



Whistleblowing Policy

Status: Revised Policy

Date for Next Review: 12th August 2027



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Originator: Director of Governance Date: 19 August 2025	Policy Owner: Director of Governance	Reviewed by: SMT Date: 26 August 2025	Approved by : ESF SMT ESL Directors Date: 26 August 2025
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1. Policy Document Review

This Policy document is subject to a regular review by ESF to ensure its continuing suitability, adequacy and effectiveness. Areas subject to review include, but are not limited to, follow-up action from previous reviews, policy conformity, review of complaints, status of corrective and preventive actions, and improvements. ESF reserves the right to amend this Policy following such review.

1.1 Review Status

Review No.	Summary of Revision	Reviewed		Approved	
		By	Date	By	Date
1.	For review by SMT	Keith Tucker	23Jun 2009	SMT	23 Jun 2009
2.		Keith Tucker	Aug 2010		
3.	Referencing to relevant ordinances	Keith Tucker	Nov 2010		30 Nov 2010
4.	Policy Review – No Changes	Charles Caldwell	Mar 2017	SMT	14 Mar 2017
5.	Policy Refresh – No material changes	Charles Caldwell	Aug 2020	SMT	12 Aug 2020
6.	Policy Update – policy amended to document revised procedures and record keeping	Niamh McKeague and Charles Caldwell	April 2022	SMT	7 th June 2022
7.	Policy extended to all Stakeholders	Niamh McKeague	August 2023	SMT	5 th Sept 2023
8.	Guidance provided on when to use complaints policy instead of whistleblowing policy	Director of Governance	August 2025	SMT	26 th Aug 2025

2. Introduction

2.1 ESF Vision

The English Schools Foundation vision is for every student to be the best that they can be.

2.2 Purpose

ESF aims to maintain high standards of integrity, accountability and ethical conduct in all of its operations. ESF does not tolerate wrongdoing in any form and relies on staff members, students, parents and other relevant parties reporting any wrongdoing to maintain this high standard. This policy provides a transparent and confidential channel for all members of our community to report wrongdoing without fear of reprisal.

The purpose of this policy is to:

- Encourage staff, students, volunteers, parents, and other stakeholders to report wrongdoing as soon as possible.
- Provide clear guidance on how to make a protected disclosure.
- Reassure anyone who raises a concern that it will be taken seriously and that they will be protected from victimisation or retaliation.
- Safeguard the welfare of our students and maintain public confidence in ESF/ESL.

This policy is guided by the spirit of transparency promoted by Hong Kong's Independent Commission Against Corruption (ICAC) and the Education Bureau (EDB).

2.3 Scope

This policy applies to all ESF/ESL stakeholders, including staff members.

This policy is not intended for complaints about personal employment matters (e.g., disputes over working hours, performance appraisals, or terms of employment). Such issues should be addressed through ESF's Complaints Policy.

Out of Scope: This policy does not provide for raising a complaint. The procedure for making a complaint is set out in the Complaints Policy.

3. Definitions / Abbreviations

Board	-	Board of Governors, ESF
CEO	-	Chief Executive Officer, ESF
Director HR	-	Director Human Resources, ESF
ESF	-	English Schools Foundation
ESFI	-	ESF Investment Company
ESL	-	ESF Educational Services Limited
Head of Department	-	Head of the relevant department within the school/Kindergarten/ESFC/ESF Explore
Officer of the Board	-	Chair, Vice-Chair or Treasurer
Principal	-	Principal of an ESF school or ESL school or kindergarten
Protected Disclosure	-	See Section 7
School Council	-	School Council of the relevant ESF/ESL school
Senior Manager	-	Members of the senior management team of ESF or the management team of ESL
Staff Member	-	Any employee of ESF and/or ESL

4. Responsibilities

4.1 Chief Executive Officer

The Chief Executive Officer, ESF (CEO) is responsible for the thorough investigation of any disclosure of wrongdoing. The CEO will maintain a central repository of any disclosures of wrongdoing made in accordance with this policy.

4.2 Principals and Senior Managers.

Principals and senior managers may receive disclosures of wrongdoing in accordance with this policy. They are responsible for ensuring that the process outlined in this policy is followed appropriately and fairly with due regard for the values of mutual respect outlined in the ESF Professional Code of Ethics.

They are also responsible for ensuring that anyone, who has reported an issue of wrongdoing, of which they are aware, is not victimised in any way for having done so.

4.3 Line Managers

Line managers may receive disclosures of wrongdoing in accordance with this policy.

4.4 Staff Members and stakeholders

A staff member or stakeholder who has a concern over any wrongdoing within ESF/ESL should report the wrongdoing to the appropriate person, as outlined in **Appendix 1**. This should be done in a professional manner with due regard to the values of mutual respect outlined in the ESF Professional Code of Ethics and free from discrimination on any grounds, as outlined in the Diversity, Equity and Inclusion Policy.

4.5 Director Human Resources

The Director, HR is responsible for overseeing the implementation of this policy and for providing guidance to the CEO where required.

The Director, HR may also receive disclosures of wrongdoing in accordance with this policy.

Any reports of retaliatory behaviour, as a result of making a disclosure of wrongdoing, may also be made to the Director, HR.

4.6 Director of Governance

The Director of Governance will oversee the operation of the Whistleblowing scheme.

The Director of Governance is also a recipient for disclosures of wrongdoing covered under this policy.

Any reports of retaliatory behaviour, as a result of making a disclosure under this policy, may also be made to the Director, Governance.

4.7 The Board and investigations involving the CEO

The Board, through the Staffing Operations Committee, is responsible for the thorough investigation of any issue of wrongdoing, raised by a staff member, potentially implicating the CEO. Where the Board is investigating any issue of wrongdoing involving the CEO, the Board will make arrangements for the retention of documentation relating to the disclosure and the investigation.

5. When Should I Use this Policy?

The Whistleblowing Policy is designed for reporting “public interest” wrongdoing. This means the alleged misconduct affects others, such as the public, other employees, or the organisation itself. The individual raising the concern, the whistleblower, is acting as a messenger, bringing to light issues that might otherwise go unnoticed.

In contrast, our Complaints Policy is for personal matters. It provides a formal and informal process for an individual to address dissatisfaction with their treatment. For staff this may be in relation to their own employment situation, such as issues with their line manager, working conditions, or a perceived unfair treatment that directly affects them. For non-staff stakeholders this might relate to a particular decision that directly affects the stakeholder.

Generally, matters relating to serious crime, risk, a major financial fraud, or a significant public health danger, would qualify as a whistleblowing matter. If you wish to raise a matter that is personal to your own employment, or your own specific treatment, then the ESF Complaints Policy should be followed.

6. What Should be Disclosed and When?

Concerns over any wrongdoing within ESF/ESL, should be raised at an early stage rather than waiting for concrete proof of wrongdoing. A staff member should not investigate matters to find proof of their suspicion. Staff members and stakeholders should disclose the information they have based on a reasonable belief that it discloses a wrongdoing. Disclosing information means conveying the facts e.g. stating that events have occurred. This is different to simply making an allegation based on a suspicion that is not founded on facts.

6.1 What wrongdoing should be reported under this policy?

Examples of wrongdoing that should be reported under this policy include but are not limited to:

- **Financial Malpractice:** Fraud, corruption, bribery (in violation of the Prevention of Bribery Ordinance, Cap. 201), or financial mismanagement.
- **Child Safety and Welfare:** Any action or behavior that harms a child or places a child at risk of harm.
- **Health and Safety Dangers:** Practices that endanger the health or safety of students, staff, or the public.
- **Academic or Professional Misconduct:** Examination malpractice, falsification of qualifications or documents, or breaches of professional codes of conduct.
- **Unlawful Acts:** Any criminal activity or failure to comply with legal obligations.
- **A Failure to Declare a Conflict of Interest**
- **Discrimination or Harassment:** Serious breaches of the School's equal opportunities policy, or systemic bullying, discrimination, or harassment.
- **Damage to the Environment.**
- **Deliberate Concealment of any of the above matters.**

6.2 What is a reasonable belief?

You must have a reasonable belief that the information shows or tends to show wrongdoing. However, this does not mean that the belief has to be correct. You may be mistaken in your belief. You will not be penalised simply for getting it wrong provided that, when you are making the disclosure, you had a belief based on reasonable grounds, that the information showed wrongdoing.

7. Protection for Individuals Disclosing Wrongdoing

ESF/ESL encourages the disclosure of information which, in the reasonable belief of the individual, tends to show that serious wrongdoing, risk, or malpractice has occurred, is occurring, or is likely to occur. To be protected by this policy, an individual does not need to have absolute proof of the wrongdoing. They are protected as long as they hold a reasonable belief that the information they are disclosing is substantially true.

Reports of wrongdoing covered under this scheme will be treated as “protected disclosures” provided that they have been raised in good faith and with a reasonable belief that the information discloses a relevant wrongdoing. Once the disclosure of wrongdoing has been made ESF may be obligated to investigate the matter even where a decision is subsequently made to retract the disclosure.

If you make a disclosure of wrongdoing we will make every effort not to reveal your identity without your consent. However, there are circumstances where your identity may be revealed:

- Where it is necessary to reveal your identity for the purposes of:
 - a) Effectively investigating the wrongdoing concerned;
 - b) To prevent serious risk to, public health, public safety or the environment;
 - c) To comply with insurance requirements; or
 - d) To prevent crime or for the prosecution of a criminal offence; and
- The disclosure is otherwise necessary in the public interest or is required by law.

If it becomes necessary to disclose your identity, we will inform you in advance.

ESF/ESL will not penalise anyone for disclosing a wrongdoing provided:

- The disclosure is made in good faith; and
- The person making the disclosure had a reasonable belief that the wrongdoing occurred, even if no investigation takes place or an investigation discloses that no wrongdoing has occurred. This commitment may extend to other staff members who are asked to provide information in relation to matters raised as a consequence of the disclosure.

If you, as an ESF/ESL staff member or a stakeholder believe that you are being subjected to penalisation as a result of making a disclosure of wrongdoing, please inform the Director, HR or the Director, Governance to have this matter investigated. If there is a conflict in reporting to the Director, HR or the Director, Governance e.g. the alleged penalisation involves the Governance Department and the HR Department then you may report any penalisation to the CEO directly.

Penalisation may take the form of:

- Disciplinary Action;
- Demotion;
- Discrimination;
- Threats; or
- Other unfavourable treatment arising from making a disclosure.

8. Anonymous Reports

A report of wrongdoing can be made anonymously, however, depending on the information received it may not be possible to investigate such matters. You are encouraged to put your name to reports or disclosures of wrongdoing so that these matters of concern can be investigated properly.

9. False or Misleading Reports of Wrongdoing

Any staff member found to have reported an issue of wrongdoing, knowing that the information was false, misleading or vexatious, may be subject to disciplinary action under the Disciplinary Policy.

ESF/ESL will consider taking legal action against any non-staff member found to have reported an issue of wrongdoing, knowing that the information was false, misleading or vexatious.

10. Records and Compliance

10.1 Records

Records will be kept by the CEO of all reports of alleged wrongdoing, made under this policy, in a safe and secure environment and in accordance with ESF's Personal Data Handling and Data Privacy Policy.

The Board shall make arrangements for the safe and secure retention of any documentation held in relation to a wrongdoing raised in respect of the CEO, having regard to ESF's Personal Data Handling and Data Privacy Policy.

10.2 Compliance

Any matters concerning the implementation of this policy, in a particular school/organisation should be raised, in the first instance, with the Principal or senior managers with a view to reaching a mutually workable solution. Any matters of non-compliance should be raised with the Director, HR, ESF Centre.

Appendix A: Procedural Guidelines for Making or Receiving a Report of Wrongdoing under ESF's Whistleblowing Policy1. How do I make a report of wrongdoing?

1.1 ESF/ESL Staff

- i) As a first step, staff are encouraged to make the disclosure of wrongdoing to your immediate line manager. You can do this verbally or in writing.
- ii) If the line manager is the potential transgressor or staff feel uncomfortable raising the issue with a line manager, the staff member should raise the issue with the Director HR, the Director of Governance or the CEO.

You may also inform an appropriate independent external party of the issue, this may include but is not limited to organisations such as the HK Police, the Education Bureau or the Independent Commission Against Corruption.

- iii) A Director who may wish to make a disclosure of wrongdoing should raise the matter directly with an officer of the Board or a member of the Staffing Operations Committee.
- iv) If you wish to make a verbal disclosure of wrongdoing you should contact your line manager, the Director of HR, the Director of Governance or the Chief Executive Officer to arrange a suitable time for a meeting. Contact details are set out below in section 2. ESF/ESL treats any report about wrongdoing as a serious matter and, for this reason, verbal reports may not be made casually in open areas. A written record of your disclosure of wrongdoing will be made at the arranged meeting and you will be asked to sign this.
- v) If you wish to make a written disclosure of wrongdoing you should forward this to your line manager, the Director of HR, the Director of Governance or the CEO. The disclosure should be marked **“Private and Confidential – Protected Disclosure”**. Following receipt of the written report, arrangements will be made to meet with you to discuss your disclosure. Staff members who wish to make a written report should outline:
 - i) the background and history of the wrongdoing (giving relevant dates where known); and
 - ii) the reason why you are particularly concerned about the situation.
- vi) Reports of wrongdoing may be made in English or Chinese.

1.2 Non-Staff Stakeholders

- i) You may make a report of wrongdoing by contacting the CEO, the Director of HR or the Director of Governance either by telephone or in writing. ESF/ESL encourages all stakeholders, who believe that they have information relating to wrongdoing within ESF/ESL, to come forward with this information. Contact details are set out in section 2 below.

- ii) You may also inform an appropriate independent external party of the issue, this may include but is not limited to organisations such as the HK Police, the Education Bureau or the Independent Commission Against Corruption.
- iii) If you wish to make a written disclosure the disclosure should be marked "**Private and Confidential – Protected Disclosure**". Following receipt of the written report, arrangements will be made to meet with you to discuss your disclosure. The written report should outline:
 - iii) the background and history of the wrongdoing (giving relevant dates where known); and
 - iv) the reason why you are particularly concerned about the situation.

2. Contact Details

Contact Numbers:

CEO (Ms Belinda Greer)	3762-2688
Director of HR (Mr Kunal Mulchandani)	3762-2606
Director of Governance (Dr Niamh McKeague)	3762-2558

Postal Address

ESF Centre, 12th Floor, Island Place Tower, 510 King's Road, North Point

Email Addresses

CEO (Ms Belinda Greer)	Belinda.greer@esfcentre.edu.hk
Director of HR (Mr Kunal Mulchandani)	Kunal.mulchandani@esfcentre.edu.hk
Director of Governance (Dr Niamh McKeague)	Niamh.mckeague@esfcentre.edu.hk

- iv) Reports of wrongdoing may be made in English or Chinese.

3. Procedure for Handling a Report of Wrongdoing

- i) Any reports of wrongdoing received under this policy must be kept confidential and secure and shared only to the extent necessary for investigating the matter raised. Every effort should be made not to reveal the identity of the person making the disclosure without explicit consent.
- ii) If the report of wrongdoing has not been made in writing, the recipient of the disclosure shall record the report in writing, as soon as practicable, to ensure that it properly reflects the concerns that have been raised.
- iii) Following receipt of a report of wrongdoing, a meeting will be arranged to record and/or discuss the disclosure.

- iv) The person making the disclosure must indicate during the meeting if the concern is to be treated in confidence and any limit of that confidence.
- v) The recipient of the disclosure shall ensure that a copy of the written report is sent directly to the CEO, as soon as possible. The CEO will appoint a Whistleblowing Officer to manage the disclosure.
- vi) The Whistleblowing Officer will acknowledge receipt of the report within 5 days of receipt by the CEO.
- vii) The CEO will decide whether the disclosure of wrongdoing constitutes a Protected Disclosure as defined in this policy and will then direct what action should be taken.
- viii) Where the report of wrongdoing directly concerns the CEO, the recipient of the report shall forward the report directly to a Board member or a member of the Staffing Operations Committee for similar action.

Generally, within four weeks of a disclosure of wrongdoing being received by the CEO, the Whistleblowing Officer, appointed by the CEO, should inform the individual who made the disclosure of the following:

- a) whether the report of wrongdoing constitutes a protected disclosure;
- b) Whether any initial enquiries have been made;
- c) how ESF/ESL proposes to deal with the matter including:
 - whether an investigation is warranted;
 - If an investigation is required, whether this will be conducted internally or externally;
 - a referral to the police or other appropriate external agency;
 - a referral to the external auditor; and
- d) information on support available.

- ix) Subject to any legal constraints, the individual who made the disclosure of wrongdoing shall be informed of the final outcome of any investigation, unless advising the precise action taken would infringe upon a duty of confidence owed by ESF/ESL to another person.