



Policy/Procedure/Guideline Review

Policy/Procedure/Guideline:	Whistleblowing Policy
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Approved By:	Board of Corporation
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Changes Made:	<p><u>Version 1</u></p> <p><i>Updated to include new branding and name change.</i></p> <p><i>Clarification of scope to include all individuals who may be working for or on behalf of the Group</i></p> <p><i>Included new reference to the Nolan Principles of Public Life</i></p> <p><i>List of legislative/ quality references updated</i></p> <p><i>Included reference to Modern slavery and human trafficking in section 5.1</i></p> <p><i>Strengthened the wording around protection of whistleblowers</i></p> <p><i>Expanded the list of individuals to whom an initial disclosure form can be sent to reflect current practice</i></p> <p><i>Included reference to the Board of Corporation having ultimate oversight of the policy</i></p> <p><i>General update to wording to improve clarity</i></p>

Whistleblowing Policy

1. Introduction

The Group is committed to maintaining the highest standards of honesty and integrity. We work hard to ensure a culture of openness exists throughout the organisation, where all employees, governors, contractors, agency workers, apprentices, volunteers and placement students are encouraged to report wrongdoing, in the public interest, without fear of reprisal. These individuals are often the first to discover issues of this nature and it's extremely important that, where this occurs, they feel able to take action and report their concerns.

This policy reflects the Group's duty to uphold the Nolan Principles of Public Life (selflessness, integrity, objectivity, accountability, openness, honesty and leadership).

2. Purpose

The aim of this policy is to:

- Provide all individuals covered by the scope of this policy with avenues to raise concerns about malpractice or wrongdoing, including but not exhaustively:
 - Suspected fraud, malpractice, financial irregularity, corruption, bribery, dishonesty, criminal activity, miscarriages of justice, breaches of the code of conduct, poor or unsafe practice, potential failures in the Group's Safeguarding processes, where a serious risk to health, safety or the environment has been created or ignored.
- Receive feedback on any action taken in response to concerns raised through the policy
- Allow individuals to escalate the matter if they are dissatisfied with the Group's response
- Reassure individuals that they will be protected from reprisals or victimisation for "whistleblowing" in good faith.

This policy does not cover personal grievances concerning personal employment circumstances, unless they specifically involve fraud, corruption or malpractice.

If a member of staff wishes to raise a low-level concern, this should be reported to the Director of HR, as outlined in the Staff Code of Conduct. Low-level safeguarding concerns will be dealt with according to the Safeguarding Policy in line with Keeping Children Safe in Education (KCSIE) statutory guidance.

Unless there are exceptional circumstances, the time limits set out in this policy will be adhered to.

3. Legislative/Quality Framework

This policy will be reviewed in line with changes to legislation and professional body recommendations, to ensure that it is consistently up to date and relevant. The main pieces of relevant legislation and regulatory documentation include:

- Employment Rights Act 1996 (as amended by the Public Interest Disclosures Act 1998)
- Protect ("formerly Public Concern at Work") Whistleblowing Code of Practice
- Department for Business and Trade "Whistleblowing – Guidance for Employers and Code of Practice"

- Bribery Act 2010
- Health and Safety Act 1974

4. Scope

This policy applies to all members of staff, governors, agency workers, apprentices, contractors, volunteers and work placement students of East Lancashire Learning Group.

The investigation process referred to throughout this policy is coordinated by the Human Resources Team. In instances where it would be inappropriate for the Human Resources Team to carry out this role, for example if they were implicated in the disclosure, this role will be carried out by the Director of Governance.

5. Initial Considerations

The following information provides a background into "whistleblowing":

5.1 Definition

Whistleblowing occurs when an individual covered by this policy raises a concern about malpractice or wrongdoing within an organisation. The concern raised will be a matter of public interest and usually refers to a danger or illegality that affects others, for example members of the public, although in rare cases it may also affect the individual raising the concern directly.

Whistleblowing is not a means to raise grievances concerning personal employment circumstances, or as appeals against decisions of management unless they specifically involve fraud, corruption or malpractice. For situations of this nature, members of staff should refer to the Grievance Policy and/or the Working Together Policy.

Instances of malpractice that may be protected under the Public Interest Disclosures Act 1998, and would therefore constitute an issue to be raised under this policy include, but are not limited to:

- Criminal offences or activities
- Fraudulent activity
- Financial mismanagement or corruption
- A miscarriage of justice
- Physical or emotional abuse of young and/or vulnerable people
- Health and safety issues
- Modern slavery and human trafficking
- Failure to comply with legal obligations
- Breaches of legislation
- Risks to the environment
- Deliberate concealment of information relating to any of the above

5.2 Safeguarding the whistleblower

The Group recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the possible malpractice. The Group will not tolerate harassment or victimisation, particularly as a

result of a disclosure of this nature and will take action to protect any individual when they raise a concern in good faith.

In line with the Public Interest Disclosure Act 1998, whistleblowers are protected from dismissal, disciplinary action, loss of work or other detriment. Any such retaliation will be considered under the Group's Disciplinary Policy.

The Group will do its best to protect the whistleblower's identity. However, the investigation process may reveal the source of the information, and a statement may be required as part of the evidence. Where possible, the Group will seek to corroborate evidence independently.

Whistleblowers are encouraged to put their name to any allegation. Concerns expressed anonymously are much less powerful and very difficult to investigate effectively, but they will still be considered at the discretion of the Group.

In exercising discretion, the factors to be taken into account would include:

- The seriousness of the issues raised;
- The credibility of the concern; and
- The likelihood of confirming the allegation from attributable sources.

Ordinarily, anonymous whistleblowers will be unable to receive feedback pertaining to the investigation of the issues that they have raised.

The Group considers any management or staff action designed to prevent or deter an individual from raising a genuine concern, or to victimise them, to be a disciplinary offence.

5.3 Malicious or vexatious allegations

Malicious or vexatious allegations (false, trivial, persistent or mischievous) have the potential to have a significant detrimental impact on the Group's reputation and may result in disciplinary action. However, any individual who raises a concern reasonably and in good faith will be protected, even if their concern is not upheld.

6. Procedural Steps

A summary of the procedure can be found in Appendix A. Each disclosure raised may vary, but the process for dealing with each allegation will be as follows:

6.1 Raising the formal disclosure

If a member of staff has a concern that they wish to raise in line with the Group's Whistleblowing Policy they should complete the "Initial Disclosure Form" (Appendix B) and submit this to the most appropriate individual listed below, depending on the severity of the situation:

- Their Line Manager
- A Senior Leader
- The Chair of the Corporation
- Director of Governance
- Director of HR

Due to the potential impact that concerns raised in this manner can have, the Group requests that management be given every chance to investigate and take appropriate action in the first instance, before the allegation is disclosed in the public domain.

Where the issue has been raised internally and, unless it is inappropriate to do so based on the nature of the disclosure, Human Resources will also be made aware of the initial concern so as to facilitate the investigation and provide support to the whistleblower.

The Human Resources team will coordinate the investigation process and an investigating officer will be appointed, usually the individual in receipt of the initial disclosure. The investigating officer will arrange a meeting with the whistleblower to clarify the details before proceeding with the investigation. In normal circumstances, the whistleblower will be informed in writing of the date and time of this meeting within five working days of their Initial Disclosure Form being received.

Any disclosures of this nature will be investigated thoroughly and, where possible, confidentially. Once the investigation has been completed, the investigating officer will produce a written report of their findings. Without the integrity and thoroughness of the procedure being compromised, the investigating officer will endeavour to produce this report within 10 working days of the initial meeting. Where this is not possible, for example where concerns raised are more complex in nature, the report should be completed as soon as possible thereafter.

The investigation will result in one of the following outcomes:

- The allegations are considered to be true, in which case the Group will:
 - Provide the whistleblower with the results of the investigation
 - Lay charges against the accused by invoking the Group's Disciplinary Policy and, if proven, apply appropriate sanctions
 - Inform the police of any criminal activity that has taken place
 - Inform any other external bodies that have relevant regulatory oversight of Group activities

- The allegations are considered to be false, in which case the Group will:
 - Provide the whistleblower with the results of the investigation
 - Invoke no action against the accused
 - Only take disciplinary action against any individual who raised the initial disclosure, if this is found to have been malicious

6.2 Appeals procedure

If the whistleblower is not satisfied with the results of the investigation, they may submit an appeal in writing to the Human Resources Team (Appendix C) within 5 working days of receipt of the report from the investigating officer.

An appeal will be undertaken by a more independent senior manager than the initial investigating officer, who has not been involved in dealing with the disclosure thus far. In normal circumstances the whistleblower will be notified of the date and time of a meeting with the appeal officer within 5 working days of the submission of their appeal form. The meeting will allow the appeal officer to explore the whistleblower's reasons for dissatisfaction and to consider possible resolutions.

Following the completion of any further investigation required by the appeal officer, they will reply to the whistleblower within 5 working days of their appeal meeting to inform them of the outcome and describe any action that they propose to take. Where it is not possible to respond within 5 working days, this decision will be communicated as soon as possible thereafter.

The appeal will result in one of the following outcomes:

- The original decision is upheld and any outcomes outlined as part of the initial investigation remain.
- The original decision is overturned and action is taken accordingly.

At the end of this procedure, should the whistleblower and the Group still be unable to resolve the matter in a manner that is satisfactory to both parties, then they have the right of access to an appropriate external body.

6.3 External body referrals

Access to external agencies is available where:

- the concern refers to the Board of Corporation as a whole,
- internal procedures have been exhausted,
- the Group finds the allegation unsubstantiated.

In such cases, the whistleblower may contact:

- A legal adviser in (for legal advice);
- The Department for Education (DfE);
- The Secretary of State for Education;
- A prescribed person/ body as listed by the Department:
<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies#education>
- Internal or external auditors.

7. Additional Considerations

In addition to the standard procedure detailed above there are additional considerations to bear in mind:

At any point in the process, the Group may report the matter to the police.

Should the whistleblower be following another Group procedure (e.g. Avoiding Redundancy or Managing Discipline), this process will not halt the progress of the other procedure.

8. Dissemination

This policy will be accessible on the Staff Hub and via Human Resources, on request, and is also available on the Group websites

9. Monitoring and Review

The policy will be reviewed by the Assistant Principal Finance and HR.

10. Related Policies/Procedures

- Financial Regulations
- Anti-Bribery Statement
- Fraud Response Plan
- Disciplinary Policy
- Safeguarding Policy
- Health and Safety Policy

There are separate Group policies for staff complaints concerning:

- Grievance Policy
- Working Together Policy
- Staff Code of Conduct
- Avoiding Redundancy Policy

11. Responsibilities

The Director of HR has management responsibility for this policy within East Lancashire Learning Group.

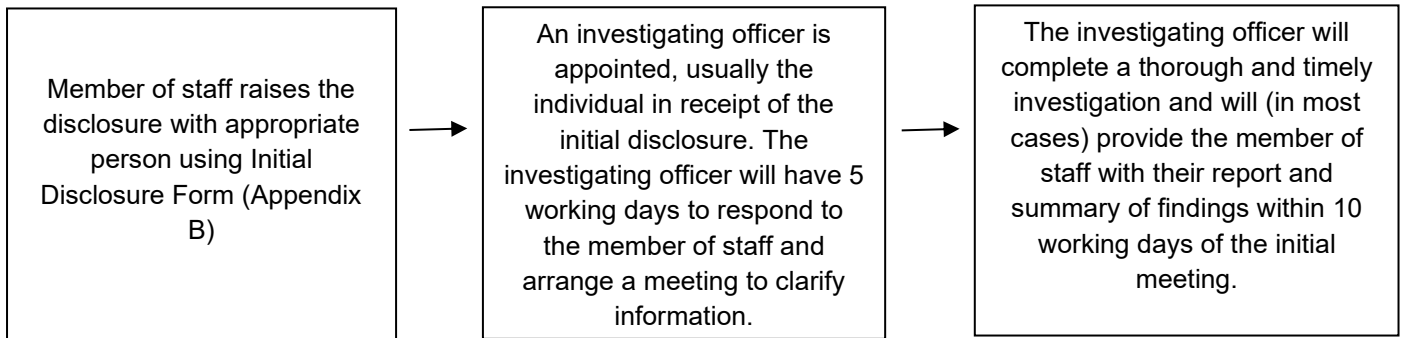
The Assistant Principal Finance and HR has Senior Leadership oversight.

The Board of Corporation retains overall responsibility, accountability and oversight of whistleblowing arrangements.

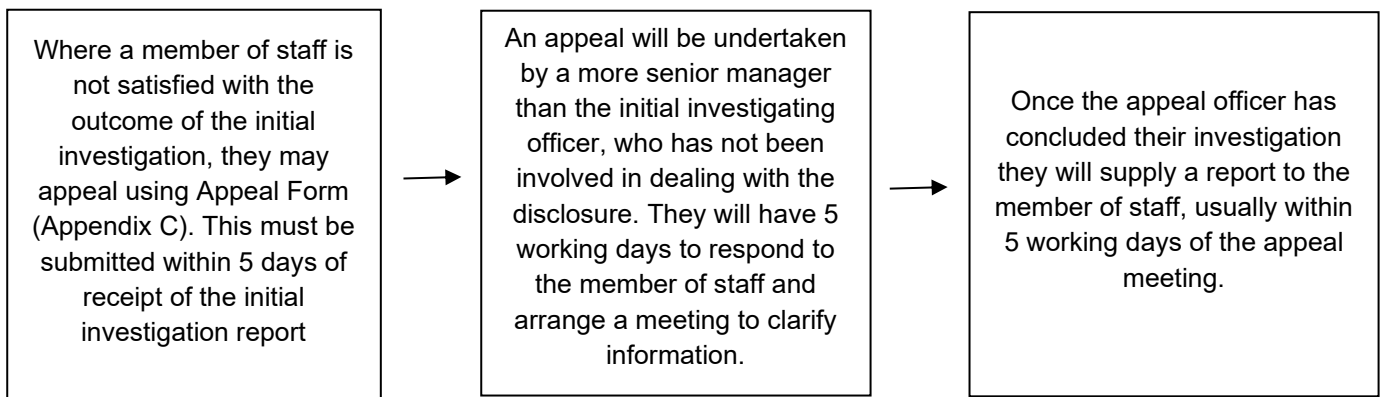
Appendix A – Process Summary

The Whistleblowing Procedure

Raising the formal disclosure



Appeal



Appendix B – Initial Disclosure Form

Notification of disclosure under the Group’s Whistleblowing Policy

Name:

Division/Department:

Nature of the complaint:

Please outline the nature of your complaint in sufficient detail to enable us to commence an investigation into the issues that you have raised.

Reason for raising under Whistleblowing Policy:

Please detail why this issue would constitute an issue of “public interest”.

Signed:

Date:

Please submit the completed form to an appropriate individual as identified in the policy, or to the HR Team.

For completion by HR Team:

Date received by initial individual:

Name of investigating officer appointed:

Date of latest response to member of staff:

Appendix C – Appeal Form

Notification of appeal under the Group's Whistleblowing Policy

Name:

Division/Department:

Nature of the appeal:

Please outline the nature of your appeal including the reasons why you believe the decision to be unfair and/or why you believe the investigation was flawed.

Signed:

Date:

Please submit the completed form to an appropriate individual as identified in the policy, or to the HR Team.

For completion by HR Team:

Date received by HR/Director of Governance:

Name of appeal officer appointed:

Date of latest response to member of staff