



## **Whistle Blowing Policy**

## **INTRODUCTION**

The company recognises that there may be matters of concern to employees within the business which they wish to bring to the attention of the management, or the appropriate authorities, but are reluctant to do so because of fear of reprisal.

The company is committed to the highest standards of honesty, integrity and good practice. If an employee reasonably suspects in good faith that the company, or some employee, agent or associate of the company has acted in an improper or unlawful manner then they are able to do so with confidence that their disclosure will be taken seriously, handled with discretion and that it will not lead to disciplinary proceedings, dismissal or any other detrimental treatment.

### **1. WHAT IS WHISTLE BLOWING?**

Whistle blowing is known officially as making a disclosure that is in the public interest. Issues that should be reported through the Company Whistle Blowing Policy include failures relating to:

- Breaches of health and safety;
- Commission of a crime;
- Breach of a legal obligation;
- A miscarriage of justice;
- Damage to the environment; and
- Attempts to conceal evidence in relation to the above issues.

As a general rule instances of bullying, discrimination and harassment should be reported through the company's Bullying and Harassment Policy and complaints personal to the employee's work should be dealt with through the company Grievance Policy.

Conduct which may give rise to use of the whistle blowing procedures could be committed by the company itself, an employee of the company, a third party working on behalf of the company, a client or customer, supplier or partner in a joint venture.

### **2. WHO SHOULD THE DISCLOSURE BE MADE TO?**

In the first instance, unless not reasonably practicable the disclosure should be made internally. Normally this will be to the employee's designated manager but the employee should feel free to make the disclosure to another member of management if they feel it necessary or appropriate.

Where the employee is unable to make the disclosure internally then they should make it to an appropriate person or body, for example the Health and Safety Executive, the police, HMRC etc.

### **3. PROCEDURE FOR MAKING A PUBLIC INTEREST DISCLOSURE**

Where an employee has reason to make a disclosure they should do so as a matter of urgency so that the company can take immediate action to investigate and handle the disclosure.

The employee is encouraged to make the disclosure in writing and to give specific information such as dates, places and names, along with a concise description of the matters giving rise to the disclosure. The employee may wish to use the company Public Interest Disclosure Form to make a disclosure, a copy of which can be obtained from the employee's designated manager.

#### **• ANONYMOUS DISCLOSURES**

Employees who wish to make a disclosure are encouraged as a matter of company and government policy to provide his / her name when doing so and to allow his/her name to be disclosed during the investigation of the disclosure. The company will be able to deal

with any disclosure more effectively if they are aware of the identity of the person who made the disclosure and able to seek further information.

The company will at all times seek to maintain confidentiality in relation to the nature of the disclosure and the person who made it. An employee may expressly request that their identity as a whistleblower is kept confidential. Where the employee requests confidentiality the company will not reveal the employee's name without his/her consent, unless required by law.

The company will not subject an employee who makes a disclosure to any form of detrimental treatment just because they made the disclosure. The company will take all reasonably practicable steps to prevent any other person or party, including other employees, from subjecting an employee to detrimental treatment just because they made a disclosure.

#### • **MALICIOUS DISCLOSURES**

The company encourages all employees to make disclosures if they have a genuine belief that a failure may have been or may be committed.

Where an employee makes a disclosure in good faith, regardless of whether the disclosure was valid or not, then the employee will not be submitted to any form of detrimental treatment, including disciplinary action, or dismissal.

Where, following investigation of any disclosure, there is evidence that in making the disclosure the employee was acting maliciously or in bad faith then the company reserves the right to refer the matter to the Company Disciplinary Policy.

#### • **INVESTIGATION OF DISCLOSURES**

The manager who receives a disclosure will handle the matter in line with management procedures. This will normally involve either commencing an investigation personally or referring the matter to another manager for investigation.

It may be necessary to hold a meeting with the person who made the disclosure to seek further information regarding the disclosure. Although this will not constitute a formal grievance hearing the company will, at the discretion of the manager conducting the investigation, allow the employee to be accompanied by a trade union representative or colleague. That person will be allowed to address the investigating manager and confer with the employee but may not answer questions on behalf of the employee.

The investigating manager will also carry out all further enquiries necessary to ensure that the disclosure is fully and properly investigated. This may involve interviewing other employees or associates of the business, collecting and reviewing evidence such as documents, CCTV etc. and conferring with relevant authorities and advisers.

The investigating manager will then produce a report setting out his/her findings in relation to the disclosure and recommendations as to what further action should be taken.

The investigating manager may direct that a copy of the report be disclosed to the employee who made the disclosure, but this will be at the investigating manager's entire discretion. However, wherever possible the company will seek to keep the employee briefed as to the progress and outcome of any disclosure, having regard for the legal obligations and business interests of the company, such as the protection of confidential data.

#### **4. Protection of whistle blowers**

Where an employee has made a valid public interest disclosure then the employee shall not be subjected to any detrimental treatment by the company as a result of having made that disclosure.

The company will also take all reasonable steps to prevent any employee of the company from subjecting a person who has made a valid disclosure to detrimental treatment as a result of having made that disclosure.

Employees should be made aware that Employment Tribunal proceedings can be instituted against them as an individual where they are alleged to have subjected an individual to detrimental treatment because that person made a valid public interest disclosure.

The company may also commence formal disciplinary proceedings under the company disciplinary policy in such circumstances.

#### **5. Further action**

If an employee is unhappy with the progression or outcome of the investigation then they should in the first instance raise his/her concerns informally with the investigating manager or their designated manager. If this does not resolve the matter to the employee's satisfaction then they are entitled to raise a formal grievance under the company Grievance Policy.