

WHISTLEBLOWING POLICY

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1 INTRODUCTION

The Company constantly strives to safeguard and act in the interest of the public and its employees. It is important to the Company that any safeguarding, fraud, misconduct or wrongdoing, by employees or other agents, is reported and properly addressed.

This policy applies to all employees and all other agents of the Company, who are encouraged to raise concerns in a responsible manner. The Company prefers that a concern is raised and dealt with properly, rather than kept quiet.

Employees are advised that under changes to the law on whistle blowing effective from 25th June 2013 they will not be able to claim protection under whistle blowing rules for breaches of their own employment rights. Disclosures can only be made "in the public interest". Additionally, where whistleblowing disclosures are made in bad faith, tribunals will have the power to reduce compensation by up to 25%.

On 25 June 2014, the Government published the Small Business, Enterprise and Employment Bill which sets out a number of further reforms to the employment law landscape affecting areas such as whistleblowing. The proposed employment law reforms set out in the Bill include a new requirement for regulators (also known as 'prescribed persons'), who receive whistleblowing disclosures to report annually on the disclosures they receive.

2 Responsibilities

All employees at one time or another may have concerns about what is happening at work, and usually these concerns are easily resolved. However, when you have concerns about **serious** malpractice like fraud or financial irregularities, safeguarding concerns, corruption, bribery, dishonesty, acting contrary to staff codes of conduct,

or creating or ignoring a serious risk to health, to safety, and to the environment then it is important that you are able to raise such concerns without fear of reprisal.

You are encouraged to bring to the attention of the Company any practice or action of the Company, its employees or other agents that you reasonably believe is against the public interest, in that the practice or action is:

- a criminal offence
- a failure to comply with any legal obligation
- a miscarriage of justice
- a danger to the health and safety of any individual
- an attempt to conceal information on any of the above

Any individual raising legitimate concerns in good faith will not be subject to any detriment, either during or after employment. The Company will also endeavour to ensure that the individual is protected from any intimidation or harassment by any other parties.

3 Procedures

In the first instance, you should raise any concerns you have with your manager. If you believe your manager to be involved, or if, for any reason, you do not wish to approach your manager, and then you should raise it with a more senior person in the Company who will treat the matter with complete confidence.

Any matter raised under this policy will be investigated promptly and confidentially. The outcome of the investigation, as well as any necessary remedial action to be taken, will be confirmed to you. If no action is to be taken, the reason for this will be explained to you.

4 Escalating your concern

If you are dissatisfied with this response, you should raise your concerns in writing directly with a more senior person in the Company.

If, after escalating your concerns, you believe that the appropriate remedial action has not been taken, you should then report the matter to the proper authority. These authorities include:

- HM Revenue & Customs
- the Financial Services Authority
- the Health and Safety Executive
- the Environment Agency or Scottish Environmental Protection Agency
- the Information Commissioner

This list is not intended to be exhaustive, and you must take care to ensure you contact the proper authority in relation to the particular concerns you have.

<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies>

If you raise a concern and you are found to be culpable, or in any way involved in the wrongdoing, or if you raise a concern maliciously or in a manner not prescribed in this policy, then you may be subject to disciplinary action up to and including dismissal without notice for gross misconduct.

You should not disclose to a non-relevant third party any details of any concern raised in accordance with this policy, and you must not, in any circumstances, publicise your concerns in any way.

All concerns raised under this procedure will be treated with care and sensitivity and to ensure that where the employee has requested that his or her details are kept confidential that this is adhered to. Should it prove to be not possible to keep an employee's details (e.g. if asked to give evidence) then the employee will be informed and given every opportunity to discuss the matter prior to taking any action. It is important to be clear that the earlier a matter is brought to management's attention the easier it is to deal with. When raising a concern, the employee must declare any personal interest he or she may have in this matter. Failure to do so may lead to the investigation being compromised.

The Company does not tolerate harassment or victimisation in any form where someone has raised a concern under this procedure. If an employee chooses to use this procedure, he or she may, should this be helpful to the employee in raising the concern, be accompanied by another employee or a Trade Union official. The person accompanying the concerned employee will be in attendance in a supporting role, but is not allowed to take part in any part of the investigatory procedure. The accompanying person will be required to ensure that he or she treats any information gained during the investigatory process as strictly confidential.

The manager in charge of the investigation is required to register the nature of the concern with HR, and record the outcome. The purpose of this is to ensure that a central record is kept, and which can be cross-referenced with other complaints in order to monitor patterns or concern across the Organisation and to assist the Company to monitor procedures.

Any action taken to resolve a concern raised by an employee will be notified to him or her. In some instances it may not be possible to reveal the full extent of the investigation where this relates to safeguarding or personal issues involving a third party.

Employees must not disclose any concern raised within this procedure other than described in herein. Nor are they permitted to publicise their concerns, or abuse the process by maliciously raising unfounded allegations. These procedures have been designed to ensure that there is no need to raise concerns anonymously and may do so without fear of victimisation or harassment. Employees should be absolutely clear that the Company fully prefers that a concern is raised in a responsible manner rather than not at all.

Qualifying disclosures

Certain disclosures are prescribed by law as “qualifying disclosures”. A “qualifying disclosure” means a disclosure of information that the employee genuinely and reasonably believes is in the public interest and shows that the Company has committed a “relevant failure” by:

- committing a criminal offence
- failing to comply with a legal obligation
- a miscarriage of justice
- endangering the health and safety of an individual
- environmental damage or
- concealing any information relating to the above.

These acts can be in the past, present or future, so that, for example, a disclosure qualifies if it relates to environmental damage that has happened, is happening, or is likely to happen. The Company will take any concerns that you may raise relating to the above matters very seriously.

Employees must reasonably believe that the disclosure is “in the public interest”. We encourage you to use the procedure to raise any such concerns.

Treatment by others

Bullying, harassment or any other detrimental treatment afforded to a colleague who has made a qualifying disclosure is unacceptable. Anyone found to have acted in such a manner will be subject to disciplinary action.

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