

Whistleblowing Policy

This policy should be read in context with OMG Education's Disciplinary Policy and Procedure.

1. Introduction

1.1 The staff and governors of OMG Education (OMG) seek to run all aspects of the organisation's business and activity with full regard for high standards of conduct and integrity. If members of the Organisation staff, parents, governors or the Organisation community become aware of activities that cause concern, we have this Whistle Blowing 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 Organisation's Disciplinary Policy and Procedure.

1.2 We are committed to tackling fraud and other forms of malpractice and treat these issues seriously. We recognise that some concerns may be extremely sensitive. We have therefore developed a system that allows for the confidential raising of concerns within the organisation's environment but also has recourse to an external party outside the organisation's management structure.

2. Appropriate circumstances for whistleblowing

2.1 Individuals are encouraged to come forward with genuine concerns, knowing that they will be taken seriously. A whistle-blower should ask themselves a few questions about their concern before taking action:

- Is it in the public interest?
- Is it, or do you believe it to be, illegal?
- Is it a criminal offence?
- Is the environment damaged or likely to be damaged?
- Is it, or do you believe it to be, against codes of practice issued by the organisation, the local authority (LA), the DfE 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?
- Does it constitute the covering up of wrongdoing?

2.2 If any individual raise 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. The director will consider whether any disciplinary action is appropriate against the individual who made it. The police may be asked to consider whether any action might be appropriate against the person responsible, even if he or she was not a pupil or employee.

2.3 Examples of issues include:

- Manipulation of accounting records and finances
- Inappropriate use of Organisation assets or funds
- Gross mismanagement of funds
- Decision-making for personal gain
- Any criminal activity
- Damage to the environment of the organisation, to property belonging to the organisation or to a member of the organisation's community

- Dangerous practices
- Child protection issues include sexual, emotional or physical abuse of pupils or others.
- Abuse of position
- Serious misuse or abuse of authority
- A miscarriage of justice
- Fraud and deceit or corrupt practices
- Serious breaches of Organisation procedures which may advantage a particular party (for example, tampering with tender documentation, failure to register a personal interest)
- Other unethical conduct, including the circulation of inappropriate emails
- A breach of any legal obligation
- Suppressing information about anything listed above

2.3 Whistle-blowers are encouraged to put their names to an allegation. If confidentiality is requested, the governing board will do its best to protect the identity of any member of staff who raises concerns. It will not disclose the identity of the whistle-blower to the person who is the subject of the disclosure or to others not involved in the investigation unless it is absolutely necessary to do so and only with the prior consent of the individual concerned.

2.4 There are, however, circumstances under which complete confidentiality may be difficult for the governors to maintain. For example:

- If the matter leads to a legal procedure, evidence is required by the court.
- If the issue raised comes within the remit of another Organisation's procedure and the whistle-blower is asked to provide a signed statement as part of the evidence, thus revealing their identity.
- When the safeguarding of children is the issue.

2.5 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.

3. Procedure

Stage 1

3.1 As the first step, you should raise the matter with an appropriate level of line management, which would normally be your own line manager or the member of staff designated to deal with initial whistleblowing. Much depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of malpractice. If you believe that your immediate manager(s) are involved, the director should be approached.

3.2 Concerns may be raised orally or in writing, but it is preferable for an allegation to be set out in writing. An allegation may also be made by phone or email. It is important, however, that when the concern is raised, you make it clear that the issue is being raised under the Whistle Blowing Policy.

3.3 You will be asked to demonstrate to the person that you contact that there are sufficient grounds for concern.

3.4 If the allegation is written, the background and history should be set out, giving names, dates and places wherever possible, and the reasons why the situation is a cause for concern. You should date and sign this statement.

3.5 If the allegation is made orally, you can invite a friend or representative of a trade union/professional association to be present. It is also permissible for a trade union or professional association representative to raise the matter on your behalf.

3.6 If you wish to raise the concern confidentially, this must be made clear to the person who is initially contacted.

3.7 If you have raised the issue orally, you will be asked to put your concerns into writing, which you should date and sign.

3.8 You will be told what steps the line manager intends to take to address the concern. He/she may be able to take the appropriate steps to investigate the matter raised. Alternatively, he/she may refer the matter to a member of the senior management team, the director.

3.9 Once the issue has been raised, you will be contacted within five working days by the director, who will arrange to meet to discuss the matter. Again, a friend or trade union/professional association representative may accompany you for the purposes of giving support.

3.10 Notes will be taken of the details of the concern, and you will be asked to sign a copy of these notes.

3.11 Depending on the gravity of the allegation, the director will consult with the appropriate body. It is at this point that it may become impossible to retain complete confidentiality, should the matter become an issue, for example, for the Organisation's Disciplinary Policy and Procedure or even a matter for the police.

3.12 An initial response will be given within five working days. You will be informed of the progress of the investigation, and if continued confidentiality is an issue.

3.13 When the matter has been fully investigated and a conclusion reached, a formal written response will be sent to you.

3.14 The line manager/Director will also notify the person who is the subject of the disclosure within five working days of the meeting. Upon receipt of the information, the individual will be able to appeal against any decisions by writing to the director or governing board.

Stage 2

3.15 If you are dissatisfied with the organisation's response, you can raise the matter within 10 working days of the date of the organisation's response by writing to the director.

3.16 The Director will then write to you within five working days of receiving the letter to arrange a meeting to discuss the continuing concerns and why you are dissatisfied with stage 1.

3.17 This meeting should take place promptly. Again, you may be accompanied by a friend or a representative of your trade union or professional association.

3.18 The Director may then decide to investigate further and will need to decide what action to take. You will be updated with the outcome of the meeting within five working days.

Stage 3

3.19 If you are dissatisfied with the outcome of stage 2, you may opt to take the matter to stage 3, by raising the matter externally within 10 working days of the date of the decision letter at stage 2, with any of the prescribed people or bodies recommended in the government publication 'Blowing the whistle to a prescribed person: a list of prescribed people and bodies' available from <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>

3.20 In taking your concern outside the organisation, you should ensure that, as far as possible, the matter is raised without confidential information being divulged.

3.21 You are protected by law from dismissal, harassment, bullying or other detriments by your employer or other members of staff with whom you work. If this occurs, you have the right to take your case to an employment tribunal.

4. Allegations against the Director

4.1 If an employee is concerned that the director is the wrongdoer or involved in the wrongdoing, has failed to make a proper investigation or has failed to report the outcome of the investigation, this should be reported to one of the following government departments as appropriate:

- HM Revenue and Customs
- The Financial Services Authority
- The Office of Fair Trading
- The Health and Safety Executive
- The Environment Agency
- The Director of Public Prosecutions
- The Serious Fraud Office
- The Education Funding Agency
- The Department for Education
- The National College for Teaching and Leadership

5. Monitoring and review

5.1 The director is responsible for monitoring the implementation and effectiveness of this policy.