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Corporate report

# ESFA investigation publishing policy

Updated 5 November 2019

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## 1. Introduction

This policy sets out the Education and Skills Funding Agency's (ESFA) high-level approach to publishing investigation reports where ESFA has lead responsibility for the educational institutions that we fund and support.

It is in the public interest to be fair and transparent about issues relating to how public money is spent and to hold individuals and institutions to account where error and/or irregularity has been established. Publishing the outcomes of our investigations is an important part of this and our aim will be to publish where it is appropriate to do so.

## 2. Scope

ESFA has responsibility, on behalf of the Secretary of State for Education, for administering funding to deliver education and skills to learners.

The providers we fund that are included in this policy are:

- academy trusts

- special schools
- colleges
- training providers
- high needs institutions
- higher education institutions

The investigation reports to which this policy relates are:

- fraud and irregularity investigation reports into institutions for which ESFA has the lead funding responsibility, including all reports carried out by ESFA
- ESFA reviews relating to finance and governance issues, commissioned by the agency following concerns arising from information held by or supplied to the department
- financial notices to improve (FNtl) for academy trusts. ESFA's policy relating to Notices to Improve (Ntl) issued to colleges is contained within the [college oversight: support and intervention](#) policy.
- joint investigation reports where ESFA has lead responsibility

ESFA will make the decision on whether or not to publish a report on a case-by-case basis taking into account the facts of the particular case and, in particular, the factors set out in the section on key considerations ahead of publication set out below.

ESFA will generally not publish:

- reports carried out as part of routine business
- routine self-assessments undertaken by an institution

### 3. Key considerations ahead of publication

ESFA may consider not publishing after a period of time has passed if it is not in the public interest. The decision to publish and the timing of publication will also be dependent on other factors, including:

- when publication could prejudice other law enforcement or other regulatory investigations or proceedings
- where publication could prejudice an institution's internal investigations or any future disciplinary action
- where publication is disproportionate to the gravity of the issues under consideration and the overall circumstances

ESFA will remove or redact personal data (as defined by the General Data Protection Regulations) before publishing where it is considered unfair to the

individual concerned. Such data will not normally be disclosed without consent, but it may be disclosed without consent where the law allows and it is necessary and/or there is a compelling reason to disclose.

In considering the above, ESFA will be mindful of the fact that it is in the public interest to be transparent about issues associated with how public money is spent.

## 4. Notification

Once an investigation report is complete, ESFA will seek to provide the education institution, and identifiable individuals in the report, 10 working days to offer any final comments on factual accuracy before publication. Where appropriate this will include identifiable individuals who have left their role at the education institution. ESFA will consider factual accuracy comments and any amendments to a report will be determined by ESFA.

## 5. Timing

### 5.1 When reports and FNtIs will be published

ESFA will aim to publish as soon as possible after the investigation report is complete and ESFA has taken account of any representations made by the institution or individuals. However, the publication date will be considered in light of the key considerations set out above.

Where reports such as FNtIs allow for compliance, letters documenting compliance will also be published.

### 5.2 Where reports and FNtIs will be published

Published investigation reports and FNtIs will be made available on GOV.UK.

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