

#### **What is whistleblowing?**

Whistleblowing is the term used when an employee passes on information concerning wrongdoing which is typically something, they have witnessed at work.

To be covered by whistleblowing law, the employee must reasonably believe two things. The first is that they are acting in the public interest. Note therefore that personal grievances and complaints are not covered by whistleblowing law.

The second thing that the employee must reasonably believe is that the disclosure tends to show past, present or likely future wrongdoing falling into one or more of the following categories:

- Criminal offences (examples: theft, fraud including food fraud)
- Concerns relating to product safety, integrity, quality and legality.
- Failure to comply with an obligation set out in law
- Miscarriages of justice
- Endangering of someone's health and safety
- Damage to the environment
- Covering up wrongdoing in the above categories

Whistleblowing law is located in the Employment Rights Act 1996. It provides the right for a worker to take a case to an employment tribunal if they have been victimised at work because of their 'whistleblowing' or they have lost their job because they have 'blown the whistle'.

#### **Aims of the policy**

The Policy is designed to ensure that an employee can raise concerns about wrongdoing or malpractice within the company without fear of victimisation, subsequent discrimination, disadvantage or dismissal.

It is also intended to encourage and enable an employee to raise serious concerns **within** the company rather than ignoring a problem or 'blowing the whistle' outside of the company.

This Policy aims to:

- Encourage employees to feel confident in raising serious concerns at the earliest opportunity and to question and act upon concerns about practice.
- Provide avenues for employees to raise those concerns and receive feedback on any action taken.
- Ensure that employees receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied with the response.
- Reassure employees that they will be protected from possible reprisals or victimisation if they have made a disclosure in good faith.

The confidential whistleblowing policy is not intended to replace existing procedures if the employees concerns are related to their own treatment as an employee, this should be raised under the existing [\*\*grievance procedure\*\*](#).

#### **Legal rights**

This policy has been written to take account of the Public Interest Disclosure Act 1998 which protects workers making disclosures about certain matters of concern, when those disclosures are made in accordance with the Act's provisions and in the public interest.

The Act makes it unlawful for the company to dismiss anyone or allow them to be victimised on the basis that they have made an appropriate lawful disclosure in accordance with the Act.

Rarely, a case might arise where it is the employee that has participated in the action causing concern. In such a case it is in the employee's interest to come into the open as soon as possible. The company cannot promise not to act against such an employee, but the fact that they came forward may be taken into account.

#### **Harassment or victimisation**

The company is committed to good practice and high standards and to being supportive of all employees.

The company recognises that the decision to report a concern can be a difficult one to make. If an employee honestly and reasonably believes what they are saying is true, they should have nothing to fear because they will be doing their duty to the employer, their colleagues and those for whom the company is providing a service.

The company will not tolerate any harassment or victimisation of a whistle blower and will take appropriate action to protect an employee when they raise a concern in good faith and will treat this as a serious disciplinary offence which will be dealt with under the disciplinary rules and procedure.

### **Support provided**

Throughout this process:

- Employees will be given full support from senior management
- Employees concerns will be taken seriously
- The company will do all it can to help an employee throughout the investigation
- If appropriate, the company will consider temporarily re-deploying the employee for the period of the investigation.

### **Confidentiality**

All concerns will be treated in confidence and every effort will be made not to reveal an employee's identity if that is their wish. If disciplinary or other proceedings follow the investigation, it may not be possible to take action as a result of the disclosure without the employees help, so the employee may be asked to come forward as a witness. If the employee agrees to this, they will be offered advice and support.

### **Anonymous allegations**

This policy encourages an employee to put their name to the allegation whenever possible. If the employee does not tell the company who they are it will be much more difficult for us to protect their position or to give them feedback. This policy is not ideally suited to concerns raised anonymously.

Concerns expressed anonymously are much less powerful but they may be considered at the discretion of the company. In exercising this discretion, the factors to be taken into account would include:

- The seriousness of the issue raised
- The credibility of the concern
- The likelihood of confirming the allegation from other sources

### **Untrue allegations**

If an employee makes an allegation in good faith and reasonably believing it to be true, but it is not confirmed by the investigation, the company will recognise their concern and they have nothing to fear. If, however, an employee makes an allegation frivolously, maliciously or for personal gain, appropriate action that could include disciplinary action, may be taken.

### **Who should the concern be raised with?**

This will depend on the seriousness and sensitivity of the issues involved and who is suspected of the wrongdoing. The employee should normally raise concerns with:

- Their manager (If the employee does not wish to contact their manager, they can instead contact an alternative manager)
- A member of the senior management team

### **How to raise a concern**

An employee may raise their concern by telephone, in person or through the dedicated whistleblowing website, all the information is available on the staff notice board. The earlier an employee expresses their concern, the easier it is to take action. The employee will need to provide the following information:

- the nature of their concern and why they believe it to be true
- the background and history of the concern (giving relevant dates)

Although employees are not expected to prove beyond doubt the truth of their suspicion, they will need to demonstrate that they have a genuine concern relating to suspected wrongdoing or malpractice within the company and there are reasonable grounds for their concern.

An employee may wish to consider discussing their concern with a colleague first and they may find it easier to raise the matter if there are two of them who have had the same experience or concerns.

### **What the company will do**

The company will respond to an employee's concerns as quickly as possible. Do not forget that testing an employee's concerns is not the same as either accepting or rejecting them.

The overriding principle for the company will be the public interest. In order to be fair to all employees, including those who may be wrongly or mistakenly accused, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take.

The investigation may need to be carried out under terms of strict confidentiality, i.e. by not informing the subject of the complaint until or if it becomes necessary to do so. In certain cases, such as allegations of ill treatment of others, suspension from work may have to be considered immediately. Protection of others is paramount in all cases.

Where appropriate, the matters raised may:

- be investigated by management, internal audit, or through the disciplinary/grievance process
- be referred to the police
- be referred to an external auditor

Within ten working days of a concern being raised, the person investigating the concern will contact the employee to:

- acknowledging that the concern has been received
- indicating how the company proposes to deal with the matter
- supplying employees with information on staff support mechanisms
- telling the employee whether further investigations will take place and if not, why not.

The amount of contact between an employee and the person in charge of the investigation will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information. It is likely that the employee will be interviewed to ensure that your disclosure is fully understood.

Any meeting can be arranged away from the workplace, if the employee wishes, and a union or professional association representative or a friend may accompany to support.

The company will do what it can to minimise any difficulties that an employee may experience as a result of raising a concern. For instance, if the employee is asked to give evidence in criminal or disciplinary proceedings, the company will arrange for them to receive appropriate advice and support.

Employees need to be assured that their disclosure has been properly addressed. Unless there are any legal reasons why this cannot be done, the employee will be kept informed of the progress and outcome of any investigation.