

CHR011

Whistleblowing

Policy

Whistleblowing Policy

Introduction

This policy applies to all employees. Other individuals performing functions in relation to the organisation, such as agency workers and contractors, are encouraged to use it.

We believe it is important and in the best interest of the business that any fraud, misconduct or wrongdoing by workers, supervisors or managers, of the organisation, is reported and properly dealt with. We believe that whistleblowing could provide us with information that may not otherwise have been known to us and could help us to make better decisions and control risk.

The organisation therefore encourages all individuals to raise any concerns that they may have about the conduct of others in the business or the way in which the business is run so that we can act promptly in addressing and putting right any wrongdoing that may be found.

This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

Background

The law provides protection for workers who raise legitimate concerns about specified matters. These are called "qualifying disclosures". A qualifying disclosure is one made in the public interest by a worker who has a reasonable belief that:

- a criminal offence;
- a miscarriage of justice;
- an act creating risk to health and safety;
- an act causing damage to the environment;
- an act of sexual harassment
- a breach of any other legal obligation; or
- concealment of any of the above;

is being, has been, or is likely to be, committed. It is not necessary for the worker to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient. The worker has no responsibility for investigating the matter - it is the organisation's responsibility to ensure that the matter is investigated.

A worker who makes such a protected disclosure has the right not to be dismissed, subjected to any other detriment, or victimised, because they have made a disclosure.

The organisation encourages workers to raise their concerns under this procedure.

Principles

- Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Workers should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.
- All disclosures will be treated seriously, consistently, sensitively and fairly

- Any matter raised under this procedure will be investigated thoroughly and promptly, and the outcome of the investigation reported back to the worker who raised the issue.
- All reasonable steps will be taken to maintain the confidentiality of the whistleblower where it is requested. However, the whistleblower may need to come forward as a witness.
- No worker will be victimised for raising a matter under this procedure. This means that the continued employment and opportunities for future promotion or training of the worker will not be prejudiced because he/she has raised a legitimate concern.
- Victimisation of a worker for raising a qualified disclosure will be a disciplinary offence.
- If misconduct is discovered as a result of any investigation under this procedure the organisation's disciplinary procedure will be used, in addition to any appropriate external measures.
- Maliciously making a false allegation is a disciplinary offence. However, it is important to note that if an investigation concludes that the disclosure was untrue it does not automatically mean that it was raised maliciously by a worker.
- An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a supervisor or manager, workers should not agree to remain silent. They should report the matter in accordance with the procedure below.

This procedure is for disclosures about matters other than a breach of an employee's own contract of employment. If an employee is concerned that their own contract has been, or is likely to be, broken, they should use the organisation's grievance procedure.

Procedure

The worker should report any concerns to the IMS Manager. This can be verbally or in writing. The worker may be accompanied by a trade union representative or work colleague at the meeting, if they wish.

If the worker believes that the IMS Manager to be involved in the wrongdoing, or if for any other reason the worker does not wish to approach the IMS Manager, any concerns should be raised directly with the Director.

The IMS Manager/Director will produce a summary of the meeting for record keeping purposes and provide a copy to the whistleblower.

The IMS Manager/Director will arrange an investigation into the matter (either by investigating the matter themselves or appointing another appropriate manager).

The investigation may involve the worker and other individuals involved giving a written statement. Any investigation will be carried out in accordance with the principles set out above. The worker's statement will be taken into account, and he/she will be asked to comment on any additional evidence obtained.

The IMS will report to the Director, who will take any necessary action, including reporting the matter to any appropriate government department or regulatory agency or initiating disciplinary action if this is required.

On conclusion of any investigation, the worker will be told the outcome of the investigation and what the Director has done, or proposes to do, about it, where possible and appropriate, subject to other legal requirements. If no action is to be taken, the reason for this will be explained.

Any approach to the IMS Manager or Director will be treated with the strictest confidence.

If on conclusion of the above, the worker reasonably believes that the appropriate action has not been taken, he/she should report the matter to the proper authority. The legislation sets out a number of bodies to which qualifying disclosures may be made. These include:

- HM Revenue & Customs;
- the Financial Conduct Authority (formerly the Financial Services Authority);
- the Competition and Markets Authority;
- the Health and Safety Executive;
- the Environment Agency;
- the Independent Police Complaints Commission; and
- the Serious Fraud Office.

If a worker chooses to approach the media with their concerns, in most cases they lose their whistleblowing law rights. It is only in the most serious and exceptional circumstances that this would not be the case.

Confidentiality

The organisation will treat all disclosures in a confidential and sensitive manner. The identity of the individual making the allegation may be kept confidential so long as it does not hinder or frustrate any investigation. However, the investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the evidence required.

No worker will be victimised for raising a matter under this procedure. This means that the continued employment and opportunities for future promotion or training of the worker will not be prejudiced because he/she has raised a legitimate concern.

Victimisation of a worker for raising a qualified disclosure will be a disciplinary offence.

Anonymous reporting

This policy encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously are much less credible, but the organisation will take all disclosures seriously.

In these cases, the worker should be aware that the organisation will not be able to provide feedback in these cases and that any action taken to look into the disclosure could be

limited. To help the process, anonymous whistleblowers could seek feedback through telephone appointment or using an anonymised e-mail address.

Making a disclosure anonymously means it can be more difficult for workers to qualify for protections as a whistleblower. This is because there would be no documentary evidence linking them to the disclosure.

Record keeping & monitoring

A record of the date of any whistleblowing disclosures received, their nature, together with a summary of the decisions or action taken will be maintained.

Miscellaneous

The company recognises the importance of independence during investigations. However, as a small business, there are limited managers available to participate in this process, therefore making this impractical. The Director is committed to acting fairly and consistently and at their discretion, reserves the right to appoint an independent investigator, where this is feasible.

Review

This procedure will be periodically reviewed and made available to all staff (on the Works Canteen Noticeboard and via the QR link displayed in the canteen). Any amendment to it will be notified to employees by memo / noticeboards.