



HR HANDBOOK: APPENDIX 5 WHISTLE BLOWING

WHISTLE BLOWING

This policy applies to all employees of the company. Other individuals performing functions in relation to the company, such as contractors, are encouraged to use it.

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

Background

The law provides protection you if you raise legitimate concerns about specified matters. These are called "qualifying disclosures". A qualifying disclosure is one made in the public interest by you if you have 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 you to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient. You have no responsibility for investigating the matter - it is the company's responsibility to ensure that an investigation takes place.

If you make such a protected disclosure you have the right not to be dismissed, subjected to any other detriment, or victimised, because you have made a disclosure.

The company encourages you to raise your concerns under this procedure in the first instance. If you are not sure whether or not to raise a concern, you should discuss the issue with your line manager or the HR department.



Principles

- Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. You should be watchful for illegal or unethical conduct and report anything of that nature that you become aware of.
- Any matter raised under this procedure by you will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to you.
- You will not be victimised for raising a matter under this procedure. This means that your continued employment and opportunities for future promotion or training will not be prejudiced if you have raised a legitimate concern.
- Victimisation for raising a qualified disclosure will be a disciplinary offence.
- If misconduct is discovered as a result of any investigation under this procedure the company's disciplinary procedure will be used, in addition to any appropriate external measures.
- Maliciously making a false allegation is a disciplinary offence.
- 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, you should not agree to remain silent. You should report the matter to a director.

This procedure is for disclosures about matters other than a breach of your own contract of employment. If you are concerned that your own contract has been, or is likely to be, broken, you should use the company's grievance procedure.

Procedure

- (1) In the first instance, and unless you reasonably believe
- (2) your line manager to be involved in the wrongdoing, or if for any other reason you do not wish to approach your line manager, any concerns should be raised with your managers' line manager. If you believe the line manager to be involved, or for any reason does not wish to approach the line manager, then you should proceed straight to stage 3.

(2) The line manager will arrange an investigation into the matter (either by investigating the matter or immediately passing the issue to someone in a more senior position). The investigation may involve you and other individuals involved giving a written statement. Any investigation will be carried out in accordance with the principles set out above. Your statement will be taken into account, and you will be asked to comment on any additional evidence obtained. The line manager (or the person who carried out the investigation) will then report to the board, which 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 will report the matter to the HR department and start the disciplinary procedure. On conclusion of any investigation, you will be told the outcome of the investigation and what the board has done, or proposes to do, about it. If no action is to be taken, the reason for this will be explained.



(3) If you are concerned that your line 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 board, you should inform a Managing Director of the company, who will arrange for another manager to review the investigation carried out, make any necessary enquiries and make his/her own report to the board as in stage 2 above. If for any other reason you do not wish to approach your line manager you should also in the first instance contact the Managing Director. Any approach to the director will be treated with the strictest confidence and your identity will not be disclosed without your prior consent.

(4) If on conclusion of stages 1, 2 and 3 you reasonably believe that the appropriate action has not been taken, you 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;
- the Financial Conduct Authority (formerly the Financial Services Authority);
- the Competition and Markets Authority;
- the Health and Safety Executive;
- the Environment Agency;
- the Independent Police Complaints Commission; and
- the Serious Fraud Office.