

Whistleblowing Policy

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Whistleblowing Policy

We understand that employees are often the first to realise that there may be something of concern occurring within the Company. Usually any issues can be resolved swiftly and satisfactorily. However, when these concerns relate to more serious matters, an employee may be discouraged from expressing their concerns or 'whistle-blowing'.

1. Purpose

We understand that employees are often the first to realise that there may be something of concern occurring within the Company. Usually any issues can be resolved swiftly and satisfactorily. However, when these concerns relate to more serious matters, an employee may be discouraged from expressing their concerns or 'whistle-blowing'.

- 1.1. Whistle-blowing is the term used when an employee passes on information concerning alleged wrongdoing. This can also be called 'making a disclosure' or 'blowing the whistle'. Typically (although, not always) the wrongdoing will be something that the employee has witnessed at work.
- 1.2. Employees may feel disloyal and may fear victimisation or harassment. In such circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion but it important to remember that any person raising a concern is protected in law.
- 1.3. Whistle-blowing law says that an employee has the right to take a case to an employment tribunal if they have been victimised at work or lost their job as a consequence of 'blowing the whistle'.
- 1.4. To be covered by the law, an employee who makes a disclosure must reasonably believe two things:
 - 1.4.1 That they are acting in the public interest - therefore personal grievances and complaints are not ordinarily covered by whistle-blowing law.
 - 1.4.2 That the disclosure of information indicates past, present or future wrongdoing within the following categories:

- Criminal offences which may include financial impropriety such as fraud.
 - Failure to comply with legal obligations.
 - Miscarriages of justice.
 - Endangering another person's health and safety.
 - Damage to the environment.
 - Covering up any wrongdoing in any of the above.
- 1.5. Employees are not prevented from making disclosures in the public interest by 'gagging clauses' in settlement or compromise agreements.
- 1.6. This policy applies to all Publica employees and individuals working within the organisation who are not employees (e.g. contractors, agency staff, volunteers, elected council members, staff of associated employers etc.).
- 1.7. We are committed to the highest possible standards of openness, probity and accountability. In line with that commitment we wish to encourage employees and others with serious concerns about any aspect of our work to come forward and voice them without fear of reprisal.
- 1.8. This policy is intended to encourage and enable employees to make disclosures at an early stage. People are also encouraged to raise any issues internally with us rather than raising it outside of the organisation. If issues are raised externally in the first instance you may weaken the protection given to you under the Public Interest Disclosure Act 1998.
- 1.9. We want to ensure concerns are raised in the right way to protect those staff members, against whom complaints are made, from malicious allegations. We have a duty to investigate all reports of irregularity however; this does not mean that Publica supports the allegation.
- 1.10. This policy is not a substitute for the Publica's other policies and procedures on such matters as personal grievances, bullying and harassment, health and safety, terms and conditions or complaints.
- 1.11. You should read this policy if you are considering raising a concern to provide clarification in relation to the following:
- The type of issues which can be raised.

- How to raise a concern.
- How the person raising a concern will be protected from victimisation and harassment.
- What Publica will do as a consequence of a report.

Our Approach

At Publica we:

- Encourage our employees to be watchful for illegal or unethical conduct and request that any concerns are raised the earliest opportunity.
- Ensure our employees understand and are aware of the importance of preventing and eliminating wrongdoing at work.
- Keep things confidential. All reported allegations are treated in absolute confidence, with every effort made by Publica not to reveal a whistle-blower's identity if they so wish. On occasions it may be necessary for the whistle-blower to become an identified witness at an appropriate time, particularly if it has not been possible to substantiate the allegation by other means. The implications of this and the appropriate support/protection arrangements will be discussed with the whistle-blower – see section 3
- Ensure all reported allegations are treated fairly, ethically and consistently.
- Provide a robust procedure and ensure any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the employee who raised the issue, as appropriate.
- Provide reassurance for those acting in good faith that they will be protected from possible reprisals or victimisation. This means that the continued employment and opportunities for future promotion or training of the employee will not be prejudiced because he or she has raised a legitimate concern. Victimisation of an employee for raising a qualified disclosure is a disciplinary offence.
- Use the Company's disciplinary procedure, in addition to any other appropriate measures, if misconduct is discovered as a result of any investigation under this procedure. This could include internal criminal investigation by Counter Fraud staff and appropriate further action including prosecution.

- Allow whistle-blowing individuals to raise concerns and proceed further if they are dissatisfied with the Company's response. It should be recognised that in certain cases we may have to proceed on a confidential basis and that feedback will be limited due to legal constraints.
- Will not tolerate employees making malicious, vexatious or false. If a person makes an allegation in good faith and reasonably believes it to be true, but it is not confirmed by the investigation, the Company will recognise their concern. However, if a person makes an allegation frivolously, maliciously or for personal gain, appropriate action, which could include disciplinary proceedings, may be taken.
- Will consider 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 manager, employees should not agree to remain silent. They should report the matter to a senior manager or a member of the Counter Fraud team.
- Recognise that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. We will not tolerate harassment or victimisation in any form of anyone raising a legitimate concern and any employee who attempts at any stage to apply any retribution or detriment to a whistle-blower will face disciplinary action.
- Will support and protect whistle-blowers who raise an issue in line with this policy, in accordance with the safeguards contained in the Public Interest Disclosure Act 1998. Protection does not mean that if an employee is already the subject of disciplinary action or redundancy procedures that those procedures would cease or be suspended as a result of their whistle-blowing.
- Understand that the employee making the report may be (or may have been) directly involved in the action now being raised. In such circumstances it is in the employee's own interest to come forward as soon as possible. Whilst we cannot promise not to act against such an employee the fact that they came forward will usually be taken into account.

Confidentiality and Anonymity

- 3.1 Reports will be treated in the strictest of confidence and every effort will be made to protect, and not disclose, the identity of a whistle-blower if that is their wish. However, if disciplinary or other proceedings are an option as a result of the investigation it may not be possible to take any action without further assistance, in which case the whistle-blower may be asked to become an identified witness and provide a witness statement. It is possible that the identity of the whistle-

blower will become obvious during the investigation. In addition there is a risk that some colleagues may speculate about the source of the original complaint.

- 3.2 The law does not compel an organisation to protect the confidentiality of a whistle-blower however; it is considered best practice to do so unless required by law to disclose it. The subject of the allegations cannot exercise their normal Subject Access Rights under the Data Protection Act 1998 in seeking disclosure of the source of the allegations thus protecting the informant's identity.
- 3.3 Under the Freedom of Information Act 2000 there are clear examples of mitigation against disclosure; in particular information given in confidence cannot be released under such requests.
- 3.4 At all times the informant will receive full support from the Company. There will be a limited number of people aware of the investigation at any one time but there will always be a representative from Human Resources involved in the process.
- 3.5 We encourage a whistle-blower to put their name to an allegation as if you do not reveal your identity then you will not receive a response or feedback. It may also make the task of investigating the allegation and protecting the whistle-blower more difficult. Concerns can of course be raised anonymously but are much less powerful. They can be considered at the discretion of the Company. In exercising this discretion the factors taken into account would include:
 - The seriousness of the allegation.
 - The credibility of the concern.
 - The likelihood of confirming the allegation from other sources.

Procedure

- 4.1 For employees the initial point of contact will depend on the seriousness and sensitivity of the issues involved and who is suspected of wrongdoing. Issues should normally be raised with a senior member of staff within Human Resources. A decision can then be made in relation to how the matter will be dealt with and who should be informed.
- 4.2 Alternatively an employee can speak to their own manager, a Trade Union or staff representative, or someone they feel comfortable talking to. A third party may also attend any meetings for moral support. A whistle-blower may also wish to take advice from, or invite, a trade union or professional association to raise a matter on their behalf. Meetings may be held away from the workplace if necessary.

- 4.3 If you are a contractor or from an agency your concerns should be raised with a senior member of staff within Human Resources or an Executive Director. In the case of financial irregularity, disclosure may be made to the Finance Director.
- 4.4 There are a number of prescribed bodies and organisations who may be contacted if there is a reason not to raise the matter internally and these are listed **here**. Publica would not ordinarily expect a whistle-blower to make disclosures to the media prior to raising the matter internally. If a whistle-blower does approach the media with their concerns they may lose their rights under whistle-blowing law.
- 4.5 Concerns may be raised by telephone, in person or in writing (email is acceptable). The earlier the matter is raised, the easier it is to take action. A whistle-blower is asked to provide the nature of the concern and why they believe it to be true, background details giving names, dates and places where possible. The individuals will also be asked if they have any personal interest in the matter.
- 4.6 When raising an issue or making an allegation it is important that it is made clear that the individual is doing so as a whistle-blower to ensure they are dealt with correctly.
- 4.7 Although it is not expected that a person prove beyond doubt that the allegation is correct, it will need to be demonstrated that the allegation has been made in good faith and there are reasonable grounds for concern.
- 4.8 A whistle-blower should try and remain calm, make a note of the facts as soon as it is feasible to do so, be specific with dates, times, locations, names etc., deal with the matter promptly and contact someone with the appropriate authority to deal with the matter.
- 4.9 If approached by someone wishing to whistle-blow, a person should take full details and contact a senior member of staff within Human Resources to discuss the matter. It is imperative that employees do not undertake any kind of investigation or intelligence gathering exercise which could compromise the evidence.
- 4.10 It may be necessary for a senior member of staff within Human Resources (or other appropriate person) to take a preliminary statement to gather more information to entirely understand the situation and nature of the allegation.

Our Response

- 5.1 The action taken by Publica will depend on the nature of the issue. We will respond to your concerns as quickly as possible; please note that testing the concerns is not the same as accepting or rejecting them.
- 5.2 Our overriding principle will be the public interest. In order to be fair to all employees, including those who may be wrongly or mistakenly accused, initial independent enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. This decision will be made by a senior member of staff within Human Resources, an executive Director or the Finance Director.
- 5.3 The matters raised may be:
- Investigated internally, either in accordance with internal policy and procedure or in line with criminal investigative regulations where appropriate. Whilst not all allegations will result in criminal action, this is an option open to Publica and it is thus critical that the investigation is conducted in the appropriate manner. Evidence gathered as part of that investigation could form part of the disciplinary process whether or not criminal proceedings commence.
 - Referred to the Police or other external enforcement agency such as the Health and Safety Executive, Environment Agency etc.
 - Referred to the External Auditor.
 - Form the subject of an independent enquiry.
- 5.4 Concerns or allegations which fall within the scope of existing procedures will normally be referred for consideration under those procedures. In some situations the matter may be resolved without the need for an investigation. Urgent and immediate action may be necessary where the security of relevant information is at risk or to protect the safety of individuals
- 5.5 If an investigation is appropriate, it may be necessary for this 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. However, 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.
- 5.6 Within ten working days of a concern being raised, the whistle-blower will receive the following in writing:
- Acknowledgement that the concern has been received.

- Confirmation of how we propose to deal with the matter.
 - If an investigation is to take place, who will be conducting the investigation.
 - If further investigation is not appropriate, the reasons why.
 - Process information and staff support mechanisms.
- 5.7 Contact between the whistle-blower and those considering the issues and/or conducting an investigation will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If the matter is on-going then feedback may be limited; if the matter is dealt with promptly then the whistle-blower will be advised on the outcome.
- 5.8 You need to be assured that your disclosure has been properly addressed. Unless there are any legal reasons why this cannot be done, you will be kept informed of the progress and outcome of any investigation.
- 5.9 Coordination of any investigation will be undertaken by an appropriate person with the authority to do so. The investigator will have the authority to access all necessary data and other resources pertinent to a full, fair and properly conducted investigation.
- 5.10 The investigation process is independent and will seek to determine whether an irregularity has been committed, and if so, by whom.
- 5.11 Once an investigation has been completed there are a number of potential outcomes including the following:
- No case to answer; case closed.
 - Informal action.
 - Formal action; disciplinary action and/or prosecution by Publica. Suspension may also be appropriate (see Disciplinary Guidance for more information)
 - External referral to the Police and/or other body.
- 5.12 We will do what it can to minimise any difficulties that you may experience as a result of raising a concern. For instance, if you are asked to give evidence in criminal or disciplinary proceedings, we will arrange for you to receive appropriate advice and support.
- 5.13 If an employee is dissatisfied with the conduct of an investigation, whether as the person under investigation, as the whistle-blower, or in any other involved capacity, a complaint may be raised with one of the Executive Directors. A review may then take place.
- 5.14 This Policy does not prevent any person from taking external legal advice.

Responsibilities

- 6.1 Managers should ensure all staff, including agency staff, consultants and contractors etc. are aware of and follow Publica Policies and Procedures. Managers should register any whistle-blowing cases brought to their attention immediately with a senior member of staff within Human Resources and provide support to any employee making such a complaint.
- 6.2 Employees should be vigilant and raise any serious concerns about aspects of work or practices which affect the integrity of Publica or safety of employees and/or the public.
- 6.3 Executive Directors, a senior member of the Human Resources and the Finance Director will respond to whistle-blowing submissions positively and within the timescales set out. The Managing Director has overall responsibility for ensuring that Publica adheres to this Policy.
- 6.4 Human Resources will record and deal with any whistle-blowing issues including the provision of any support and advice as required to include attendance at meetings as necessary.

Revision History

Revision date	Version	Description

Consultees

Internal	External

Distribution

Name	