
Employee Relations – Whistle Blowing Procedure

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1. General Philosophy

This Policy is designed to provide a formal framework to enable any employee to express their concerns if they believe there may be something seriously wrong or have concerns about malpractice within the Company and makes it clear that they can do so without fear of reprisals. It is intended to encourage employees to raise any serious concerns within the Company rather than overlooking a problem or blowing the whistle externally.

An employee may decide not to speak up, as they would feel disloyal to their colleagues or the Company. They may fear harassment or victimisation choosing to ignore the concern rather than report what may just be suspicion of malpractice.

The Public Interest Disclosure Act 1998 (PIDA) provides any worker (full and part-time, irrespective of length of service or position or status) within the Company who ‘blows the whistle’ on criminal behaviour or wrong doing which is in the ‘public interest’ protection against victimisation or dismissal.

2. Aim & Scope

The aim is to deliver a process for employees to raise concerns and receive feedback on any action taken and to allow the matter to be taken further if they are dissatisfied with the response from the Company.

This policy covers the type of behaviour that relates to the following actions:-

- A criminal offence
- A failure to comply with a legal obligation
- A miscarriage of justice
- The endangering of an individual’s health and safety
- Damage to the environment
- Breach of the Anti-Corruption & Bribery Policy
- Deliberate concealment of information relating to any of the above.

The behaviour that gives rise to the concern does not have to take place within the UK.

This policy does not apply to matters relating to normal employment matters or related to an employee’s purely private matters, these should be raised under the Grievance Procedure (See Section 3 Employee Relations, Grievance Procedure).

3. Policy Framework

3.1 Employee Requirements

The Public Interest Disclosure Act (see 1.0 above) requires that, when making a protected disclosure, an employee must: -

- Believe it to be substantially true
- Believe it to be in the ‘public interest’
- Not act maliciously or make false allegations
- Not seek any personal gain.

If an employee makes a malicious or vexatious allegation, legal or disciplinary action will be taken.

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3.2 How to raise a concern

This will depend on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice.

Employees should inform their line manager immediately if they become aware that any of the actions specified in this policy are happening (or has happened, or is likely to happen). If the allegation is about the actions of their line manager, the matter should be raised with either: -

- A Member of the Human Resources Team
- A Director of the Company.

If the employee believes the matter is of such gravity or sensitivity that they feel unable to raise it with any of the above, they may, in the strictest confidence, contact the Managing Director to discuss a suitable way forward.

An employee will be entitled to ask for their concerns to be treated in confidence and any such wish will be respected. However, it must be appreciated that the investigation process may reveal the source of information and a statement may be required as part of the evidence.

Although employees are not expected to prove the truth of the allegation, they will need to demonstrate to the person contacted that there are sufficient grounds for their concern.

No action will be taken against an employee who has made an allegation in good faith but is not confirmed by an investigation.

Anonymous allegations are much less capable of being actioned effectively but will be considered at the discretion of the Company.

If an employee feels unable to talk to anyone within the Company, they can contact Public Concern at Work (telephone 020 7404 6609 or email whistle@pcaw.org.uk). Their lawyers provide confidential advice, free of charge, to employees concerned about wrongdoing at work but who are not sure whether or how to raise the concern. They aim to minimise the risk to the employee whilst maximising the opportunity for any wrongdoing to be addressed.

3.3 How the Company will respond

When the Company is notified of a concern, it has the responsibility to ensure that:-

- The concern is taken seriously
- Investigations are properly conducted
- That an objective assessment of the concern is made
- That necessary action is taken to resolve the concern.

In order to protect individuals and the Company, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take.

The Company will advise the employee (within ten working days) of how it proposes to deal with the matter giving an estimate of how long it will take to provide a final response. The employee will also be informed as to whether any initial enquiries have been made or whether further investigations will take place and if not, why not.

The Company will keep the employee advised of the progress and, subject to any legal constraints, will receive information about the outcomes of any investigations.

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When any meeting is arranged, the employee will have the right to be accompanied by a union or professional association representative or a representative who is not involved in the area of work to which the concern relates.

The Company will do all in its power to minimise any difficulties an employee may experience after raising a concern, i.e., should they be required to give evidence in criminal or disciplinary proceedings.

4.0 Cross References

Section 3 – Employee Relations, Disciplinary Procedure

Section 3 – Employee Relations, Grievance Procedure

Section 3 – Employee Relations, Dealing with Harassment & Bullying

Section 7 – Anti Corruption & Bribery Policy, Anti-Corruption & Bribery Policy