

# Protected Disclosure (Whistleblowing) Policy

## Purpose

Under certain circumstances, an employee, worker, freelancer, trainee, agency worker, or member of a Limited Liability Partnership, have legal protection if they make disclosures about organisations for whom they work. These employees/ workers are commonly referred to as ‘whistle blowers’.

The word ‘whistleblowing’ in this policy refers to the disclosure internally or externally by employees/ workers of malpractice, as well as illegal acts or omissions at work.

It should be emphasised that this policy is intended to assist individuals who believe they have discovered malpractice or impropriety. It is not designed to question financial, or business decisions taken by the Company, nor should it be used to reconsider any matters that have already been addressed under harassment, complaint, disciplinary or other procedures.

Once the ‘whistleblowing’ procedures are in place, it is reasonable to expect employees/ workers to use them rather than air his/her complaints outside the Company.

## Scope

The Company has a range of policies and procedures which deal with standards of behaviour at work; they cover, for example, discipline, grievance, harassment, and recruitment & selection. Employees/ workers are encouraged to use these procedures when appropriate. However, there may be times when the matter is not about his/her personal employment.

This Policy is designed to enable employees/ workers of the Company to raise concerns internally, at a high level, and to disclose information that the individual believes shows malpractice or impropriety. The Act protects people who raise concerns about past, present and future malpractices in relation to:

- ✓ A criminal act.
- ✓ A failure to comply with legal duty (Obligation set out in Law).
- ✓ A miscarriage of justice.
- ✓ Danger to someone’s health and safety.
- ✓ Damage to the environment.
- ✓ Deliberately cover up any of the above categories.

## Safeguards

### Protection

This Policy is designed to offer protection to those employees/ workers of the Company who disclose such concerns, provided the disclosure is made:

- ✓ In the public interest
- ✓ In the reasonable belief of the individual making the disclosure that it tends to show malpractice or impropriety, and if they make the disclosure to an appropriate person

### Harassment or Victimisation

Harassment or victimisation of individuals who have raised concerns, including informal pressures, will not be tolerated, and will be treated as a serious disciplinary offence that will be dealt with under the disciplinary procedure.

Any investigation into allegations of malpractice will not influence or be influenced by any discipline or redundancy procedures that may already affect the person. Neither does it mean that any discipline or redundancy procedures to which the person is already subject will be halted because of raising concerns.

### Confidentiality

The Company will treat all such 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.

### Anonymous Allegations

This Policy encourages individuals to put his/her name to any disclosures they make. Concerns expressed anonymously are much less credible, but they may be considered at the discretion of the Company.

In exercising this discretion, the factors considered will include:

- ✓ The seriousness of the issues raised.
- ✓ The credibility of the concern.
- ✓ The likelihood of confirming the allegation from attributable sources.

### Untrue Allegations

If an individual makes an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against that individual. In making a disclosure the individual should exercise due care to ensure the accuracy of the information.

If, following investigation, an individual makes frivolous or malicious allegations, and particularly if they persist with making them, disciplinary action may be taken against that individual.

### Raising a Complaint

Prior to raising a complaint under this Policy, the complainant must ensure that the Allegation falls into one of the categories within section 2.2 of this policy, if it does not then the normal company grievance procedures are to be followed.

If an employee/ worker has a concern, they should not approach or accuse individuals directly or attempt to investigate the matter him/herself.

Employees may also raise a complaint using the link button 'Whistleblowing' within the home page of the Vyta VMS Library.

- ✔ Upon completion an investigating officer will be assigned and will investigate the allegation.

The Company reserves the right to use the services of a consultant as the designated investigating officer on receipt of a complaint of malpractice.

If the employee/ worker is unsure whether to use this policy, or wants independent advice at any stage, they may contact the independent charity 'Public Concern at Work' on 028 7404 6609. Their lawyers can give employees/ workers free confidential advice at any stage about how to raise concerns about serious malpractice at work.

If there is evidence of criminal activity, then the investigating officer should inform the police.

### **Timescales**

Due to the varied nature of these sorts of complaints which may involve internal investigators and/or the police, it is not possible to lay down precise timescales for such investigations. The investigating officer should ensure that the investigations are undertaken without unreasonable delay.

The investigating officer should, as soon as is reasonably practicable, send a written acknowledgement of the concern to the complainant, and thereafter provide written feedback back to them and on the action, which is proposed. If the investigation is a prolonged one, the investigating officer should keep the complainant informed as to the progress of the investigation and as to when it is likely to be concluded. All responses to the complaint should be in writing and sent to a home address.

### **The Investigation**

The investigating officer should follow the following steps:

- ✔ Full details and clarification of the complaint should be obtained.
- ✔ The investigating officer should inform the employee/ worker against whom the complaint is made as soon as is reasonably practicable. The employee/ worker will be informed of his/her right to be accompanied by a Trade Union representative at any future interview or hearing held under the provision of these procedures.
- ✔ The investigating officer will make a judgement concerning the complaint and the validity of the complaint. This judgement will be detailed in a written report containing the findings of the investigation and the reasons for the judgement. The report will be passed to the Executive Team, as appropriate.
- ✔ The Executive Team will decide what action to take. If the complaint is shown to be justified, then they will invoke the disciplinary or other appropriate organisational procedures.
- ✔ The complainant should be kept informed of the progress of the investigations and, if appropriate, of the outcome.

If the complainant is not satisfied that his/her concern is being properly dealt with by the

investigating officer, they have the right to raise it in confidence with the Executive Team, or one of the designated persons described above.

If the investigation finds the allegations unsubstantiated and all internal procedures have been exhausted, but the complainant is not satisfied with the outcome, the Company recognises the lawful rights of employees or ex-employees to make disclosures to the other prescribed persons. A list of prescribed people and bodies for relevant organisations can be found on the following website:

<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>

However, it should be noted that such prescribed bodies may be required to produce an annual report on disclosures of information that have been received by workers.