



## EDUCATION MY LIFE MATTERS

### Whistleblowing Policy

Approved by:	Independent Executive Board	Date: 24.02.20245
Last reviewed on:	Autumn 2024	
Next review due by:	Autumn 2026	

## Introduction

Education My Life Matters (EMLM) is committed to conducting its business with honesty and integrity and expects all staff to maintain high standards in accordance with their contractual obligations and ELM's policies and procedures. EMLM will treat whistleblowing as a serious matter. In line with EMLM's commitment to openness, probity and accountability, members of staff are encouraged to report concerns which will be taken seriously, investigated and appropriate action taken in response.

Whistleblowing is the term used when someone who works in or for an organisation wishes to raise concerns about malpractice, wrongdoing, illegality or risk in the organisation (for example, crimes, civil offences, miscarriages of justice, dangers to health and safety), and/or the cover up of any of these. The malpractice has a public interest aspect to it, usually because it threatens others. It applies to raising a concern within the organisation as well as externally, such as to a regulator.

## Aims and Scope of the Policy

This policy aims to:

- Give confidence to members of staff about raising concerns about conduct or practice which is potentially illegal, corrupt, improper, unsafe or unethical or which amounts to malpractice or is inconsistent with school standards and policies so that s/he is encouraged to act on those concerns
- Provide clear channels for raising concerns
- Ensure that members of staff receive a response to the concerns they have raised and feedback on any action taken
- Offer assurance that members of staff are protected from reprisals or victimisation for whistleblowing action undertaken in good faith and within the meaning of the Public Interest Disclosure Act (PIDA) 1998 (see section 4 below)

The Policy applies to all:

- Staff (including trainees and apprentices)
- Workers (not directly employed by the School) i.e. supply, agency and casual workers
- Volunteers
- Contractors
- Suppliers
- Organisations working in partnership with the School

This policy does not form part of any employee's contract of employment and may be amended at any time.

## Legislation

This policy has been written in line with the above document, as well as [government guidance on whistle-blowing](#). We also take into account the [Public Interest Disclosure Act 1998](#).

## Definition of Whistleblowing

Whistleblowing is when someone raises a concern about a dangerous or illegal activity or any wrongdoing within their organisation. Raising a concern is known as “blowing the whistle” and is a vital process for identifying risks to people's safety.

Whistleblowing is anything which is a systematic issue and is outside the perimeter of safeguarding. It can be anything which is fraudulent or illegal and will cause reputational damage to the School. Whistle-blowing covers concerns made that report wrongdoing that is “in the public interest”. Examples of whistle-blowing include (but are not limited to):

- Criminal offences, such as fraud or corruption
- Pupils' or staff health and safety being put in danger
- Failure to comply with a legal obligation or statutory requirement
- Breaches of financial management procedures
- Attempts to cover up the above, or any other wrongdoing in the public interest
- Damage to the environment

A whistle-blower is a person who raises a genuine concern relating to the above.

Not all concerns count as whistle-blowing. For example, personal staff grievances such as bullying or harassment do not usually count as whistle-blowing. If something affects a staff member as an individual, or relates to an individual employment contract, this is likely a grievance.

When staff have a concern they should consider whether it would be better to follow our staff grievance or complaints procedures.

Protect (formerly Public Concern at Work) has:

- [Further guidance](#) on the difference between a whistle-blowing concern and a grievance that staff may find useful if unsure
- A free and confidential [advice line](#)

## When to raise a concern

Staff should consider the above when deciding whether their concern is of a whistle-blowing nature. Consider whether the incident(s) was illegal, breached statutory or school procedures, put people in danger or was an attempt to cover any such activity up.

## Who to report to

School-based staff should report their concern to the Head of School, Ms Winsome Fletcher. If the concern is about the Head of School, or it is believed they may be involved in the wrongdoing in some way, the staff member should report their concern to the Proprietor, Mr Ervin Hall.

If the concern is about the Proprietor, or it is believed they may be involved in the wrongdoing in some way, then staff should report the concern to the Chair of the Independent Board, Eyvonne Browne.

## How to raise the concern

Concerns should be made in writing wherever possible. They should include names of those committing wrongdoing, dates, places and as much evidence and context as possible. Staff raising a concern should also include details of any personal interest in the matter.

### **Investigating the concern:**

When a concern is received by the Head of School – referred to from here as the 'recipient' – he/she will:

- Meet with the person raising the concern within a reasonable time. The person raising the concern may be joined by a trade union or professional association representative
- Get as much detail as possible about the concern at this meeting, and record the information. If it becomes apparent the concern is not of a whistle-blowing nature, the recipient should handle the concern in line with the appropriate policy/procedure
- Reiterate, at this meeting, that they are protected from any unfair treatment or risk of dismissal as a result of raising the concern. If the concern is found to be malicious or vexatious, disciplinary action may be taken (see section below)
- Establish whether there is sufficient cause for concern to warrant further investigation. If there is:
  - The recipient should then arrange a further investigation into the matter, involving the proprietor if appropriate. In some cases, they may need to bring in an external, independent body to investigate. In others, they may need to report the matter to the police
  - The person who raised the concern should be informed of how the matter is being investigated and an estimated timeframe for when they will be informed of the next steps

### **Outcome of the investigation**

Once the investigation – whether this was just the initial investigation of the concern, or whether further investigation was needed – is complete, the investigating person(s) will prepare a report detailing the findings and confirming whether or not any wrongdoing has occurred. The report will include any recommendations and details on how the matter can be rectified and whether or not a referral is required to an external organisation, such as the local authority or police.

They will inform the person who raised the concern of the outcome of the investigation, though certain details may need to be restricted due to confidentiality.

Beyond the immediate actions, the Head of School, senior leaders, if necessary, will review the relevant policies and procedures to prevent future occurrences of the same wrongdoing.

Whilst we cannot always guarantee the outcome sought, we will try to deal with concerns fairly and in an appropriate way.

### **Malicious or vexatious allegations**

Staff are encouraged to raise concerns when they believe there to potentially be an issue. If an allegation is made in good faith, but the investigation finds no wrongdoing, there will be no disciplinary action against the member of staff who raised the concern.

If, however, an allegation is shown to be deliberately invented or malicious, the Proprietor will consider whether any disciplinary action is appropriate against the person making the allegation.

### **Escalating concerns beyond EMLM**

EMLM encourages staff to raise their concerns internally but recognises that staff may feel the need to report concerns to an external body. A list of prescribed bodies to whom staff can raise concerns with is included [here](#).

The Protect advice line, can also help staff when deciding whether to raise the concern to an external party.

**This policy will be reviewed every two years.**

**This policy must be read in conjunction with all our policies but in particular in relation to Child Protection, Staff Grievance and Complaints policy.**