

## WHISTLEBLOWING POLICY

### 1 INTRODUCTION

- 1.1 The Company is committed to the highest standards of honesty, integrity, openness and accountability. In demonstrating this commitment the Company encourages workers who have serious concerns about any part of their work or wrongdoing within the Company to come forward and express these concerns.
- 1.2 A “**whistle-blower**” is someone who discovers and raises a genuine concern relating to any of the Relevant Failures set out in paragraph 2.3 to his employer or the relevant authorities.
- 1.3 Any worker who raises concerns in accordance with this policy can do so on a confidential basis without fear of reprisal or victimisation. This Policy sets out the procedure for workers to follow the aim of which is to offer them, so far as possible a confidential route to raise genuine concerns.
- 1.4 If you are uncertain whether something is within the scope of this policy you should seek advice from the Chief Executive.

### 2 BACKGROUND

- 2.1 This Policy incorporates the requirements of the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998) (the “**Act**”). The Act introduced specific protection rights to individuals who disclose information about alleged wrong-doing in defined circumstances.
- 2.2 The Act protects all ‘**employees**’ (i.e. contracted Company staff) and all ‘**workers**’ including any person who undertakes to do or perform personally (or otherwise) any work or service for the Company, regardless of the nature of the contractual relationship. Agency workers and self-employed workers are therefore included. Volunteers are excluded from the legislation. There are no restrictions on length of service.
- 2.3 “**Whistleblowing**” is the disclosure of information which relates to suspected wrongdoing or dangers at work. In order to qualify for protection under the Act, a worker must reasonably believe that:
  - a criminal offence including fraud 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 a particular legal obligation or regulatory requirement;

- a miscarriage of justice has occurred, is occurring or is likely to occur;
- the health or safety of any individual has been, is being or is likely to be endangered;
- the environment has been, is being or is likely to be damaged; and/or
- information indicating that an occurrence of any of the above, has been, is being, or is likely to be deliberately concealed.

(“the “**Relevant Failures**”)

For qualifying disclosures made after 25 June 2013, the worker must reasonably believe that the disclosure is being made in the public interest.

A worker making a disclosure of information about a matter that does not fall into one of the above will not be entitled to statutory protection in respect of that disclosure.

- 2.4 There are two scenarios in which disclosure of information will not constitute a qualifying disclosure, even if it relates to one of the specified Relevant Failures, and these are:
- where the person making the disclosure commits an offence by making it; or
  - where the disclosure of information is one in respect of which legal professional privilege could be claimed in legal proceedings and is made by the person to whom the information was disclosed.

### **3 PROCEDURE**

#### **3.1 Raising a concern internally**

##### **3.1.1. Stage One**

If a worker has an honest and reasonable concern about a serious issue which they wish to raise with the Company they may initially wish to raise the matter informally with their Manager, either in writing or in person. Once an investigation has been completed, the worker who raised the concern will be given appropriate feedback. In the majority of cases, serious concerns can be properly investigated in a sensitive and fair manner by using this method.

##### **3.1.2. Stage Two**

Where a worker has followed the above informal procedure and still has concerns or is not satisfied with the outcome or if they consider that the matter is so serious that it is not suitable for informal

discussion with their Manager or if they prefer not to raise it with their Manager for any reason, they can speak to the Chief Executive confidentially. If this is still not suitable they can contact the designated Non-Executive Director (the name and contact number of the designated Non-Executive Director as contained in Section 5).

We will arrange a meeting as soon as possible to discuss your concern.

We will take down a written summary of your concern and provide you with a copy after the meeting. We will also aim to give you an indication of how we propose to deal with the matter.

### **3.2 Requests for anonymity**

- (a) If a worker asks the designated Non-Executive Director to protect their identity by keeping their confidence, then this information will not be disclosed without the worker's consent, subject to (b) below and we will make every effort to keep their identity secret.
- (b) In situations where concerns cannot be resolved without revealing the identity of the worker who has raised the problem (for instance because their evidence is needed in court or any other proceedings) then this matter will be discussed with the individual about whether and how to proceed.
- (c) If an individual does not reveal their identity to the designated Non-Executive Director and wishes to raise the concern anonymously, it will be emphasised to that individual that it will be much more difficult to investigate the matter, or to protect the individual's position or to give feedback, if their identity is not revealed. Accordingly, whilst anonymous reports will be considered, they are to be discouraged.

### **3.3 Investigation**

The person to whom the disclosure is made will consider the information and will carry out an initial assessment to determine the scope of any investigation. We will inform you of the outcome of our assessment and you may be required to attend additional meetings in order to provide further information.

Any investigation will be conducted as sensitively and speedily as reasonably possible. The worker who has raised the concern will be notified of the intended timetable for the investigation and we will aim to keep you informed of the progress of the investigation.

### **3.4 Unsatisfactory Outcomes**

While we cannot always guarantee the outcome you are seeking, we will try to deal with your concern fairly and in an appropriate way. If you are not happy with the way in which your concern has been handled you can raise it with the Chief Executive.

### **3.5 Protection for workers invoking the policy**

The Company will ensure so far as is possible that any worker who makes a disclosure pursuant to this policy will not be penalised or suffer adverse or detrimental treatment for doing so.

However, a worker who makes an allegation without having reasonable grounds for believing it to be substantially true, or makes it for purposes of personal gain, or makes it maliciously, may be subject to disciplinary proceedings, as set out in the Company's disciplinary procedure, which may result in summary dismissal.

If you believe that you have suffered any adverse or detrimental treatment as a result of raising a concern in accordance with this policy you should inform the Chief Executive immediately. It is the Chief Executives responsibility to inform the Board of any member of staff who does this.

Staff must not threaten or retaliate against whistle-blowers in any way. Anyone involved in such conduct will be subject to disciplinary action.

### **3.6 Raising a concern externally**

It is recognised that there may be circumstances where a concern can properly be reported to outside bodies, for example where a worker believes that they would be subject to victimisation if they were to report the matter internally. We would always encourage workers to report their concerns on an internal basis in the first instance but acknowledge that in exceptional circumstances external disclosure may be required. In this situation, workers are entitled to enjoy the same protection as if disclosure were made internally.

### **3.7 Wider Disclosure**

Wider disclosure (e.g. to the Police, the media or MPs) will only be protected where the conditions set out at section 2.3 of this policy are satisfied. In addition the disclosure must be made in good faith, the worker must reasonably believe that the information disclosed and any allegation contained in it is substantially true and the worker must not make the disclosure for the purposes of personal gain.

Further, one or more of the following conditions must also apply:

- the worker has already disclosed substantially the same information to their employer or a prescribed regulator;
- the worker reasonably believes that he or she would be victimised if he or she had made the disclosure to their employer or to a prescribed person; or
- there is no prescribed person and the worker reasonably believes that disclosure to their employer would result in the destruction or concealment of evidence.

#### **4 INDEPENDENT ADVICE**

If a worker is unsure about using this procedure or wants independent advice at any stage, they may contact the Chief Executive.

#### **5 NON EXECUTIVE DIRECTOR CONTACT**

The non-executive director to be contacted is John Edmonds and their contact details are:

07793 746 814

[johnedmonds1@hotmail.com](mailto:johnedmonds1@hotmail.com)