

WHISTLE BLOWING POLICY

1.1 Introduction

Open reporting is to be encouraged, and it is a cornerstone of this Policy that employees should be comfortable in bringing any concerns forward in the secure knowledge that they will be taken seriously - and there will be no adverse repercussions where they have acted in good faith.

It is important to the Company that any fraud, misconduct or wrongdoing by workers is reported and properly dealt with. It is the responsibility of all employees to raise any concerns they might have about malpractice within the workplace. We therefore encourage all employees to raise any concerns they may have about the conduct of others in the business or the way in which the business is run. This Policy sets out the way in which employees may raise their concerns and how we will deal with those concerns.

Alternatively, you may wish to bring a complaint using the normal Grievance Procedure set out in the Staff Handbook.

1.2 What is Whistle Blowing?

A Whistle Blower is someone who discloses information to their Employer or to the relevant authorities which relates to some danger, fraud or other illegal or unethical conduct in the workplace.

The law recognises that Whistle Blowing occurs and protects employees who are Whistle Blowers from suffering detrimental treatment or from being unfairly dismissed as a result. To be protected by legislation a Whistle Blower must fall within the stringent legal rules. Anyone who does not act in good faith will not be protected.

1.3 Company Policy

We seek to conduct our business honestly and with integrity at all times. It is our policy as an Employer to ensure that at every level of management our business is conducted in such a way as to comply with all legal requirements that govern our activities. However, we acknowledge that all businesses face the risk of their activities going wrong from time to time, or of unknowingly harbouring malpractice.

We believe we have a duty to take appropriate measures to identify such situations and to attempt to remedy them. By encouraging a culture of openness and accountability, we believe we can help prevent such situations occurring. There is no reason for any employee to believe that he or she will suffer a detriment for speaking up if they believe something is wrong or if we are alerted to it we will conceal or destroy evidence.

1.4 Qualifying Disclosures

The Public Interest Disclosure Act 1998 (updated April 2020) (“the Act”) protects Whistle Blowers from suffering detriment in employment and makes dismissal for having made certain disclosures automatically unfair. There is no qualifying period of employment for this protection.

Employees who raise legitimate concerns about specified matters are protected under the Act. Specified matters are called “qualifying disclosures”. A qualifying disclosure is one made in good faith by an employee who has a reasonable belief that:

- (a) A criminal offence has been committed, is being committed, or is likely to be committed.
- (b) A person has failed, is failing, or is likely to fail to comply with a legal obligation.
- (c) A miscarriage of justice has occurred, is occurring, or is likely to occur.
- (d) The health and safety of any individual has been, is being or is likely to be endangered.
- (e) The environment has been, is being or is likely to be damaged.
- (f) Information tending to show any matter falling within any one of the above categories has been, is being, or is likely to be deliberately concealed.

It is not necessary for you to have proof that such an act is being, has been or is likely to be committed – a reasonable belief is sufficient, even if that belief later turns out to be wrong. You have no responsibility for investigating the matter. It is our responsibility to ensure an appropriate investigation takes place.

If you have a complaint relating to your personal circumstances in the workplace, then you should use the normal Grievance Procedure set out in this Handbook.

1.5 Protected Disclosures

In order to qualify for protection, there are specified methods of disclosure, or procedures, which you must have followed in order to disclose one of the above matters. We encourage employees to raise their concerns under the procedure outlined in this Policy in the first instance. The aim of this Policy is to provide an internal mechanism for reporting, investigating and remedying any workplace wrongdoing. It is, therefore, desirable that you will not find it necessary to alert external organisations.

A qualifying disclosure is protected if it is made to the Company under the terms of this Policy or to another person, other than the Company, whom you reasonably believe to be solely or mainly responsible for the relevant failure. You must act in good faith at all times.

1.6 Disclosure Procedure

This Procedure applies to all employees. In addition, agency workers and contractors who perform functions in relation to the Company are encouraged to use it.

In the event of you wishing to make a qualifying disclosure, you should follow the steps below:

- (a) In the first instance, report the situation to your Manager. If you do not wish to speak to your Manager, you can instead speak to the Chief Operating Officer. Such disclosures should be made promptly so that an investigation may proceed and any action taken expeditiously.
- (b) All qualifying disclosures will be treated seriously. The disclosure will be promptly and fairly investigated and, as part of the investigatory process, you 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, we must be able to determine the scope of the investigation and the individuals who should be informed of or interviewed about the disclosure. If it becomes necessary to disclose your identity, we will make efforts to inform you that your identity is likely to be disclosed. In order not to jeopardise the investigation, you are also expected to keep the fact that you have raised a concern, the nature of the concern and the identity of those involved confidential.

The length and scope of the investigation will depend on the subject matter of the disclosure. We reserve the right to arrange for another Manager to conduct the investigation other than the Manager with whom you raised the matter. In addition, an investigative team with experience of operating workplace procedures or specialist knowledge of the subject matter of the disclosure may be appointed. It is not normally appropriate to set a specific timeframe for completion of investigations in advance, because the diverse nature of disclosures makes this unworkable.

- (c) Once the investigation has been completed, you will be informed in writing of the outcome, together with our conclusions and decision in a timely manner. However, the need for confidentiality may prevent us from giving you specific details of the investigation or actions taken. We are committed to taking appropriate action with respect to all qualifying disclosures which are upheld.
- (d) When our 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. We will endeavour to inform you if a referral to an external agency is about to or has taken place, although we may need to make such a referral without your knowledge or consent if this is appropriate in the circumstances. We will also review and implement any recommendations for change to minimise the risk of the recurrence of any malpractice or impropriety which has been uncovered. If no action is to be taken, the reasons for this will be explained you.

- (e) If, upon conclusion of the above stages, you reasonably believe that appropriate action has still not been taken, you may then report the matter to the proper authority in good faith. The Act sets out a number of prescribed external bodies or persons to which qualifying disclosures may be made. In addition to the ESFA these include HM Revenue & Customs (HMRC), The Financial Services Authority (FSA), Office of Fair Trading (OFT), Health & Safety Executive (HAS) and the Environment Agency. However, we always encourage employees to raise their concerns directly in the first instance, rather than externally.

1.7 General Principles

You should be aware of the importance of eliminating fraud or wrongdoing at work. You should report anything you become aware of that is illegal.

You will not be victimised, subjected to a detriment or dismissed for raising a genuinely-held concern in good faith under this Policy, even if your disclosure is not upheld.

Employees who victimise or retaliate against those who have raised concerns under this Policy will be subject to disciplinary action.