

WHISTLEBLOWING POLICY AND PROCEDURE

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Date policy approved.	19/11/2025	Date policy to be reviewed	19/11/2026

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Contents

1. Introduction.....	Error! Bookmark not defined.
2. Application of the policy and procedure	Error! Bookmark not defined.
3. Protected Disclosures.....	Error! Bookmark not defined.
4. Specific Subject Matter	Error! Bookmark not defined.
5. Procedure for making a disclosure	Error! Bookmark not defined.
6. Procedure for investigation of a disclosure.....	Error! Bookmark not defined.
7. Safeguards for workers making a disclosure	Error! Bookmark not defined.
8. Disclosure to external bodies	Error! Bookmark not defined.
9. Accountability.....	Error! Bookmark not defined.
10. Further assistance for workers.....	Error! Bookmark not defined.
Appendix 1 When and how to make a whistleblowing disclosure	Error! Bookmark not defined.

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1. Introduction

- 1.1 The Group is committed to operating in an ethical and principled way. The aim of this policy and procedure is to provide employees and workers (referred to as 'workers' in this policy) with a means for raising genuine concerns of suspected bribery, breaches of the law and other serious wrongdoings.
- 1.2 The Group encourages workers to raise genuine concerns about suspected wrongdoing at the earliest practicable stage. This policy and procedure is intended to provide safeguards to enable members of staff to raise concerns about malpractice in connection with the Group.
- 1.3 This policy and procedure aims to encourage workers to raise genuine concerns through internal procedures without fear of adverse repercussions being taken against them. The law allows workers to raise such concerns externally and this policy informs workers how they can do so. However, a failure to raise a concern under this procedure may result in a disclosure losing its protected status under the law.
- 1.4 This policy and procedure seeks to balance the need to allow a culture of openness against the need to protect other workers against vexatious allegations or allegations which are not well-founded.
- 1.5 The principles of openness and accountability, which underpin legislation protecting whistleblowers under the Public Interest Disclosure Act 1998, are reflected in this policy and procedure.
- 1.6 Learners at the Group are also encouraged to raise genuine concerns about suspected wrongdoing by making a complaint to the Assistant Principal– Learner Development and Careers. This policy and procedure is designed for the use of workers of the Group.

2. Application of this policy and procedure

- 2.1. This policy applies to workers at the Group which includes:
 - all governors (including associate members) and employees of the Group, including apprentices; and
 - any casual workers; home-based casual workers; and employees of subcontractors; and
 - Agency workers engaged by the Group.
- 2.2. Workers might be unsure whether it is appropriate to raise their concern under this policy and procedure or whether it is a personal grievance, which is more appropriate to raise under the Group's grievance procedure. Any worker in this situation is encouraged to approach the Vice Principal – People and Culture in confidence for advice or their trade union representative.

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3. Protected disclosures

- 3.1. The law protects workers who, out of a sense of public duty, want to reveal suspected wrongdoing or malpractice.
- 3.2. The law allows workers to raise what it defines as a 'protected disclosure'. In order to be a 'protected disclosure', a disclosure must relate to a specific subject matter (See Section 4 below) and the disclosure must also be made in an appropriate way (See Section 5 below). A 'protected disclosure' must, in the reasonable belief of the worker making it, also be made in the public interest. A 'protected disclosure' must consist of information and not merely be allegations of suspected malpractice.

4. Specific Subject Matter

- 4.1. If, in the course of employment, a worker becomes aware of information which they reasonably believe tends to show one or more of the following, they should use this policy and procedure:
 - That a criminal offence has been committed, is being committed or is likely to be committed;
 - That an act of Bribery has occurred or has been attempted (see finance regulations 9 and 10);
 - That an individual has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject;
 - That a miscarriage of justice has occurred, is occurring, or is likely to occur;
 - That the health or safety of any individual has been, is being, or is likely to be, endangered;
 - That the environment, has been, is being, or is likely to be, damaged;
 - That information tending to show any of the above, is being, or is likely to be, deliberately concealed.

5. Procedure for making a disclosure

- 5.1. Information which a worker reasonably believes tends to show one or more of the situations given in Section 4 should promptly be disclosed as set out in Appendix 1.
- 5.2. Workers are encouraged to identify themselves when making a disclosure. If an anonymous disclosure is made, the Group will not be in a position to notify the individual making the disclosure of the outcome of action taken by the Group. Anonymity also means that the Group will have difficulty in investigating such a concern. The Group reserves the right to determine whether to apply this procedure in respect of an anonymised disclosure in light of the following considerations:
 - The seriousness of the issues raised in the disclosure;
 - The credibility of the concern; and
 - How likely it is that the concern can be confirmed from attributable sources.

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- 5.3. For further guidance in relation to this policy and procedure, or concerning the use of the disclosure procedure generally, employees should speak in confidence either to the Vice Principal – People and Culture, a member of the Senior Leadership Team or their trade union representative.

6. Procedure for investigation of a disclosure

- 6.1. When a worker makes a disclosure, the Group will acknowledge its receipt, in writing, within a reasonable time.
- 6.2. The Group will then determine whether or not it believes that the disclosure is wholly without substance or merit. If the Group considers that the disclosure does not have sufficient merit to warrant further action, the worker will be notified in writing of the reasons for the Group's decision and advised that no further action will be taken by the Group under this policy and procedure. Considerations to be taken into account when making this determination may include the following:
- If the Group is satisfied that a worker does not have a reasonable belief that suspected malpractice is occurring; or
 - If the matter is already the subject of legal proceedings or appropriate action by an external body; or
 - If the matter is already subject to another, appropriate Group procedure.
- 6.3. When a worker makes a disclosure which has sufficient substance or merit warranting further action, the Group will take action it deems appropriate (including action under any other applicable Group policy or procedure). Possible actions could include internal investigation; referral to the Group's auditors; or referral to relevant external bodies such as the police, Ofsted, Health and Safety Executive or the Information Commissioner's Office.
- 6.4. If appropriate, any internal investigation would be conducted by a manager of the Group without any direct association with the individual to whom the disclosure relates, or by an external investigator appointed by the Group as appropriate.

[Guidance note: Depending on the seriousness of the concern raised and the seniority of the worker making the disclosure, it would be appropriate for a senior manager or a designated officer, such as the Director of Governance and Compliance, to investigate the concern.]

Any recommendations for further action made by the Group will be addressed to the Principal or Chair of the Board of Governors as appropriate in the circumstances. The recipient will take all steps within their power to ensure the recommendations are implemented unless there are good reasons for not doing so.

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- 6.5. The worker making the disclosure will be notified of the outcome of any action taken by the Group under this policy and procedure within a reasonable period of time. If the worker is not satisfied that their concern has been appropriately addressed, they can appeal against the outcome by raising the issue with the Principal within five working days. The Principal will make a final decision on action to be taken and notify the worker making the disclosure.

[Guidance note: The procedure should encourage the swift investigation of disclosures. However, timescales should be flexible, taking into account that different types of concerns will require varying time for investigation.

All communications with the worker making the disclosure should be in writing and sent to the worker's home address or through the Group's internal mail. If investigations into the concern are prolonged, the Group should keep the worker concerned updated as to the progress of the investigation and an estimated timeframe for its conclusion].

7. Safeguards for workers making a disclosure

- 7.1. A worker making a disclosure under this procedure can expect their matter to be treated confidentially by the Group and, where applicable, their name will not be disclosed to anyone implicated in the suspected wrongdoing, without their prior approval.

[Guidance note: For confidentiality purposes, if the worker requests to raise their concern verbally, the Group will allow the worker to do so.]

- 7.2. The Group will take all reasonable steps to ensure that any report of recommendations, or other relevant documentation, produced by the Group does not identify the worker making the disclosure without their written consent, or unless the Group is legally obliged to do so, or for the purposes of seeking legal advice.
- 7.3. No formal disciplinary action will be taken against a worker on the grounds of making a disclosure made under this policy or procedure. This does not prevent the Group from bringing disciplinary action against a worker where the Group has grounds to believe that a disclosure was made maliciously or vexatiously, or where a disclosure is made outside the Group without reasonable grounds.
- 7.4. A worker will not suffer dismissal or any detrimental action or omission of any type (including informal pressure or any form of victimisation) by the Group for making a disclosure in accordance with this policy and procedure. Equally, where a worker is threatened, bullied, pressurised or victimised by a colleague for making a disclosure, disciplinary action will be taken by the Group against the colleague in question.

8. Disclosure to external bodies

- 8.1. This policy and procedure has been implemented to allow workers to raise disclosures internally within the Group. A worker has the right to make a disclosure outside of the Group where there are reasonable grounds to do so and in accordance with the law.
- 8.2. Workers may make a disclosure to an appropriate external body prescribed by the law. This list of 'prescribed' organisations and bodies can be found in information on [the GOV.UK website](https://www.gov.uk).

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- 8.3. Workers can also make disclosures on a confidential basis to a practising solicitor or barrister.
- 8.4. If a worker seeks advice outside of the Group, they must be careful not to breach any confidentiality obligations or damage the Group's reputation in so doing.

9. Accountability

- 9.1. The Group will keep a record of all concerns raised under this policy and procedure (including cases where the Group deems that there is no case to answer and therefore that no action should be taken) and will report to the Group's Audit Committee and Board of Governors on an annual basis as appropriate.

10. Further assistance for workers

- 10.1. The Group will not tolerate any harassment or victimisation of workers who make disclosures. If, at any stage of this procedure a worker feels that they are being subject to informal pressures, bullying or harassment due to making a disclosure, they should raise this matter, in writing, to the Principal or Director of Governance and Compliance (if it relates to the Principal).
- 10.2. A worker making a disclosure may want to confidentially request counselling or other support from the Group's occupational health service. Any such request for counselling or support services should be addressed to the Vice Principal – People and Culture. Such a request would be made in confidence.
- 10.3. Workers can also contact the charity Protect (formerly Public Concern at Work) for confidential advice on whistleblowing issues. Contact details are as follows:

The Green House
244-254 Cambridge Heath Road
London
E2 9DA
Whistleblowing advice line: 020 3117 2520
<https://protect-advice.org.uk/>

When and How to Make a Whistleblowing Disclosure

Do you reasonably believe that the information of which you are aware tends to show one or more of the following:

- That a criminal offence has been committed, is being committed or is likely to be committed;
- That an act of Bribery has occurred or has been attempted;
- That an individual has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject;
- That a miscarriage of justice has occurred, is occurring, or is likely to occur;
- That the health or safety of any individual has been, is being, or is likely to be, endangered;
- That the environment, has been, is being, or is likely to be, damaged;
- That information tending to show any of the above, is being, or is likely to be, deliberately concealed

