



EXETER MATHEMATICS SCHOOL

SERVING CORNWALL, DEVON, DORSET AND SOMERSET

# Whistleblowing Policy and Procedure

<b>Staff reviewer:</b>	<b>Scrutinised by link Governor:</b>	<b>Date signed off at Committee:</b>	<b>Date approved at Board:</b>	<b>Next review date:</b>
<i>Will Denford and Fiona Verney</i>	<i>Linda Peka</i>	<i>F&amp;R: 07/09/17</i>	<i>FGB: 28/09/17</i>	<i>June 2019</i>

## 1. Purpose

Exeter Mathematics School (EMS) encourages all individuals to raise any concerns that they may have about the conduct of others in the business or the way in which the business is run.

This policy applies to all workers of EMS including employees, contractors, agency workers and governors. Other individuals performing functions in relation to the organisation are also encouraged to use it.

It is important to the business that any fraud, misconduct or wrongdoing by workers or officers of the organisation is reported and properly dealt with. This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

## 2. Policy

The Public Interest Disclosure Act 1998 provides protection for employees/workers who raise legitimate concerns about specified matters. These are called "qualifying disclosures". A qualifying disclosure is one made in the public interest by a worker 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
- concealment of any of the above

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

An employee/worker who makes such a protected disclosure has the right not to be dismissed, subjected to any other detriment, or victimised, because he/she has made a disclosure.

EMS encourages employees/workers to raise their concerns under this procedure in the first instance. If an employee/worker is not sure whether or not to raise a concern, he/she should discuss the issue with his/her line manager or the HR department.

## 3. Principles

- 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.
- Victimisation of an employee/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 organisation's disciplinary policy/procedure will be used, in addition to any appropriate external measures.
- Maliciously making a false allegation is a serious offence. Wilful misuse of this procedure may constitute an act of gross misconduct and will be subject to disciplinary action, which may include 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 the Business Manager or Headteacher.
- This procedure is for disclosures about matters other than a breach of an employee's own contract of employment. If an employee is concerned that his/her own contract has been, or is likely to be, broken, he/she should refer to the EMS Grievance policy.

## **5. Procedure**

- 1) The purpose of the procedure is to enable a disclosure to be made to a "designated person" and to indicate the manner with which the matter will be dealt following disclosure. All matters under this procedure will be treated in confidence in a manner appropriate to the nature of the disclosure.
- 2) For the purpose of this procedure, the designated people are the Headteacher or the Deputy Headteacher, in their absence the designated deputies are the Business Manager and Department Lead for Maths and/or Physics. If the protected disclosure relates directly to one of the above, it should be referred to another of the designated people.
- 3) The designated person on receiving information on a protected disclosure from an employee will acknowledge in writing receipt of such disclosure as soon as reasonably possible.

The designated person will decide in conjunction with the HR department how the investigation is to be conducted. An investigation may involve the

employee and other individuals involved, providing a written statement. Any investigation will be carried out in accordance with the principles set out in section 4. The employee's statement will be taken into account and he/she will be asked to comment on any additional evidence obtained.

- 4) On the conclusion of the investigation the appointed investigating manager will summarise their findings to the designated person.
- 5) The designated person will take any necessary action, including reporting the matter to any appropriate government department or regulatory agency. If disciplinary action is required the line manager or Investigating Manager in conjunction with a member of the HR team will start the disciplinary procedure.
- 6) On the conclusion of any investigation, the employee will be told of the outcome of the investigation and what action has been taken or what action will be taken. If no action is to be taken; the reason for this will be explained.

### **Appeal**

If the employee/worker is concerned that following the investigation and subsequent action, they believe that the conduct is continuing or that appropriate action has not been taken, they may raise the matter with the Chair of Governors.

The Chair of the Governors (or such person designated by him/her) will review the investigation and subsequent action (either alone or together with another Board member) and advise the employee in writing, as soon as possible of the review. If following receipt of such advice, the employee/worker reasonably believes that the appropriate action has not been taken, he/she should report the matter to the proper authority. The legislation sets out a number of bodies to which qualifying disclosures may be made. These include:

- HM Revenue & Customs
- Financial Conduct Authority
- Health and Safety Executive
- Environment Agency
- Director of Public Prosecutions
- Competition and Markets Authority
- Serious Fraud Office
- Independent Police Complaints Commission

## **6. Law relating to this document**

Employment Rights Act 1996

Public Interest Disclosure Act 1998

Enterprise and Regulatory Reform Act 2013

## **7. Associated Documentation**

Grievance Policy & Procedure

Disciplinary Policy & Procedure

## **8. Monitoring, Review and Evaluation**

This policy/procedure will be reviewed every two years or in response to changes to legislation or best practice, whichever is the sooner.

It is the overall responsibility of the Schools Governing Board, with support from the School's HR service, for monitoring and reviewing this policy.