Melrose Education
LIMITED

Whistleblowing Policy

Reviewed by:	Andrew Patterson, Compliance Manager
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1. Aims
This policy aims to:

- Encourage individuals affected to report suspected wrongdoing as soon as possible in the knowledge that their concerns will be taken seriously and investigated, and that their confidentiality will be respected.
- Let all staff in the company know how to raise concerns about potential wrongdoing in or by the company.
- Set clear procedures for how the company will respond to such concerns.
- Let all staff know the protection available to them if they raise a whistle-blowing concern.
- Assure staff that they will not be victimised for raising a legitimate concern through the steps set out in the policy, even if they turn out to be mistaken (though vexatious or malicious concerns may be considered a disciplinary issue).

This policy does not form part of any employee's contract of employment and may be amended at any time. The policy applies to all employees or other workers who provide services to the company in any capacity including self-employed consultants or contractors who provide services on a personal basis and agency workers.

For the purposes of this policy, "worker" includes employees, workers, agency workers, self-employed consultants, and contractors who personally provide services to Melrose Education, its subsidiaries, and its schools, in line with whistleblowing protection principles. References to "staff" should be read accordingly.

2. Legislation and Employer Duties
This policy has been written in line with the Employment Rights Act 1996, as amended by the Public Interest Disclosure Act 1998, the Public Interest Disclosure (Prescribed Persons) Order 2014 and subsequent amendments, the Equality Act 2010, UK GDPR and the Data Protection Act 2018, the Health and Safety at Work etc. Act 1974, the Education Act 2002, Keeping Children Safe in Education, Working Together to Safeguard Children, and the Independent School Standards where applicable.

It should also be read alongside the Company's safeguarding and child protection, low-level concerns, grievance, complaints, disciplinary, GDPR, and staff code of conduct and behaviour policies.

The Company recognises its employer duties to provide a safe working environment, protect workers who make protected disclosures, prevent victimisation or dismissal because a worker has raised a protected concern, and ensure safeguarding concerns are escalated without delay.

3. Definition of Whistleblowing
Whistle-blowing covers concerns made that report wrongdoing that is "in the public interest". Examples of whistleblowing include (but are not limited to):

- Criminal offences, such as fraud or corruption.
- Learners' or staff health and safety are 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.
- Miscarriages of justice.
- Deliberate concealment of information about any of the above.

A whistleblower is a person who raises a genuine concern that they reasonably believe shows wrongdoing and is made in the public interest. The worker does not have to prove that wrongdoing has occurred, but they must have a reasonable belief that the information disclosed tends to show one or more of the types of wrongdoing set out above.

Concerns may be raised verbally or in writing. Staff are encouraged to raise concerns as soon as possible, even when they do not have complete evidence. The Company will not expect staff to investigate matters themselves.

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

A personal grievance may still amount to whistleblowing if the concern is also in the public interest, for example where it indicates a wider safeguarding risk, discrimination, systemic failure, health and safety risk, financial irregularity or a deliberate cover-up.

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

Protect, the whistleblowing charity, can provide independent and confidential advice. Staff may also seek advice from their trade union, professional association or legal adviser. Where a concern relates to child protection or the handling of safeguarding concerns, staff may also contact the NSPCC Whistleblowing Advice Line for free advice and support.

4. Procedure for Staff to Raise a Whistleblowing Concern

4.1 When to Raise a Concern

Staff should consider the examples in section 3 when deciding whether their concern is of a whistle-blowing nature. Consider whether the incident(s) was illegal, breached statutory or company procedures, put people in danger or was an attempt to cover any such activity up.

Safeguarding concerns must never be delayed because they may also be whistleblowing concerns. Where there is an immediate risk of harm to a child, staff must follow the Safeguarding and Child Protection Policy immediately and report to the Designated Safeguarding and Prevent Lead, local authority children's social care, the LADO where the concern relates to an adult working with children, or the police as appropriate.

Whistleblowing may include concerns about poor or unsafe safeguarding practice, failures to follow statutory guidance, unsafe staffing or supervision, attempts to suppress concerns, or a culture that prevents staff from raising concerns.

4.2 Who to Report To

Staff should normally report their concern to the school principal. If the concern is about the school principal, a member of the senior leadership team, or if the staff member reasonably believes those individuals may be involved in the wrongdoing, they should report their concern to the Compliance Manager, Schools Director, CEO, or another senior leader who is independent of the concern.

If the concern relates to safeguarding practice or the conduct of an adult working with children, the concern should also be shared with the Designated Safeguarding and Prevent Lead and/or the LADO route as set out in the Safeguarding and Child Protection Policy, unless doing so would increase risk or compromise the concern.

Staff may raise concerns anonymously. Anonymous concerns will be considered and acted upon as far as reasonably possible, although anonymity may limit the Company's ability to investigate fully or provide feedback.

4.3 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.

Staff should not be asked to prove the allegation. They should provide as much factual information as they can, including what happened, who was involved, dates, locations, witnesses, documents, messages or other evidence, and why they believe the concern is in the public interest. The Company will treat the identity of the person raising the concern as confidential so far as reasonably practicable, subject to legal, safeguarding or investigation requirements.

5. Company Procedure for Responding to a Whistleblowing Concern

5.1 Investigating the Concern

When a concern is received by the school principal, referred to from here as the 'recipient' - they will:

- Meet with the person raising the concern within a reasonable time and without unreasonable delay. The person raising the concern may be accompanied by a trade union representative or work colleague. Reasonable adjustments will be made where required.
- Obtain 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.
- Confirm that workers who raise a protected disclosure must not be dismissed, subjected to detriment, victimised, bullied, intimidated, denied opportunities, or otherwise treated unfavourably because they raised a concern. Any alleged retaliation will be treated seriously and may be managed under the Disciplinary Policy.
- 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 a member of the company's senior leadership team. In some cases, there may be a need to bring in an external, independent body to investigate. In other cases, there may be a need to report the matter to the police.
    - The investigation should be carried out by a person with appropriate seniority, independence and training, and with no conflict of interest. Where the concern is complex, serious, relates to senior leaders, or involves safeguarding, finance, health and safety, data protection or criminal matters, the Company will consider whether external specialist advice, an independent investigator, the LADO, the local authority, the police, Ofsted, the ISI, the DfE, the HSE, the ICO or another appropriate body should be contacted.
    - 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.

The Company will keep a written record of the concern, the steps taken, decisions made, reasons for decisions, referrals made and any learning or actions arising. Records will be kept securely and processed in accordance with UK GDPR, the Data Protection Act 2018 and the Company's retention arrangements.

5.2 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 any wrongdoing has occurred. The report will include any recommendations and details on how the matter can be rectified, and whether 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.

Feedback will be provided as far as is appropriate, but it may not be possible to share confidential employment, safeguarding, legal or personal data relating to other individuals. The person raising the concern must also keep investigation information confidential unless disclosure is legally protected or otherwise required by law or safeguarding duties.

Beyond the immediate actions, the principal and the company's senior leadership team, if necessary, will review the relevant policies and procedures to prevent future occurrences of the same wrongdoing.

Where wrongdoing or a risk is identified, the Company will consider corrective action, disciplinary action, safeguarding referrals, regulatory notification, policy or training updates, risk assessment review, and any steps needed to prevent recurrence.

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

6. 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.

A concern will not be treated as malicious simply because it is not upheld. Protection does not depend on the concern being proven, provided the worker reasonably believed the disclosure was in the public interest and tended to show relevant wrongdoing.

If, however, an allegation is shown to have been deliberately false, malicious, knowingly dishonest, or made primarily for personal gain without a reasonable belief in its truth, the Company will consider whether disciplinary action is appropriate. Any such decision will be made fairly and in accordance with the Disciplinary Policy.

7. Escalating Concerns Beyond the Company
The Company encourages staff to raise concerns internally where appropriate but recognises that workers may make a protected disclosure to an appropriate prescribed person or body where the legal conditions are met. Staff should ensure they report to the correct prescribed body for the nature of their concern. Relevant bodies may include, depending on the issue, Ofsted, the Department for Education, the Health and Safety Executive, the Information Commissioner's Office, the Charity Commission, HMRC, the local authority, the LADO, the police or another prescribed person.

Nothing in this policy prevents a worker from making a protected disclosure, reporting a criminal offence, reporting a safeguarding concern, contacting a regulator, seeking legal advice, or contacting their trade union. The Company will not use confidentiality clauses or settlement agreements to prevent protected disclosures.

Where a child or adult is at immediate risk of harm, staff should contact emergency services and follow safeguarding procedures immediately rather than waiting for an internal whistleblowing process.

The Protect advice line, linked to section 3 of this policy, can also help staff when deciding whether to raise their concern to an external party.

8. Confidentiality, Data Protection and Record Keeping
The Company will protect the identity of a worker who raises a concern as far as reasonably practicable. Confidentiality may need to be limited where disclosure is necessary for safeguarding, legal, regulatory, investigation or natural justice reasons. Any personal data gathered during a whistleblowing process will be processed lawfully, fairly and securely, and shared only where necessary.

Records of concerns, decisions, investigations, outcomes, referrals and learning will be retained securely in line with the Company's Data Protection Policy and retention schedule. Access will be limited to those who need to know.

9. Monitoring, Review and Approval

The Company will monitor whistleblowing concerns to identify themes, repeated risks, safeguarding or health and safety patterns, cultural issues, and whether staff feel safe to raise concerns. Learning will be used to improve policy, training, leadership practice and risk controls.

This policy will be reviewed at least annually, and earlier if there are changes to legislation, statutory guidance, safeguarding expectations, regulatory requirements, organisational structure, or learning from a whistleblowing concern.

10. Links with Other Policies

This policy links with:

- Grievance Policy
- Complaints Policy
- Safeguarding and Child Protection Policy
- Staff Code of Conduct and Behaviour Policy
- Disciplinary Policy
- GDPR Policy
- Health and Safety Policy
- Allegations Against Staff
- LADO Procedures