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WHISTLEBLOWING - PUBLIC INTEREST DISCLOSURE POLICY

The Public Interest Disclosure Act 1998 protects workers who raise legitimate concerns about specified matters from being dismissed by the Company or from being subjected to detrimental treatment or victimised by either the Company or work colleagues as a result, provided certain criteria are met. The Act makes provision about the kinds of disclosure which may be protected, the circumstances in which such disclosures are protected and the persons who may be protected. This policy is intended to comply with the Act by encouraging workers to make disclosures about fraud, misconduct, bribery or other wrongdoing to the Company, without fear of reprisal, so that problems can be identified, dealt with and resolved quickly. Making such disclosures is also known as whistleblowing.

The Company's policy is to support whistleblowers– that is, workers who raise protected disclosures. You must not victimise, subject to detrimental treatment or retaliate against a worker who has made a protected disclosure.

Workers are protected provided they reveal information of the right type (known as a 'qualifying disclosure') and they reveal that information to the right person and in the right way (known as making a 'protected disclosure').

Qualifying disclosures

Certain kinds of disclosure qualify for protection. These are disclosures of information which a worker reasonably believes are made in the public interest and tend to show one or more of the following relevant failures is either happening now, took place in the past, or is likely to happen in the future:

- A criminal offence, including offences such as theft, fraud or acts of bribery.
- The breach of a legal obligation.
- A miscarriage of justice.
- A danger to the health and safety of any individual.
- Damage to the environment.
- Deliberate covering up of information tending to show any of the above five matters.

Only disclosures of information that fall within one or more of these six categories qualify for protection.

The belief held by the worker must be reasonable, but it need not be correct. It might be discovered subsequently that the worker was in fact wrong or mistaken in their belief, but they must show that it was a reasonable belief to hold in the circumstances at the time of disclosure.

The worker must also reasonably believe that their disclosure is made in the public interest. It will therefore not include disclosures which can properly be characterised as being of a personal rather than a wider public interest, for example a disclosure solely about a breach of the terms of an employee's own contract of employment. However, if the disclosure also concerns breaches of the employee's colleagues' contracts, then if it is an important matter, it is likely to be protected by this protection for whistleblowers.

Protected disclosures

For a qualifying disclosure to be a protected disclosure, a worker needs to make it to the right person and in the right way. There are a number of methods by which workers can make a protected disclosure, but the Company always encourages all workers to raise any disclosure internally in the first instance.

Workers are protected if they make a qualifying disclosure to either:

- The Company, or
- Where they reasonably believe that the relevant failure relates solely or mainly to the conduct of a person other than the Company or any other matter for which a person other than the Company has legal responsibility, to that other person.

Workers are encouraged to raise any qualifying disclosures that they may have by following the disclosure procedure set out below.

If the concern relates only to a breach of the employee's own contract of employment, they should use the Company's grievance procedure instead as these types of disclosure are not made in the public interest and are therefore not covered by this policy. However, if it concerns breaches of colleagues' contracts also then this may be covered by this policy. If in doubt, in the first instance employees are encouraged to discuss their concerns with their line manager or with a member of the Human Resources Department.

The disclosure procedure

This procedure applies to all permanent and temporary employees and workers. In addition, third parties such as agency workers, consultants and contractors and any others who perform functions in relation to the Company should use it.

In the event of a worker wishing to make a qualifying disclosure, they should follow the following steps:

1. They should, in the first instance, report the situation in writing to their line manager. If the worker does not wish to contact their line manager or they reasonably believe their line manager to be involved in the wrongdoing, they can instead contact an alternative manager or a member of the Human Resources Department.

2. Such disclosures should be made promptly so that investigation may proceed, and any action taken expeditiously.

3. All qualifying disclosures will be treated seriously. The disclosure will be promptly investigated and, as part of the investigatory process, the worker will be interviewed and asked to provide a written witness statement setting out the nature and details of the disclosure and the basis for it. Confidentiality will be maintained during the investigatory process to the extent that this is practical and appropriate in the circumstances. However, in order to effectively investigate a disclosure, the Company must be able to determine the scope of the investigation and the individuals who should be informed of or interviewed about the disclosure. The Company reserves the right to arrange for another manager to conduct the investigation other than the manager with whom the worker raised the matter.

4. Once the investigation has been completed, the worker will be informed in writing of the outcome and the Company's conclusions and decision as soon as possible. The Company is committed to taking appropriate action with respect to all qualifying disclosures which are upheld.

5. Workers will not be penalised for raising a qualifying disclosure even if it is not upheld, unless the complaint was both untrue and made with malice.

6. Once the Company's conclusions have been finalised, any necessary action will be taken. This could include either reporting the matter to an appropriate external government department or regulatory agency and/or taking internal disciplinary action against relevant members of staff. If no action is to be taken, the reasons for this will be explained to the worker.

7. If, on conclusion of the above stages, the worker reasonably believes that appropriate action has not been taken, they may then report the matter to the proper authority. The legislation sets out a number of prescribed external bodies or persons to which qualifying disclosures may be made. However, the Company always encourages all workers to raise their concerns directly in the first instance, rather than externally. This enables issues to be dealt with promptly and speedily.

Whilst the Company encourages employees to use this procedure to raise their concerns, employees are of course free to raise their concerns using the Company's grievance procedure instead.

General principles

- Workers should be aware of the importance of eliminating fraud, misconduct, bribery or other wrongdoing at work. They should report anything they become aware of that is illegal or unlawful.
- Workers will not be victimised, subjected to a detriment or dismissed for making a protected disclosure under this procedure.
- Victimisation of a worker, or subjecting them to any form of detrimental treatment or retaliation (including bullying and harassment), for raising a protected disclosure under this procedure will not be tolerated by the Company, is a disciplinary offence and, where appropriate, will be dealt with under the Company's disciplinary procedure. Depending on the seriousness of the offence, it may amount to potential gross misconduct and could result in the worker's summary dismissal or termination of engagement.
- Workers should be aware that they can also be held personally liable for any act of victimisation or detrimental treatment of a worker on the ground that they made a protected disclosure.
- Workers should immediately draw the attention of their line manager to suspected cases of victimisation or detrimental treatment related to either themselves or another worker having made a protected disclosure.
- Covering up someone else's wrongdoing is also a disciplinary offence. Workers should never agree to remain silent about a wrongdoing, even if told to do so by a person in authority such as a line manager.
- An employee's right to make a protected disclosure under this procedure overrides any confidentiality provisions in their contract of employment.
- Finally, maliciously making a false allegation is a disciplinary offence.

The Company will process the personal data collected in connection with the operation of this policy in accordance with its data protection policy and any internal privacy notices in force at the relevant time. Inappropriate access or disclosure of personal data will constitute a data breach and should be reported immediately to the Company's Data Protection Officer [Petra Hallett] in accordance with the Company's data protection policy. Reported data breaches will be investigated and may lead to sanctions under the Company's disciplinary procedure.

Steve Sampson
Managing Director



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