



# Whistle-blowing Policy 2020

# Whistle-blowing Policy

## Purpose

The purpose of this policy is to provide a mechanism for accountability and transparency to enable our employees to voice concerns in a responsible and effective manner. It is a fundamental term of all employment contracts that our employees will not disclose confidential information about the Company's affairs. Nevertheless, where an employee discovers information which they believe shows serious malpractice or wrongdoing, then they should be able to disclose this internally, without fear of reprisal and this policy is intended to assist employees who believe they have discovered malpractice or impropriety.

Whistle-blowing is when you provide information (or make a disclosure) on something that has come to your attention through your work.

In most cases the 'whistle-blower' will not be directly or personally affected by the danger or illegality (although they may be) but is raising concerns as to the affect it may have on others.

We actively encourage open and honest communications, therefore it is important that we provide guidance and clear steps to follow for anyone wishing to raise an issue in confidence where they genuinely believe, in good faith, that a major wrongdoing or malpractice has (or may) occur, for example:

- Financial malpractice or impropriety or fraud.
- A criminal offence has been committed, is being committed, or is likely to be committed.
- A person has failed, is failing, or is likely to fail to comply with any legal obligation to which he or she is subject.
- A miscarriage of justice has occurred, is occurring, or is likely to occur.
- Infringe equal opportunities related legislation and/or our policies e.g. discriminatory behaviour.
- Amounts to improper or unethical conduct e.g. breach of our Code of Conduct, or decision-making for personal gain.
- The Health and Safety of an individual has been, is being, or is likely to be endangered.
- The environment has been, is being, or is likely to be damaged e.g. inappropriate use of the Company's assets.
- Information relating to any of the above has been, is being, or is likely to be deliberately concealed.

## **Confidentiality**

We will treat all such disclosures in a confidential and sensitive manner. We will endeavour to protect the identity of the employee making the allegation if it does not hinder or frustrate any investigation. However, the investigation process may reveal the source of the information and the employee making the disclosure may need to provide a statement as part of the evidence required.

## **Anonymous Allegations**

This policy encourages employees to put their name to any disclosures made. Concerns expressed anonymously may be deemed less credible, however they will be considered and subsequent action will be at the discretion of the Company.

In exercising this discretion, the factors to be taken into account will include:

- The seriousness of the issues raised.
- The credibility of the concern.
- The likelihood of confirming the allegation from attributable sources.

In the instance where the investigation concludes that the allegations are unsubstantiated and all internal procedures have been exhausted, however the complainant is still not satisfied with the outcome, we recognise the lawful rights of employees to make a disclosure to 'prescribed persons' e.g. the Health and Safety Executive, Audit Commission etc..

## **Making a Disclosure**

Appropriate steps will be taken to ensure that your working environment and/or working relationships are not prejudiced by the fact of your disclosure.

If there is evidence to suggest criminal activity then the Company will inform the police and we will ensure that any internal investigation does not hinder a formal police investigation.

It is important to understand that where you raise concerns in good faith and reasonably believe them to be true, you will be protected from possible reprisals or victimisation and there will be no adverse repercussions if you acted in good faith, even if you have been mistaken.

In making a disclosure however, you should take care to ensure the accuracy of the information, as this assurance cannot be extended to anyone who it is shown has raised untrue matters. Please note however, that you will not be protected from the consequences of making such a disclosure if, by doing so, you commit a criminal offence.

If any disclosure is made in bad faith, mischievously or maliciously (for instance relates to a personal grievance, or in order to cause disruption with the Company), or concerns information which you do not substantially believe is true (e.g. rumours), or if the disclosure is made for personal gain, then such a disclosure may constitute a disciplinary offence and result in disciplinary action up to and including dismissal.

If you believe that relevant failure relates wholly or mainly to the conduct of a person who is not an employee of the Company (or any other matter for which a person other than the

Company has legal responsibility), then you should discuss this matter initially with your line manager before making any disclosure to the appropriate person in the external organisation.

## **Process**

You should inform your line manager immediately if you become aware that any of these, or other substantial actions, are happening, or have happened, or are likely to happen. You may also raise any issues using our Grievance Policy.

The following process will be followed in all events where complaints are received:

- We will appoint a suitable person to investigate the matter (the Investigating Officer).
- We will confirm receipt of the complaint in writing.
- The complaint will be fully investigated within working five days of receipt of the complaint.
- A letter will be issued confirming either; how we have dealt with the complaint, or you will be advised of the next steps to be taken in the investigation process.

Due to the varied nature of such complaints we will endeavour to follow the time-scales as stated above and conclude the matter as soon as practicable. Where we envisage there may be a delay you will be notified of this in writing.

## **Investigating Procedure**

The Investigating Officer will undertake the investigation as follows:

- Obtain full details and clarification of the complaint received.
- Inform the employee (against which the complaint is made) as soon as is practicable.
- The employee will be informed of their right to be accompanied by a suitable companion at any formal meetings (a suitable companion is a work colleague (not a contractor) or; a full-time official employed by a trade union; or a lay official, as long as they have been certified in writing by their Union as being competent (i.e. having experience of, or having received training in acting as a Companion at Grievance, Disciplinary or Capability hearings)) at any formal meetings;
- Consider whether any other third-parties need to be advised and/or informed e.g. the Company's auditors, Police etc.
- Fully investigate all allegations raised and where appropriate take witness statements from relevant parties.
- Make an informed judgement, based on the information and evidence gained in regard to the validity of the complaint and complete a written report.
- Present their findings to a Company Director who will decide what appropriate action is required. Should a complaint be found to be justified, the most appropriate internal process will be invoked, which may include the Company disciplinary procedure.
- The employee raising the complaint will be kept informed of the progress of the investigations and, if appropriate, of the final outcome.
- Where appropriate, a copy of the outcomes may be passed to the Company's Auditors to enable a review of the procedures.

More information can be found at:

<https://www.gov.uk/whistleblowing>