



Oak Activities Whistle Blowing Policy

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Position:	Business Development and Compliance Manager
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1. Introduction

What is whistleblowing?

Whistleblowing is a process that encourages Oak Activities Limited employees to raise concerns within its organisation rather than a problem being overlooked.

Employees are often the first to notice where there is a serious issue in relation to practice within an organisation and have duty of care to raise this a formal manner. However, there are circumstances where, they may not feel confident in expressing concerns due to fear of being disloyal to colleagues or the company, or due to fear of harassment and victimisation.

Oak Activities is committed to the highest possible standards and in accordance with the [The Public Interest Disclosure Act - GOV.UK \(www.gov.uk\)](#) and [Whistleblowing for employees: What is a whistleblower - GOV.UK \(www.gov.uk\)](#) we are committed to the highest standards of service delivery. Oak Activities actively encourages its employees to come forward if they have concerns about any staff members practice or conduct and to voice these concerns confidently, rather than the problem being overlooked.

2. Objectives of this policy

- provide opportunity and understanding of how to raise a concern about conduct or practice at Oak Activities

- allow opportunity for escalation should you not be happy with how a matter has been dealt with
- create a culture which is free from fear of reprisals or victimisation and a confidence that your concerns will be handling professionally

3.Scope

This policy is underpinned by legislation set out in the Public Interests and Disclosure Act 1998. Oak Activities Limited whistleblowing policy is governed by that legislation so before raising a whistleblowing concern you should be clear that it falls within the categories below:

- a breach of legal obligation;
- a miscarriage of justice;
- unlawful or a criminal offence;
- mistreatment or abuse of a service user or member of the public for whom Oak Activities Limited has responsibility for;
- in disregard for legislation governing health and safety at work;
- seeking undue favour over a contractual matter or a job application;
- against Oak Activities Limited Financial Regulations;
- fraud or corruption;
- amounts to improper conduct or unauthorised use of public funds;
- has led to or could lead to damage of the environment;
- a deliberate cover up of information tending to show any of the above;
- or unethical conduct.

The employee/worker raising the concern must reasonably believe they are doing so in the public interest. In the interests of clarity, this means that personal grievances and complaints are not usually covered by this policy and should be dealt with under the grievance policy and procedures.

4.Principles

Oak Activities aim to create a culture of change where the fundamental principles around whistleblowing are understood and people feel confident in raising a concern. These fundamental principles are:

- staff have the right to raise a concern about perceived poor practice or unacceptable behaviour
- staff knowing their responsibilities for expressing concerns and feel confident and backed to do so
- the setting not tolerating any harassment or victimisation and taking action to protect staff that raise concerns in good faith
- appropriate advice/training will be made available to staff

- whistleblowers will be kept informed of the progress and outcome of any investigation

5.Safeguards and Confidentiality

Oak Activities Limited recognises that due to the fear of reprisals from colleagues responsible for the malpractice staff may find it difficult to report concerns. Reporting factual concerns should be done without fear as you are fulfilling a duty to the people you provide support for and your employer.

Oak Activities Limited has a zero-tolerance approach to any form of victimisation and harassment both formally or informally. Any member of staff found to be displaying these types of behaviours will be dealt with seriously under the appropriate disciplinary procedures.

Concerns raised by staff will be treated in confidence and Oak Activities will do its best to protect the identity of staff during the investigation process. If the investigation of concern warrants disciplinary action or police involvement, then the evidence staff provide may be important. Your name will not be disclosed unless essential and part of wider disciplinary or legal proceedings and this will be discussed with you. However, it is encouraged that staff put their names to concerns wherever possible.

Please note Oak Activities Limited expects staff must:

- disclose in good faith;
- believe it to be substantially true;
- not act maliciously or make false allegation; and
- not seek personal gain

The setting will consider any malicious allegations seriously and these will not be tolerated. Disciplinary action will be considered in these circumstances.

6.How to raise a concern

Staff raising concerns should first do so with their line manager or Operations Manager for the area. However if the first step is not deemed appropriate or the member of staff does not feel comfortable raising with AP Site Manager or their Operations Manager then the concern should be raised with the Business Development and Compliance Manager, Managing Director or Lead Designated Safeguarding Lead.

They can be contact via email as follows:

tom.milner@oakactivities.com

stuart.nimmo@oakactivities.com

michael.kaoura@oakactivities.com

Concerns can also be made verbally in person but for investigation purposes it is good practice for all concerns to be recorded in writing and factual based on the information provided by the person reporting the concern.

It is preferable for the person reporting the concern to record this in writing themselves. However where the concern is relayed verbally, the person recording the concern will write down what has been disclosed and a copy will be sent to your home address or via a nominated representative to give you a opportunity to agree that the information documented is factual and a true record.

A written allegation should:

- be raised as early as possible
- reference the fact that it is a whistleblowing concern
- set out the background and history of the concern
- give names, dates and places where possible;
- and the reason why you are particularly concerned about the situation

Individuals who would like to seek professional and confidential advice should contact Protect, a registered charity that advises on whistleblowing queries. The Protect website can be accessed here [Protect - Speak up stop harm - Whistleblowing Homepage \(protect-advice.org.uk\)](http://protect-advice.org.uk), or they can be contacted on 020 31172520.

7.How Oak Activities Limited will respond/investigate concerns

The action taken by the setting will depend on the nature of the concern being raised. All matters raised **with the exception of any allegation of harm against a staff member, student or unlawful activity**, will be investigated internally. Specific procedures where these are applicable should always be referred to e.g. child protection, allegations of staff conduct towards a student or any forms of discrimination. In these circumstances referral to an external agency may be more appropriate e.g. Cambridgeshire or Peterborough LADO.

Some concerns may be resolved without the need for a full investigation, if the action taken is sufficient to have alleviated the concerns.

In some circumstances the need for immediate action may take precedence over need to conduct an investigation. The investigation will subsequently be concluded following the immediate action.

When a concern is raised an Oak Activities representative will contact the person raising the concern within 10 working days by letter/email to:

- acknowledge receipt of the concern;

- make clear how the concern will be dealt with;
- give time estimates and outline a proposed date for final response;
- inform you as to whether initial enquiries have been made; and
- identify whether any further investigations need to take place, if so to what timeframe

Oak Activities will nominate a named person as a point of contact who will contact you explain their role, deal with issues of confidentiality and the frequency of contact. You will be updated about any progress of the investigation and the nominated person will ensure that the investigating officer is informed of any further details you think are necessary to conduct the investigation fully.

Any concerns you have regarding conduct of the investigation need to be raised with the allocated Oak Activities point of contact. The nominated officer will support you in the workplace until the investigations have concluded and will also be your support if the investigation were to progress to criminal or disciplinary proceedings.

8. Safeguarding

Appropriate whistleblowing procedures will be put in place for concerns about poor or unsafe practice and potential failures in the Oak Activities safeguarding system to be raised with the Designated Safeguarding Lead.

If a member of staff feels like they are unable to raise a safeguarding-related concern with the Oak Activities or feels that their genuine concerns are not being addressed, they are able to contact the **NSPCC Whistleblowing Helpline on 0800 028 0285** or the LADO for the specific area of where the concern is raised e.g. Cambridgeshire or Peterborough LADO.

Telephone contacts:

- 01223 727967 – Cambridgeshire
- 01733 864038 – Peterborough
- Out of Hours [Emergency Duty Team](#): 0345 0455203 Cambridge, 01733 864180 Peterborough

Oak Activities, or the appropriate external agency, will acknowledge receipt of a disclosure but, unless additional information is required, will not contact or engage in dialogue with the whistleblower, as this may undermine the legitimacy of the investigation outcome.

Where concerns are raised around a member of Oak Activities staff and/or their conduct/behaviour towards a student/child/young person, the person raising the concern should refer to **appendix B** in the Oak Activities Safeguarding and Child Protection Policy.

The flowchart around dealing with allegations or concerns about an adult working with children gives a clear definition of how Oak Activities will respond in these circumstances.

An allegation may relate to a person who works or volunteers with children who has:

- behaved in a way that has harmed a child, or may have harmed a child
- possibly committed a criminal offence against or related to a child
- behaved towards a child or children in a way that indicates they may pose a risk of harm to children
- behaved or may have behaved in a way that indicates they may not be suitable to work with children.

Do not investigate any allegations until you are certain the above criteria have not been met; advice should be gained from the Local Authority Designated Officer (LADO) where there is uncertainty.

"Absolutely without fail - challenge poor practice or performance. If you ignore or collude with poor practice it makes it harder to sound the alarm when things go wrong". Sounding the Alarm - Barnardos