

## Whistleblowing Policy and Procedure

<b>Version</b>	2
<b>Title of Policy</b>	Whistleblowing
<b>Policy Owner</b>	Gareth Carter
<b>Date of Authorisation</b>	1 October 2023
<b>Authorised by</b>	Gareth Carter
<b>Date for Review</b>	October 2024

### Introduction

Momentum is committed to the highest standards of openness, probity and accountability. We therefore recognise that staff, both our own or from our supply chain, who raise concerns are an asset not a threat.

It is important to us that any fraud, misconduct or wrongdoing by workers or officers of the organisation, including subcontractors/partners within the supply chain, is reported and properly dealt with. The organisation therefore encourages all individuals to raise any concerns that they may have about the conduct of others in the organisation or the way in which the organisation is run. This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

This policy applies to all employees.

### Background

The Public Interest Disclosure Act 1998 provides protection for workers who raise legitimate concerns about specified matters. These are called 'qualifying disclosures'. A qualifying disclosure is one made in good faith by an employee who has a reasonable belief that:

- a criminal offence;
- a miscarriage of justice;
- an act creating risk to health and safety;
- an act causing damage to the environment;
- a breach of any other legal obligation; or
- concealment of any of the above; is being, has been, or is likely to be, committed

It is not necessary for the person to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient. The worker has no responsibility for investigating the matter - it is the organisation's responsibility to ensure that an investigation takes place.

A worker who makes such a protected disclosure has the right not to be dismissed, or subjected to victimisation, because he/she has made the disclosure.

The organisation encourages workers to raise their concerns under this procedure in the first instance. If a worker is not sure whether to raise a concern, he/she should discuss the issue his/her Manager.

## Principle

- Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Workers should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.
- Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the worker who raised the issue.
- No worker will be victimised for raising a matter under this procedure. This means that the continued employment and opportunities for future promotion or training of the worker will not be prejudiced because he/she has raised a legitimate concern.
- Employees have the right to make appropriate external disclosure without going through the internal procedure first. The organisation, however, would encourage the employee to raise the matter with their manager, designated person, Managing Director prior to doing so, unless there are genuine and well-founded grounds for not doing so.
- Victimisation of a worker for raising a qualified disclosure will be a disciplinary offence.
- If misconduct is discovered as a result of any investigation under this procedure the disciplinary procedure will be used, in addition to any appropriate external measures.
- Maliciously making a false allegation is a disciplinary offence which may result in summary dismissal.
- An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, workers should not agree to remain silent. They should report the matter to a Director.

## Procedure

This procedure is for disclosures about matters other than a perceived actual or potential breach of an employee's own contract of employment. If this is the case, he/she should use the Grievance Procedure.

Qualifying disclosures about matters set out in 'Background' above should be raised using the following procedure:

### Stage 1

In the first instance any concerns should be raised with the employee's line manager. If he/she believes the manager to be involved, or for any reason does not wish to approach their line manager, then the worker should proceed straight to Stage 3.

### Stage 2

The manager will arrange a thorough investigation of the matter (either by investigating the matter him/herself or immediately passing the issue to someone in a more senior position). The investigation may involve the employee and other individuals involved giving a written statement.

Any investigation will be carried out in accordance with the principles set out above. The employee's statement will be taken into account, and he/she will be asked to comment on any additional evidence obtained.

The Manager will then report to the Directors, who will take any necessary action, including reporting the matter to any appropriate government department or regulatory agency.

If disciplinary action is required, the Manager (or the person who carried out the investigation) will report the matter and start the disciplinary procedure.

On conclusion of any investigation, the worker will be told the outcome of the investigation and what the Directors have done, or proposes to do, about it. If no action is to be taken, the reason for this will be explained.

### **Stage 3**

If the worker is concerned that his/her manager is involved in the wrongdoing, has failed to make a proper investigation or has failed to report the outcome of the investigations to the Directors, he/she should inform a Director personally who will arrange to review the investigation carried out, make any necessary enquiries and make his/her own report as in stage 2 above.

If for any other reason the worker does not wish to approach his/her manager he/she should also in the first instance contact a Director. Any approach to the Director will be treated with the strictest confidence and the worker's identity will not be disclosed without his/her prior consent.

### **Stage 4**

If on conclusion of stages 1, 2 and 3 the employee reasonably believes that the appropriate action has not been taken, he/she should report the matter to the proper person or authority.

If an employee makes a qualifying disclosure to such persons, it will be a protected disclosure provided the worker:-

- makes the disclosure in good faith;
- reasonably believes that the information, and any allegation it contains, are substantially true; and
- reasonably believes that the matter falls within the description of matters for which the person or body has been prescribed. (For example, breaches of health and safety regulations can be brought to the attention of the Health and Safety Executive)

The legislation sets out a number of persons or bodies to which qualifying disclosures may be made. These may include:

- Information Commissioner
- HM Revenue & Customs
- Health and Safety Executive
- Environment Protection Agency
- Funding Bodies eg ESFA
- Ofsted

### **False Reporting**

There may be instances where a disclosure is made, based on genuine belief by the worker that something is wrong at a particular time, which is subsequently demonstrated to be false or inaccurate. In such circumstances, the worker will be informed of the discrepancy between their report and the facts at hand. Provide the organisation is satisfied that the worker acted in good faith and had a genuine belief that such a situation should be reported, no further action will be taken.

If it becomes apparent to the Manager or Director that the employee making the disclosure has acted maliciously or frivolously, or has acted for personal gain, this will be dealt with through the organisation's disciplinary process and will be viewed as gross misconduct (see Disciplinary Procedure).

### **Related Policies and Procedures**

- Equality & Diversity
- Disciplinary & Grievance
- Bullying & Harassment
- Health and Safety
- Anti-fraud and corruption

If an employee is suspected to have breached any of the policies mentioned they may be referred to the disciplinary procedure.