



## Whistleblowing Policy

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## Oak Learning Trust

### Whistleblowing Policy

This acts as a framework to allow concerns to be raised confidentially and provides for a thorough and appropriate investigation of the matter to bring it to a satisfactory conclusion, under the academy's disciplinary procedure.

The Trust is committed to tackling fraud and other forms of malpractice and treats these issues seriously. The Trust recognises that some concerns may be extremely sensitive and has therefore developed a system which allows for the confidential raising of concerns within the academy environment but also has recourse to an external party outside the management structure of the academy.

#### **When Might the Whistleblowing Policy Apply?**

All instances of fraud or theft committed against the Trust whether by employees, trustees or third parties, above £5,000 must be reported to the Education Funding Agency (EFA). Any unusual or systematic fraud, regardless of value, must also be reported to EFA. Refer to the Whistleblowing Policy, for further information.

Individuals are encouraged to come forward in good faith with genuine concerns knowing they will be taken seriously. A whistle-blower should ask a few questions before taking action:

- is it, or do you believe it to be, illegal?
- is it, or do you believe it to be, against codes of practice issued by the academy, the DfE/EFA or a professional body?
- does it contradict what the employee has been taught, or should have been taught?
- is it about an individual's behaviour or is it about general working practices?
- has the whistle-blower witnessed the incident?

If any individual raises malicious unfounded concerns or attempts to make mischief, this will also be taken seriously and may constitute a disciplinary offence or require some other form of penalty appropriate to the circumstances.

All allegations should be capable of being dealt with through the disciplinary procedure and will be considered appropriately.

Where the alleged activity or behaviour cannot be dealt with under the scope of other procedures then consideration should be given to using this Whistleblowing Policy e.g.

- manipulation of accounting records and finances;
- inappropriate use of academy assets or funds;
- decision making for personal gain;
- any criminal activity;
- damage to the environment of the academy;
- dangerous practices;
- abuse of position;

- fraud and deceit or corrupt practices;
- serious breaches of academy procedures which may advantage a particular party (for example
- tampering with tender documentation, failure to register a personal interest);
- sexual or physical abuse of pupils or others;
- other unethical conduct.
- Anonymous allegations will only be considered if the issues raised are:
- very serious;
- the credibility of the allegation is considered to be high;
- the likelihood of confirming the allegation is high.

### **Procedure**

The Trust encourages the whistle-blower to raise the matter internally in the first instance with their line manager (or the Head Teacher, if the line manager is the one under suspicion; the Chair of Trustees if the Head Teacher or a governor is under suspicion; the Head Teacher, Responsible Officer and Academy Lead Officer from the DfE/EFA if the Chair of Governors is under suspicion). This will allow them to right the wrong and give an explanation for the behaviour or activity. Alternatively, the whistle-blower may request a private and confidential meeting in the first instance with the person who is causing concern. He/she may be accompanied by a representative of their choice if they so wish (e.g. Union representative or friend).

All matters will be treated in strict confidence and anonymity will be respected wherever possible. Written, dated and signed supporting evidence and statements should always be taken to any meetings if possible.

Alternatively, if the whistle-blower considers the matter too serious or sensitive to raise within the internal environment of the academy, the matter should be directed in the first instance to the Academy Lead Officer with the DfE/EFA, although the DfE/EFA will need to involve the appropriate governors.

The DfE/EFA will have its own procedures for dealing with such matters and will ensure every effort to respect the confidentiality of the whistle-blower. The DfE/EFA will ensure relevant officers are informed as appropriate and should advise the Governing Body of appropriate steps to take.

### **How Will the Matter be Progressed?**

The individual(s) in receipt of the information or allegation (the investigating officer(s)) will carry out a preliminary investigation. This will seek to establish the facts of the matter and assess whether the concern has foundation and can or should be resolved internally. The initial assessment may identify the need to involve third parties to provide further information, advice or assistance, for example involvement of other members of academy staff, the academy's RO and/or external auditors, legal or personnel advisors, the police or the Department for Education.

Records will be kept of work undertaken and actions taken throughout the investigation. The investigating officer(s), possibly in conjunction with the Chair of Governors or nominee, will consider how best to report the findings and what corrective action needs to be considered. This may include some form of disciplinary action and/or third party referral such as the police.

Depending on the nature of the concern or allegation and whether or not the investigating officer considers there to be a case to answer, the disciplinary procedure may be applied. In such cases any disciplinary action

will be considered by the dismissal committee and if appropriate the dismissal appeals committee of the Governing Body. Where a case is proven on the balance of probability the matter will be reported to the full Governing Body, the DfE/EFA and, where appropriate the GTC.

If the whistle-blower is dissatisfied with the conduct of the investigation or resolution of the matter or has genuine concerns that the matter has not been handled appropriately, the concerns may be raised with the Chair of Governors or, for financial impropriety, the academy's Responsible Officer. If that fails to resolve matters, then the employee should seek the assistance of "Public Concern at Work" on 0207 404 6609. For any concerns taken outside of the academy this policy will not apply and any employee raising issues on a wider basis, e.g. with the press, without following the procedure in this policy may be liable to disciplinary action.

### **Respecting Confidentiality**

Wherever possible the trust seeks to respect the confidentiality and anonymity of the whistle-blower and will as far as possible protect him/her from reprisals. Oak Learning Trust will not tolerate any attempt to harass or victimise the whistle-blower, or attempts to prevent concerns being raised, and will consider any necessary disciplinary or corrective action appropriate to the circumstances.

### **Conclusion**

Existing good practice within the Trust in terms of its systems of internal control, financial and non-financial, and the external regulatory environment in which the academy operates, ensure that cases of suspected fraud or impropriety rarely occur. This Whistleblowing Policy is provided as a reference document to establish a framework within which issues can be raised confidentially internally and if necessary outside the management structure of the academy. This document is a public commitment that concerns are taken seriously and will be actioned. Any actions arising from allegations/investigation must be in accord with the academy's disciplinary procedure, which should cover all of the potential areas of concern. At all times the information and advice, which can be obtained from the CEFM Help and Advice Line/EPM, should be utilised, particularly where dismissal or appeal to the Employment Tribunal is possible.

**Whistleblowing Policy  
Procedure**

