

## WHISTLEBLOWING

### POLICY

- 1.1 Under the Public Interest Disclosure Act 1999, employees, in certain circumstances are given protection if they disclose certain types of information, to certain individuals.
- 1.2 The company encourages a free and open culture in its dealing between officers, employees and all people with whom it engages in business and legal relations. In particular, the company recognises that effective and honest communication is essential to its success.
- 1.3 This policy is designed to provide guidance to all those who work with or for the company who may from time to time feel they need to raise certain issues relating to the company with someone in confidence.

### PROCEDURE

- 2.1 This procedure will apply in cases where you genuinely and in good faith believe that one of the following sets of circumstances is occurring, has occurred or may occur within the organisation:
  - A criminal offence 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 any legal obligation to which he or she is subject
  - A miscarriage of justice has occurred, is occurring or is likely to occur
  - The health and 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
  - Information tending to show any matter falling within any of the preceding paragraphs has been, is being or is likely to be deliberately concealed

**Please note, however, that you will not be protected from the consequences of making such a disclosure if, by doing so, you commit a criminal offence.**

- 2.2 If you wish to raise or discuss any issues that might fall into the above category you should contact the Human Resources Section who will treat the matter in confidence. In such cases, it is likely that further investigation will be necessary and you may be required to attend a disciplinary or investigative hearing as a witness. Appropriate steps will be taken to ensure that your working environment and/or working relationships are not prejudiced by the fact of your disclosure.
- 2.3 If you reasonably believe that the relevant failure (i.e. one of the set circumstances listed above) relates wholly or mainly to the conduct of another person other than a company employee or any other matter for which a person other than the company has legal responsibility, then you should make that disclosure to that other person. Also, you may make such disclosure in the course of obtaining legal advice to your legal advisor.

- 2.4 You should be aware that the policy will apply where a disclosure is in good faith and where reasonably believe that the information disclosed and any allegations contained in it are substantially true. If any disclosure is made in bad faith (for instance, in order to cause disruption within the company), 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 purpose of the company's disciplinary policy and procedures may constitute gross misconduct for which summary dismissal is the sanction.
- 2.5 While the company hopes that such disclosures will never be necessary within its organisation, it also recognises that it may find itself in circumstances that are new to it. Each case will be treated on its own facts.

### **KEY NOTES**

- It is vital that procedures relating to disclosure are disseminated and understood throughout the organisation as widely as possible, so that employees who in good faith wish to report, e.g. malpractice within their organisation may do so in good time and without fear of reprisal
- It is also important for managers to be aware that there are potential sanctions available against employers where retaliatory treatment has been dispensed against an employee who has made a protected disclosure against the organisation, or one of its officers or employees
- It is unlawful either to dismiss or to subject an employee to any detriment short of dismissal as a result of the employee's qualifying disclosure. Similar provisions also ensure that any selection for redundancy on such grounds is also unfair.
- There is no requirement for a minimum period of qualifying service for an employee to be able to benefit from such protection

### Revision History

<b>Date</b>	<b>Section Changed</b>	<b>Change Made</b>	<b>Change Made By</b>
October 2012	New Policy		Linda Gregory