

## Whistleblowing Policy and Procedure

Date of last completed review:	July 2020		
Date of next scheduled review:	July 2021		
Owner:	Sian Tohill – HR Manager	Date:	July 2020
Once printed this document is an uncontrolled version. Always check the online policy and procedures library to ensure you have the most up to date version of the document.			

### Introduction and Scope

This policy applies to all workers and employees (temporary and permanent) and other individuals performing functions in relation to the Organisation, such as agency workers and contractors.

It is the Organisation's intention to encourage a free and open culture in its dealings with its staff members and all parties with whom it engages in business and where legal/regulatory obligations arise. In particular, the Organisation recognises that effective and honest communication is essential if malpractice is to be dealt with and the Organisation's success ensured.

Malpractice within the Organisation is taken very seriously and it is important that any fraud, misconduct or wrongdoing by workers, employees or officers of the Organisation is reported and properly dealt with. The Organisation 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 for 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; or
- concealment of any of the above;

is being, has been, or is likely to be, committed. It is not necessary for the individual to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient. The individual has no

responsibility for investigating the matter - it is the Organisation's responsibility to ensure that an investigation takes place.

An individual who makes such a protected disclosure has the right not to be dismissed, subjected to any other detriment, or victimised, because they have made a disclosure.

The Organisation encourages its staff to raise their concerns under this procedure in the first instance. If an individual is not sure whether or not to raise a concern, they should discuss the issue with their line manager or a member of the Human Resources Department.

## **Principles**

- Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Members of staff 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 individual who raised the issue.
- No individual 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 individual will not be prejudiced because of them raising a legitimate concern.
- Victimisation of an individual 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 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, individuals should not agree to remain silent. They should report the matter to a person listed in Appendix A.

This procedure is for disclosures about matters other than a breach of contract of employment. If a staff member is concerned that their own contract has been, or is likely to be, in breach, they should use the Organisation's Grievance Procedure. Other matters not considered appropriate to raise using the Organisation's Whistleblowing System include, but are not limited to:

- Salary or terms and conditions
- Harassment
- Discrimination of any sort
- Rumours or gossip
- Disputes with colleagues

These matters should be dealt with through the Organisation's Grievance Procedure.

## **Whistleblowing Procedure**

### **Raising concerns**

- An individual should normally raise concerns about wrongdoing and malpractice with his/her immediate Manager initially. Concerns may be initially raised verbally but confirmed in writing.
- A colleague (acting as a trusted companion) can be present during any meetings or interviews in connection with the concerns raised.
- Where it is not appropriate to proceed via normal management reporting channels because the matter is sensitive and serious (for example, the staff member believes his/her manager is involved in or is

condoning the malpractice), he/she should report the matter internally in confidence to a relevant person listed in Appendix A.

- A disclosure can be made to one of the prescribed regulatory or independent Organisations listed in Appendix B if it is considered that they might have an interest in the matter and, despite the best efforts of the Organisation, it is believed that disclosure within the Organisation has been unsuccessful or is inappropriate. Disclosures made to a legal adviser in the course of obtaining legal advice will be protected.

### **Employer's response**

- A written acknowledgement of the issue raised will be sent to the individual within 7 days of it having been reported internally.
- All issues raised through the internal process will be reported to the Human Resources Department who will arrange an initial interview for the staff member raising the issue and the relevant individual within the Organisation best able to investigate the issue.
- Depending on the outcome of the initial interview, Human Resources may then inform the most senior person within the Organisation, who will arrange/conduct any further necessary investigations, which may include interviews with other members of staff.
- Where in exceptional circumstances the concern is about the most senior person within the Organisation, the Chief Financial Officer will decide how to proceed.
- Following investigation, the individual raising the issue may be required to attend any subsequent disciplinary hearing or enquiries as a witness. Appropriate steps will be taken to ensure that working relationships are not prejudiced by the fact of the disclosure.
- The individual raising the issue will be given feedback both on the progress and on the outcome of the investigation.
- If the investigation shows that there is a case to be answered by any employee(s), the Organisation's Disciplinary Policy will be invoked. External bodies will be notified where appropriate.

### **Your responsibilities (as any individual performing a function in relation to the Organisation)**

You should be aware that the Policy will apply where a disclosure is made in good faith and where you reasonably believe that the information disclosed and any allegation contained within this information are substantially true.

If any disclosure is made in bad faith (for example, in order to cause disruption within the Organisation), or concerns information which you do not substantially believe is true, or indeed if the disclosure is made for personal gain, then such a disclosure will constitute a disciplinary offence for the purposes of the Organisation's Disciplinary Policy and may constitute gross misconduct for which summary dismissal may result.

This Policy and Procedure has been produced to take account of the Public Interest Disclosure Act 1998, which protects employees making disclosures about certain matters of concern, where those disclosures are made in accordance with the provisions of the Act.

### **Data protection**

When an individual makes a disclosure, the Organisation will process any personal data collected in accordance with its Data Protection Policy and Privacy Statement. Data collected from the point at which the individual makes the report is held securely and accessed by, and disclosed to, individuals only for the purposes of dealing with the disclosure.

## **APPENDIX A**

### **LIST OF INTERNAL CONTACTS**

Human Resources Manager – Sian Tohill - 01443 471397

Chief Financial Officer – Michael Guo - 01443 471300

Chief Executive Officer – Simon Loose - 01443 471376

## APPENDIX B

### LIST OF RELEVANT ORGANISATIONS TO WHOM EXTERNAL DISCLOSURES MAY BE MADE:

**Health and Safety issues:** Health and Safety Executive.

**Environmental issues:** The Environment Agency.

**Fraud and Fiscal irregularities:** Serious Fraud Office, HMRC (Inland Revenue), Customs and Excise.

**Company Law:** Department of Trade and Industry.

**Competition and Consumer Law:** Office of Fair Trading, Local Authorities.

**Financial Services:** Financial Conduct Authority.  
Direct whistleblowing contacts:  
Telephone: 020 7066 9200  
Email: [whistle@fca.gov.uk](mailto:whistle@fca.gov.uk)

**Others:** Charity Commissioners, Criminal Cases Review Commission,  
Information Commissioner, Occupational Pensions Regulatory Authority.

(This list is not exhaustive)

### **Advice**

If you want free, confidential advice on what is protected by PIDA and how best to raise your concern, you can contact the independent charity, Public Concern at Work on 020 7404 6609/[www.pcaaw.co.uk](http://www.pcaaw.co.uk)