

# Zen Educate Whistleblowing Policy

Last Updated December 2023

## Introduction

This policy applies to all employees and officers of Zen Educate. This policy also applies to our consultants, self-employed contractors, casual workers, agency workers, volunteers and interns. Other individuals performing functions in relation to the organisation, such as education professionals (supply staff and tutors) assigned to work through Zen Educate are also encouraged to use it for any concerns of malpractice within Zen Educate.

It is important to Zen Educate that any fraud, misconduct or wrongdoing by workers or officers of the organisation is reported and properly dealt with. The organisation therefore encourages all individuals to raise any concerns that they may have about the conduct of others in the business or the way in which the business is run by using this policy.

This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

If an education professional has a concern relating to a school (school or any other educational establishment) that they have been assigned to by Zen Educate, they should call Zen Educate or email [support@zeneducate.com](mailto:support@zeneducate.com) and ask to speak to the Designated Safeguarding Lead, who can support them in following the Whistleblowing Policy of the school.

## Principles of the Policy

- Enable Zen Educate to act quickly against any potential malpractice to ensure it conducts its business with the highest standards of integrity and honesty at all times.
- Provide a framework to encourage individuals to inform Zen Educate of concerns about malpractice so that this can be treated swiftly and seriously.
- Embed the understanding that we expect all our employees, officers, consultants, self-employed contractors, casual workers, agency workers, volunteers and interns to maintain the same standards in everything they do.

- Commit that concerns raised of malpractice can be done without fear of discrimination or reprisal.
- Ensure that all disclosures are investigated and dealt with promptly and consistently.
- Ensure the Public Interest Disclosure Act 1998 is applied in all cases.

This policy applies to all employees, and to education professionals assigned to work in schools by Zen Educate. This policy does not form part of anyone's contract of employment and may be amended or withdrawn at any time.

## Whistleblowing Definition and Background

The law provides protection for workers who raise legitimate concerns about specified matters. These are called qualifying disclosures. A qualifying disclosure is one made in the public interest by a worker who has a reasonable belief that:

- a criminal offence has been, is being or is likely to be committed
- a miscarriage of justice has occurred
- the endangerment or prospective endangerment of an individual's health and safety has occurred
- damage or prospective damage to the environment has occurred
- a failure to comply with any legal or professional obligation or regulatory requirements
- an incident of discrimination or abuse of an employee, supply worker or client has occurred
- any other form of improper conduct or breach of legal obligation has occurred
- information relating to any of the above has been deliberately concealed or is likely to be concealed.

Once a qualifying disclosure has been made, it is the organisation's responsibility to ensure that an investigation takes place.

This policy should not be used for complaints relating to your own personal circumstances, such as the way you have been treated at work. In those cases you should use the [Grievance Procedure](#).

If a complaint relates to your own personal circumstances but you also have wider concerns regarding one of the areas set out above, you should discuss with the Whistleblowing Officer which route is the most appropriate.

If you are uncertain whether something is within the scope of this policy you should seek advice from the Whistleblowing Officer, whose contact details are at the end of this policy.

## Informal Procedure

Some concerns of malpractice can quickly be resolved informally in discussion with your line manager, your line manager's manager or in the case of an education professional – the Designated Safeguarding Lead at Zen Educate, who is also responsible to handle any disclosures raised by education professionals. We encourage you to raise concerns as early as practicably possible and seek resolution in this way.

## Formal Procedure

If it is not possible to resolve your concerns informally or if you consider the matter is too serious to be handled informally, you can follow the formal procedure.

1. Unless the worker reasonably believes his/her line manager to be involved in the wrongdoing, or if for any other reason the worker does not wish to approach his/her line manager, any concerns should be raised with the worker's line manager. If he/she believes the line manager to be involved, or for any reason does not wish to approach the line manager, proceed straight to step 3.

In the case of an education professional, they should contact Zen Educate and ask to speak to the Designated Safeguarding Lead or be contacted back by the Designated Safeguarding Lead.

2. The disclosure will be investigated immediately by the line manager, a more senior member of staff or by the Designated Safeguarding Lead. The investigation will require:

- a. The worker giving a written statement. Whilst it is the preference of the organisation for a worker to provide a written statement, verbal statements will be accepted and, in the case of a verbal statement being provided, the person leading the investigation will be required to take written notes and confirm their accuracy with the worker.
  - b. Any investigation will be carried out in accordance with the principles set out above. The worker's statement will be taken into account and he/she will be asked to comment on any additional evidence obtained.
  - c. If disciplinary action is required, a member of the Leadership Team will be involved and own the disciplinary procedure.
  - d. On conclusion of any investigation, the worker or education professional will be told the outcome of the investigation, subject to respecting the confidentiality of the investigation, and what the Leadership Team has done, or proposes to do, about it. If no action is to be taken, the reason for this will be explained if we consider it appropriate to do so.
  - e. The worker should treat any information about the investigation as confidential. If we conclude that a worker has made false allegations maliciously, the worker will be subject to disciplinary action.
3. If the worker is concerned that his/her line manager is involved in the wrongdoing, has failed to make a proper investigation, has failed to report the outcome of the investigations to the Leadership Team or does not want to involve his/her manager for any other reason, he/she should inform a member of the Leadership Team immediately. Another manager will then lead the investigation according to (2) above.
  4. Any disclosure to the Leadership Team will be treated with the strictest confidence and the worker's identity will not be disclosed without his/her prior consent unless the Company considers that it is reasonably necessary or there is a lawful requirement to do so. Although we will make every effort to investigate anonymous disclosures, you should be aware that a proper investigation may be more difficult or impossible if we cannot obtain further information from you. It is also more difficult to establish whether any allegations are credible. Whistleblowers who are concerned about possible reprisals if their identity is revealed should come forward to the Whistleblowing Officer or one of the other contact points listed in this policy and appropriate measures can then be taken to preserve confidentiality.

5. If on conclusion of stages 1, 2 and 3 the worker or education professional reasonably believes that the appropriate action has not been taken, he/she should report the matter to the proper authority. The legislation sets out a number of bodies to which qualifying disclosures may be made. Further information can be found from Protect, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are at the end of this policy.

## Protection in disclosure

When a worker or education professional makes a disclosure, Zen Educate will process any personal data collected in accordance with its Data Protection Policy. Data collected from the point the disclosure is made is held securely and accessed by, and disclosed to, individuals only for the purposes of dealing with the disclosure.

Zen Educate encourages open discussions about any concerns and will support all workers who raise genuine concerns under this policy, even if they are mistaken. Zen Educate commits that no worker who makes a report under the procedure will be subjected to any detriment as a result, in accordance with the Employments Rights Act 1996.

In the event that the worker believes they are being subjected to a detriment by any other person within Zen Educate as a result of their decision to disclose, they must inform their line manager or a more senior manager and appropriate action will be taken to protect them from any reprisals. If the matter remains unresolved, the worker should raise it formally under the Grievance Procedure.

Workers must not threaten or retaliate against whistleblowers in any way. If a worker is involved in such conduct they may be subject to disciplinary action.

## Failure to follow this policy

Should you publicly raise your concern without following this policy, other than in exceptional circumstances, this may constitute very serious misconduct and will be dealt with in accordance with Zen Educate's Disciplinary Procedure. Zen Educate reserves the right to pursue an employee for damages, if appropriate.

## Contacts

**WHISTLEBLOWING OFFICER:** Ashni Shah - [ashni.shah@zeneduate.com](mailto:ashni.shah@zeneduate.com)

**DESIGNATED SAFEGUARDING LEAD:** Lisa May Thornley – [lisa.thornley@zeneduate.com](mailto:lisa.thornley@zeneduate.com)

### **LEADERSHIP TEAM:**

**CEO:** Slava Kremerman – [slava@zeneduate.com](mailto:slava@zeneduate.com)

**CCO:** Oren Cohen – [oren@zeneduate.com](mailto:oren@zeneduate.com)

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**PROTECT:** <https://protect-advice.org.uk>