

WHISTLEBLOWING POLICY

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Lead responsibility:	Director

Distribution to:	
All Staff	▪
SLT only	▪
Teaching Staff/Tutors	▪
Administration Staff	▪
Other (please specify)	✓ Learners

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This Policy supersedes any previous Policy of this name or instructions that pre-date this edition.

WHISTLEBLOWING POLICY

1 Policy Statement

Barrett-Bell Ltd understand that employees are often the first to realise that there is something seriously wrong within an organisation. However, they may not express their concerns as they feel that speaking up would be disloyal to their colleagues, cause problems for themselves and others or lead to recriminations. Barrett-Bell Ltd wants to create an environment (physical or on-line) where employees feel secure in giving feedback but wish to make sure that feedback is genuine and employees are protected.

2 Principles

- 2.1 This Policy applies to all employees, (including those designated as casual hours, temporary, agency, authorised volunteers or work experience) and agency staff whether on Barrett-Bell premises or on-line.
- 2.2 Whistleblowing encourages and enables employees to raise serious concerns within the organisation rather than trying to hide or overlook the problem or 'blowing the whistle' from outside.
- 2.3 It is vital that employees understand that Whistleblowing relates to stopping harm in the public interest and is not to be used for individual disputes between Staff.
- 2.4 Any Whistleblowing allegation that is a Safeguarding issue must follow the Policy on Safeguarding.
- 2.5 Staff must not act maliciously, make false allegations or seek any personal gain by 'whistleblowing'.
- 2.6 All employees should feel confident in raising concerns and to question and act upon concerns about practice that does not meet the standards outlined in the company Vision, Mission or Policies.

3 Process

- 3.1 Barrett-Bell Ltd will provide a route for Staff to raise concerns in confidence and receive feedback on any action taken – a Whistleblower's identity will not be revealed unless required by legal proceedings.
- 3.2 Barrett-Bell Ltd assumes that all Whistleblowing reporting has a genuine grievance at its heart and will treat reporting as such.

- 3.3 All employees who challenge the organisation/other Staff will receive a response to the concerns and employees will be aware of how to pursue them if not satisfied with the outcome.
- 3.4 All employees will be protected from possible reprisals or victimisation if they have made any disclosure in good faith which is in the interest of stakeholders and/or the general public.
- 3.5 Any Whistleblowing does not have to be in writing to be legally protected. A disclosure may be made verbally (in person or by telephone) to the employer, a prescribed person, or an authorised body. While written reports (emails/letters) are not mandatory, Barrett-Bell Ltd strongly recommends that all Whistleblowing is in writing to provide evidence of the disclosure.
- 3.6 Whistleblowing may be anonymous but while Staff can submit reports without a name, it may limit the investigation if more information is needed. Anonymity may make it harder to receive legal protection against unfair treatment and hence, Barrett-Bell Ltd encourages Staff to identify themselves if they feel confident and will guarantee confidentiality.
- 3.7 Barrett-Bell Ltd urges employees to report genuine Whistleblowing issues as soon as possible where a serious issue is being reported.
- 3.8 Whistleblowing issues need to:
- A genuine concern that distinguishes the concern from Grievances (the concern affects the public interest rather than just a personal dispute with a the employer)
 - Clearly defines the perceived malpractice
 - Keep identities confidential and share information only on a need-to-know basis (and manage anonymous reporting)
 - Clearly identify significant dates/times that supports the Whistleblowing
 - State how it affects the public interest
- 3.9 A Panel will be appointed that is neutral and does not include anyone named within the Whistleblowing. The Panel will consist of three neutral appointees from partner organisations and/or appropriate stakeholders.

- 3.10 The Panel will hear the evidence and judge the Whistleblowing allegation. They will not apportion any blame to the Whistleblower, if the Whistleblower brought the concern in good faith and was eventually proved wrong.
- 3.11 The Panel will recommend a way forward where the Whistleblowing is proved which may involve outside agencies – confidentiality may not be guaranteed.
- 3.12 The Panel will recommend a way forward where the Whistleblowing is not proved so the Whistleblower's confidentiality is maintained. If the allegation requires an alternative process (eg. Grievance) then the Whistleblower should be made aware of other routes they may access.
- 3.13 The Whistleblower will be kept apprised of activity and eventual decisions throughout the process.
- 3.14 Vexatious reporting will not be tolerated. Vexatious complaints are complaints that are repetitive when pursued, regardless of merit and without foundation solely to harass, annoy or subdue somebody or are frivolous and burdensome or unwarranted.
- 3.15 Should any investigation show that the Whistleblower has deliberately misled with the aim of harming an individual or the company, then disciplinary action may be taken.

4 Areas of Concern

- 4.1 Concerns may come from a variety of areas:
 - Any conduct which is an offence or a breach of Law
 - Failure to comply with legal obligations
 - Disclosures related to miscarriages of justice
 - H&S and Safeguarding risks, including risks to the public as well as other employees
 - Damage to the environment, fabric of buildings or IT equipment/software
 - Unauthorised use of public funds
 - Misuse of company funds and resources, fraud and corruption
 - Institutional sexual, physical or individual abuse of others
 - Institutional verbal abuse, racism, sexism, homophobia and blatant abuse about a person or specific group
 - Permitting unethical conduct, bullying or gaslighting, VAWG
 - Actions which are unprofessional, inappropriate and conflict with a general understanding of what is right and wrong

5 Resolution

- 5.1 Barrett-Bell Ltd would expect and hope that most differences or issues would be resolved through the normal line management routes. However, at any time an employee may contact a neutral external consultant (linked to the company) to raise genuine Whistleblowing concerns and s/he will take appropriate actions (investigation, mediation or disclosure to appropriate Authorities, resolution or referral to the Panel)
- 5.2 Any employee may complain to other official bodies and organisations where they believe the national interest is at risk – this would be external Whistleblowing and would be out of the scope of this Policy, however, Barrett-Bell Ltd is committed to working with other official channels in order to resolve problems.
- 5.3 Barrett-Bell Ltd will act swiftly to resolve any problems that have been highlighted through the process (whether malpractice is found or the Whistleblower is found to have spiteful intentions – both being unacceptable within Barrett-Bell Ltd.
- 5.4 After any Whistleblowing incident the leadership and management must:
- Ensure the issues raised by the Whistleblower have been addressed and corrected (if the allegations prove correct)
 - Ensure that the Whistleblower is fully informed of the outcome and informed of what changes will take place if any
 - Ensure no recriminations against the Whistleblower and guarantee their employment conditions are safe
 - Ensure any other person(s) involved in the Whistleblowing (especially any one against whom allegations are made) is dealt with appropriately (if the allegations are proved correct or not)
 - In the event of the Whistleblower's allegations being proved knowingly unfounded and malicious, then the company must take the appropriate actions
 - Amend relevant Policies to ensure the situation will not resurface in the future