

## **Whistleblowing Policy**

The aim of this procedure is to encourage you to raise any genuine concerns you might have about certain wrongdoings within the company without fear of reprisal, to provide you with guidance on how to raise those concerns and to enable us to investigate such concerns and deal with them appropriately.

### **Eligibility**

This procedure applies to all employees, apprentices, workers and anyone else who has a contract to carry out work for us personally. It does not apply to genuinely self-employed contractors who run a profession or business on their own account.

### **Scope**

You should not use this procedure for complaints relating to your own circumstances, such as the way you have been treated at work. In those cases, you should use the grievance procedure. This procedure is for making a disclosure of wrongdoing or malpractice where you reasonably believe that disclosure is in the public interest. If you are uncertain whether or not something is within the scope of this policy, you should seek advice from the Human Resources department.

This policy and procedure apply to employees only. It is entirely non-contractual and does not form any part of any employee's contract of employment and is provided for guidance/information purposes only. Any failure to follow the stated procedure shall not be considered to constitute any breach of an essential term of the contract of employment. The contents of this policy and procedure may be subject to revision from time to time to ensure its continuing effectiveness and relevance.

### **Types of wrongdoing addressed by this procedure**

If you genuinely believe that we, or any of our workers, have taken, are intending to take or have failed to take action that you reasonably believe could lead or amount to:

- a criminal offence, including bribery;
- a failure to comply with any legal obligations;
- a miscarriage of justice;
- danger to the health and safety of any individual;
- damage to the environment;
- the deliberate concealment of information concerning any of the matters listed above
- breach of the Modern Slavery Statement

you should disclose this information verbally or in writing to your Head of Department or Human Resources Manager. If you make such a disclosure, you should provide full details and, where possible, supporting evidence.

Any concerns covered by this procedure should be raised with the company to allow us the chance to deal with them. You should not bypass this procedure and air concerns externally, other than in exceptional circumstances, for example if you have good reason to believe that evidence would be destroyed if you did not do so. We strongly encourage you to seek advice before reporting a concern to anyone external. Protect is an independent whistleblowing charity which operates a confidential helpline, whose contact details are set out at the end of this Policy.



Their contact details are: Helpline: (020) 7404 6609; E-mail: [whistle@protect-advice.org.uk](mailto:whistle@protect-advice.org.uk); Website: [www.pcaw.org.uk](http://www.pcaw.org.uk). Remember

also that social media sites such as Twitter and Facebook are public rather than private spaces, and they are not the appropriate channel for raising concerns. It will very rarely, if ever, be appropriate to alert the media.

### **Investigating allegations of wrongdoing**

If you disclose information in accordance with this procedure, wherever reasonably practicable we will keep your identity confidential. We discourage anonymous disclosures, as proper investigation may be more difficult or impossible if we cannot obtain further information from you.

We will investigate your allegation promptly. We may require your assistance during our investigation.

We will aim to keep you informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent us giving you specific details of the investigation or any disciplinary action taken as a result (see further below, concerning confidentiality).

While we cannot always guarantee the outcome you are seeking, we will try to deal with your concern fairly and in an appropriate way. By using this policy, you can help us to achieve this.

If you are not happy with the way in which your concern has been handled, you can raise it with the Managing Director.

We will inform you of the outcome of the investigation as soon as practicable. We will take whatever action we consider to be appropriate.

### **Action we may take**

No action will be taken against anyone who raises a genuine concern in accordance with this procedure.

We may take appropriate action against any person found to be:

- victimising another person for using this procedure (please tell your Head of Department if you think you have been victimised, or raise it formally under the grievance procedure if the matter is not remedied); or
- deterring any person from reporting genuine concerns under this procedure please tell your Head of Department if you think you have been deterred, and raise it formally under the grievance procedure if the matter is not remedied).

This may involve us taking disciplinary action, which may result in dismissal.

We may also take disciplinary action against a person who does not act in accordance with this procedure.

### **Confidentiality, data protection and record keeping**

We aim to deal with allegations raised under this policy sensitively and with due respect for the privacy of the individuals involved. All employees must treat as confidential any information communicated to them in connection with an allegation made under this Policy.



Conducting investigations and hearings under this policy involves us processing the personal data of the employees concerned. We use this personal data in order to investigate and deal with whistleblowing allegations. Our legal grounds for doing so are that it is necessary:

- to comply with our legal obligations and for the performance of the employment contract (i.e., to investigate and deal with allegations of wrongdoing in accordance with our duty of trust and confidence to our employees)
- in our legitimate interest to deal effectively with whistleblowing allegations, whether you are the subject of them or are otherwise connected to the issues raised

Special category data and data relating to criminal offences or convictions may occasionally need to be processed under this policy – for example, where an employee raises an allegation of wrongdoing in the company which involves treating individuals badly because of their race or sexual orientation, or where an employee requires a reasonable adjustment to the operation of this policy to accommodate a disability. Our additional legal grounds for using such data are that this is necessary: to exercise legal rights/comply with legal obligations in relation to employment; and to establish, exercise or defend legal claims.

Where we take witness statements from employees with information about the allegations being investigated under this policy, such statements will be treated confidentially and will only be shared with individuals who need to be involved in the investigation and any follow-up action. This will ordinarily be HR and the person/people conducting investigations. In addition, if in the course of investigations under this policy it becomes apparent that misconduct has taken place which requires investigation under our disciplinary policy, witness statements taken under this policy may be used in any subsequent disciplinary procedure and may therefore be shared with the person/people conducting investigations and hearings, as well as the employee whose conduct is the subject of disciplinary proceedings, to enable them to prepare for the hearing and respond to the allegations against them.

We will ordinarily keep records of allegations raised under this procedure for 12 months from the date of completion of investigations and any follow-up action. However, there may also be circumstances in which it is appropriate for us to keep particular records under this policy for a longer period. In such circumstances, we will decide how long records should be retained in accordance with the criteria set out in our main employee privacy notice.

More general information, including details of who your personal data is shared with, your rights under data protection law and who you should contact if you have any concerns is contained in our employee privacy notice, which can be accessed via the Human Resources department.