



Whistleblowing Policy

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Introduction

Education My Life Matters (EMLM) is committed to conducting its activities with honesty, integrity, openness and accountability. We expect all staff and those working on behalf of the school to maintain high standards of conduct and to act in accordance with EMLM's policies, procedures and professional responsibilities.

EMLM encourages a culture in which staff feel able to raise genuine concerns about wrongdoing, unsafe practice or failures within the school without fear of unfair treatment or detriment.

Whistleblowing is the term used when a worker raises information about wrongdoing that they reasonably believe is in the public interest. This may include concerns about unlawful conduct, safeguarding failures, health and safety risks, financial malpractice, failure to meet legal obligations, or attempts to conceal wrongdoing.

EMLM will take whistleblowing concerns seriously. Concerns will be considered appropriately and, where necessary, investigated or referred to the relevant external agency.

No worker should suffer dismissal, disadvantage or other detriment because they have made a protected disclosure in accordance with the law.

This policy should be read alongside EMLM's Child Protection and Safeguarding Policy, Staff Code of Conduct, Low-Level Concerns procedures, Grievance Policy and Complaints Policy.

Aims and Scope of the Policy

This policy aims to:

- encourage individuals to raise genuine concerns about suspected wrongdoing or unsafe practice as soon as possible;
- provide clear and accessible routes for raising concerns;
- ensure concerns are considered seriously, fairly and appropriately;
- ensure that individuals raising concerns receive appropriate information about how their concern will be handled;
- protect workers from unfair treatment or detriment where they make a protected disclosure; and
- support an open and accountable culture in which concerns can be raised without fear of reprisal.

This policy may be used by:

- employees, including apprentices and trainees;
- agency, supply and casual workers;
- contractors and individuals working on behalf of EMLM;
- volunteers; and
- others working in partnership with or providing services to EMLM.

EMLM encourages anyone working within or on behalf of the school to raise genuine concerns. However, statutory protection under whistleblowing legislation applies to individuals who fall within the legal definition of a worker for these purposes. Not everyone who is permitted to raise a concern under this policy will necessarily qualify for statutory whistleblowing protection.

This policy is intended for concerns about wrongdoing that are in the public interest. It is not normally intended to deal with an individual's personal employment concerns or grievances, which should usually be raised through EMLM's Grievance Policy.

Where a concern relates to the safety or welfare of a child, EMLM's safeguarding procedures must also be followed. Nothing in this policy prevents a safeguarding concern from also amounting to a whistleblowing concern.

This policy does not form part of any employee's contract of employment and may be amended to reflect changes in legislation, statutory guidance or school practice.

What is Whistleblowing?

Whistleblowing is when a worker raises information about suspected wrongdoing which they reasonably believe is in the public interest.

A whistleblowing concern may relate to:

- a criminal offence, including fraud, theft, bribery or corruption;
- a failure to comply with a legal obligation;
- a miscarriage of justice;
- a danger to the health or safety of any individual;
- damage to the environment;
- sexual harassment;
- safeguarding failures, poor or unsafe safeguarding practice;
- financial malpractice or serious misuse of school funds;
- serious breaches of professional or regulatory requirements; or
- deliberate concealment of information relating to any of the above.

A whistleblower does not need to prove that wrongdoing has occurred before raising a concern. They should have a reasonable belief that the information they are raising indicates wrongdoing and, for statutory whistleblowing protection, that the disclosure is in the public interest.

Whistleblowing is different from a personal grievance. Concerns relating solely to an individual's own employment, such as a personal disagreement or complaint about their terms and conditions, will normally be dealt with under EMLM's Grievance Policy.

However, a concern may affect an individual personally and also raise wider public-interest issues. In these circumstances, EMLM will consider the nature of the concern and determine the most appropriate procedure to follow.

Safeguarding concerns may also constitute whistleblowing concerns. Staff must follow EMLM's Child Protection and Safeguarding Policy where there is a concern about the safety or welfare of a child.

Raising a Concern

EMLM encourages concerns to be raised as soon as possible. A person does not need to have proof of wrongdoing before raising a concern; they should have a reasonable belief that there is a genuine concern.

Who to report a concern to

Staff should normally raise a whistleblowing concern with the Head of School, Ms Winsome Fletcher.

Where the concern relates to the Head of School, or there is a reasonable belief that the Head of School may be involved, the concern should be raised with the Proprietor, Jennae-Angelina Lee-Boreland.

Where the concern relates to the Proprietor, or there is a reasonable belief that the Proprietor may be involved, the concern should be raised with the Chair of the Independent Executive Board, Eyvonne Browne.

Where a concern relates to the safety or welfare of a child, EMLM's safeguarding procedures must also be followed and the Designated Safeguarding Lead (DSL) informed, unless the concern relates to the DSL or there is another reason why this would not be appropriate.

How to raise a concern

Concerns may be raised verbally or in writing. Where possible, concerns should be put in writing to provide a clear record.

The person raising the concern should provide as much relevant information as they reasonably can, including:

- the nature of the concern;
- relevant dates, events and individuals involved;
- why they believe there may be wrongdoing;
- whether the concern has previously been raised and, if so, what happened; and
- any relevant information or evidence already available to them.

A whistleblower is **not expected to investigate the matter themselves or obtain proof** before raising a concern.

Concerns may also be raised confidentially or anonymously. EMLM will take anonymous concerns seriously, although anonymity may make it more difficult to investigate the concern fully or provide feedback to the person who raised it.

Where a person requests that their identity is kept confidential, EMLM will take reasonable steps to protect their identity, subject to any legal, safeguarding or procedural requirements that may require information to be shared.

How EMLM Will Respond to a Concern

EMLM will take all whistleblowing concerns seriously and will seek to deal with them promptly, fairly and consistently.

The person receiving the concern will:

- acknowledge the concern and, where appropriate, meet with the person who raised it to obtain further information;
- maintain confidentiality as far as reasonably possible and only share information with those who need to know;
- determine whether the matter falls under this policy or should be considered under another EMLM procedure;
- consider whether immediate action is required, particularly where there is a safeguarding or health and safety risk; and
- determine whether further investigation or referral to an external agency is necessary.

The person raising the concern may be accompanied at a meeting by a trade union representative, professional association representative or workplace colleague.

Where an investigation is required, EMLM will ensure that it is undertaken by an appropriate person who is sufficiently independent from the matters raised. Where necessary, EMLM may appoint an external investigator or refer the matter to an appropriate external body, such as the local authority, police or other relevant regulatory or safeguarding agency.

The person who raised the concern will be kept appropriately informed about the progress and outcome of the matter. However, EMLM may not be able to provide full details where this would breach confidentiality, data protection requirements or the rights of another individual.

A written record will be maintained of the concern, how it was considered, any investigation undertaken and any actions or recommendations arising from it.

Where concerns identify weaknesses in EMLM's policies, procedures or practice, appropriate action will be taken to reduce the risk of similar concerns arising in the future.

Protection from Detriment and Knowingly False Allegations

EMLM is committed to ensuring that individuals feel able to raise genuine concerns without fear of retaliation.

A worker who makes a protected disclosure must not be subjected to dismissal or detriment because of raising the concern. Detriment may include bullying, harassment, intimidation, unfair treatment or being disadvantaged in their employment.

No action will be taken against an individual simply because a concern they raised is not upheld or an investigation finds no evidence of wrongdoing.

EMLM will not tolerate the victimisation or harassment of anyone who raises a genuine concern. Any such behaviour may be dealt with under the school's disciplinary procedures.

If an individual knowingly makes a false allegation, deliberately provides false information or acts maliciously, this will not be treated as legitimate whistleblowing and may result in appropriate action under the relevant EMLM procedure.

Nothing in this section is intended to discourage individuals from raising concerns where they reasonably believe wrongdoing may have occurred.

Escalating Concerns Outside EMLM

EMLM encourages individuals to raise concerns internally where appropriate so that they can be addressed promptly. However, there may be circumstances where an individual considers it necessary to raise a concern with an external organisation.

A worker may make a disclosure to an appropriate prescribed person or body, provided the concern falls within that organisation's remit and the relevant legal requirements for a protected disclosure are met.

The Government maintains an up-to-date list of prescribed persons and bodies, including those responsible for matters relating to education, safeguarding, health and safety, equality, data protection and other regulatory areas.

Individuals may also seek independent advice before making an external disclosure, including from:

- their trade union or professional association;
- ACAS;
- Protect, the independent whistleblowing charity; or
- an independent legal adviser.

Where an individual believes that a child is at immediate risk of harm, they should follow EMLM's safeguarding procedures and contact the appropriate safeguarding or emergency services where necessary.

EMLM will not prevent a worker from making a protected disclosure to an appropriate external body where they are legally entitled to do so.

Individuals considering wider disclosure, for example to the media or through social media, are advised to seek independent advice, as different and more stringent legal requirements apply.

Monitoring, Records and Review

EMLM will maintain appropriate and confidential records of whistleblowing concerns, including how concerns have been considered, any investigation undertaken and actions or recommendations arising from them.

Information will only be shared with those who need to know and will be handled in accordance with data protection and confidentiality requirements.

The Head of School and Proprietor will maintain appropriate oversight of whistleblowing arrangements, subject to the need to maintain confidentiality and independence where either is involved in a concern.

EMLM will ensure that staff are aware of this policy and know how to raise a concern. Relevant information will be included within staff induction and safeguarding updates, with additional training provided where appropriate.

This policy will be formally reviewed every two years, or sooner where there are:

- changes to legislation or statutory guidance;

- changes to safeguarding requirements, including Keeping Children Safe in Education;
- changes to relevant government whistleblowing guidance; or
- lessons arising from concerns raised or the operation of this policy.

The Proprietor and Independent Executive Board will ensure that the policy remains effective and that EMLM continues to promote a culture in which individuals feel safe and supported to raise genuine concerns.

Related Policies and Guidance

This policy should be read alongside the following EMLM policies and procedures:

- Child Protection and Safeguarding Policy
- Staff Code of Conduct
- Low-Level Concerns procedures
- Staff Grievance Policy
- Complaints Policy
- Disciplinary Policy
- Health and Safety Policy

This policy has regard to relevant legislation and current guidance, including:

- Employment Rights Act 1996, as amended by the Public Interest Disclosure Act 1998;
- current Government guidance on whistleblowing and protected disclosures;
- the current list of prescribed persons and bodies for whistleblowing; and
- Keeping Children Safe in Education (KCSIE).

Where a safeguarding concern relates to poor or unsafe safeguarding practice and cannot be raised effectively within EMLM, staff may also seek advice through the safeguarding whistleblowing arrangements identified in KCSIE.