whistleblowing advice line is available. Staff can call 0800 0280285 – 8am to 8pm, Monday to Friday and 9am to 6pm at weekends. The email address is: [help@nspcc.org.uk](mailto:help@nspcc.org.uk). Alternatively, staff can write to: National Society for the Prevention of Cruelty to Children (NSPCC), Weston House, 42 Curtain Road, London EC2A 3NH
  - Ofsted provides guidance on how to make complaints about a childcare provider: Complaints procedure - Ofsted - GOV.UK ([www.gov.uk](http://www.gov.uk))
  - General guidance on whistleblowing can be found via: Whistleblowing for employees <https://www.gov.uk/whistleblowing>

However, there is a concern that despite robust policies, whistleblowing is often seen to be a challenging area of practice. Settings need assess whether their current whistleblowing culture is genuinely effective.

The NSPCC identifies that there are often barriers for practitioners and other early years professionals when reporting suspected abuse and neglect.

## Key barriers to whistleblowing safeguarding concerns

An NSPCC report in 2024 identified that “some professionals were not always confident that their concerns were ‘serious enough’ or that they knew enough detail to share with others”. In other cases, the report found that, while an appropriate concern had been raised, the procedures had not been followed effectively, either by internal or external professionals, leading to a lack of adequate response and action so that children continued to be at risk of harm (NSPCC, 2024, [Barriers for professionals to reporting abuse and neglect](#), London: NSPCC).

Other key barriers to staff failing to make whistleblowing disclosures include:

- **Lack of basic safeguarding knowledge** and failure to recognise poor practice when observed
- **Lack of confidence** to ‘blow the whistle’, such as through concerns about loyalty and alienation from team members and/or management, particularly if bringing attention to inadequacies in organisational procedures, and anxiety about not being taken seriously
- **Uncertainty about who to contact**, particularly when concerns relate to senior staff such as a manager or the designated safeguarding lead
- **Normalisation of poor practice** - when low standards go unchallenged over time, they can become the accepted norm
- **Concern that speaking out** could put the child at further risk or could compromise their own safety.

Raising concerns can feel overwhelmingly emotional and complex and if the culture of the setting is one of silence or misplaced loyalties, then this will discourage practitioners from coming forward, even when they recognise issues or have concerns about children’s welfare.

## Actions to reduce barriers to whistleblowing safeguarding concerns

In order to establish a genuine and robust culture of safety in early years, it needs to begin with trust and psychological security. Staff must feel confident that when they raise concerns, they will be heard, supported and never subjected to judgement or reprisal. Speaking up should not be perceived as an act of assigning blame, but rather as an expression of shared responsibility.

Through open and honest conversations, in staff meetings, after concerns have been raised, through staff training using example scenarios, senior leaders can emphasise to staff that speaking out is welcome and vital to secure the safety and well-being of the children in their care. This will help to foster a culture in which the welfare of children is paramount and where practitioners are encouraged and supported to speak up when something doesn’t ‘feel’ right. In the absence of transparent communication, poor practice can become entrenched and crucial opportunities to safeguard children and colleagues alike may be lost.

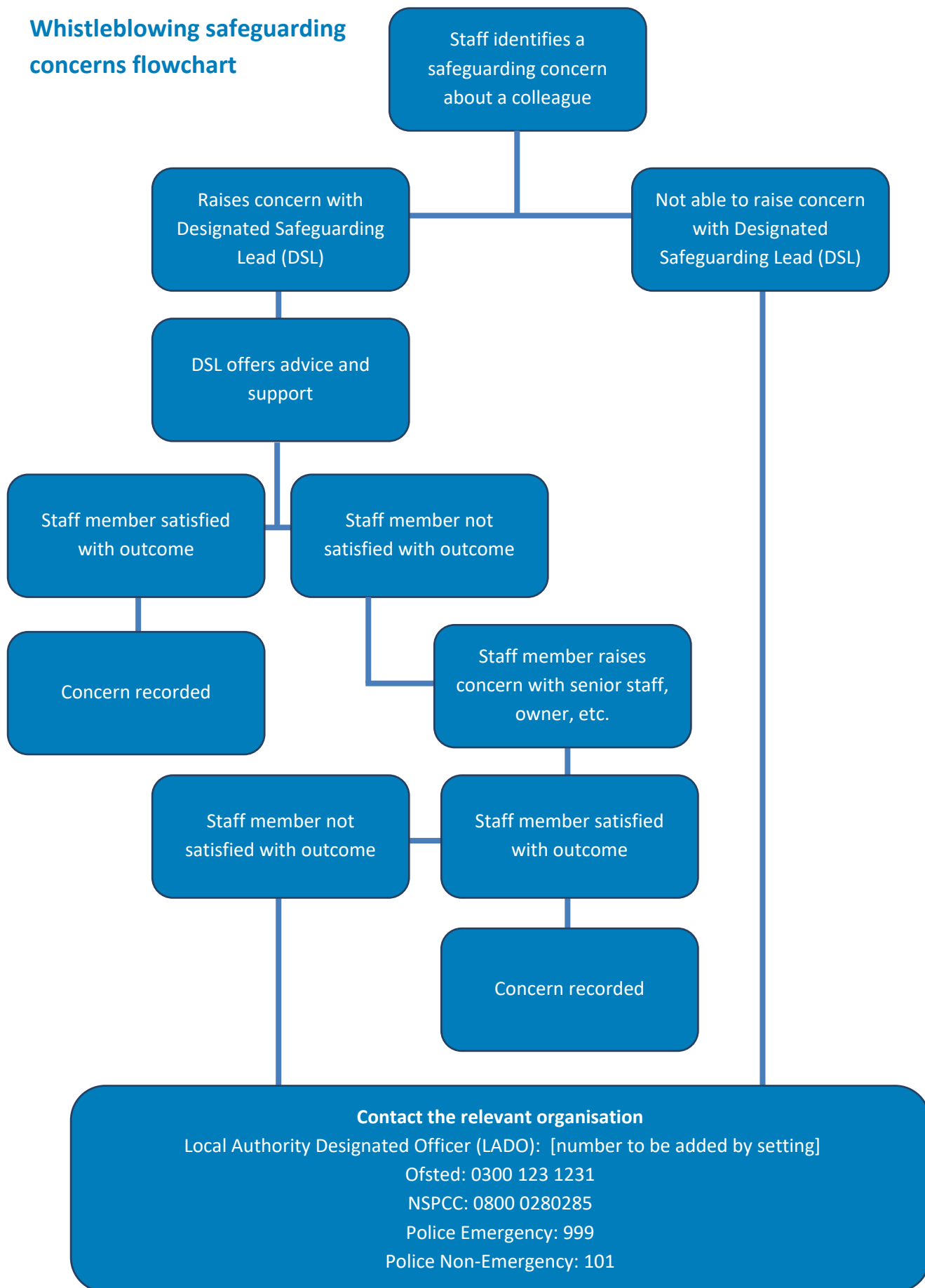
Managers and leaders have a pivotal role to play in cultivating this environment, by taking proactive steps to encourage teams to raise concerns. Proactive measures are essential — from encouraging

open dialogue and demonstrating supportive leadership, to implementing practical systems that translate policy into practice.

Safeguarding is everyone's responsibility. Silence should never be an easy option in the early years, for the safety and well-being of every child depends on the vigilance, integrity and courage of those entrusted with their care.

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## Whistleblowing safeguarding concerns flowchart





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# Factsheet

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