

# PUBLIC INTEREST DISCLOSURE POLICY



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<b>Reviewed by:</b>	Farida Mirza
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<b>Policy</b>	<p>The Company is committed to the highest standards of openness, probity and accountability to enable staff to voice their concerns in a responsible and effective manner.</p> <p>It is a fundamental term of every contract of employment that an employee will work faithfully for the Company and not disclose confidential information about the employer's affairs.</p> <p>Nevertheless, where an individual discovers information which they believe shows serious malpractice or wrongdoing within the organisation then this information should be disclosed internally without fear of reprisal, and there should be arrangements to enable this to be done independently of line management (although in some instances the line manager would be the appropriate person to be told).</p> <p>This procedure applies to all employees. Agency workers and contractors who perform functions in relation to the Company are also encouraged to use it. Learners are encouraged to use the company compliments and complaints policies.</p> <p>The Public Interest Disclosure Act (1998) protects employees who raise legitimate concerns about specified matters. It makes provision about the kinds of disclosure which may be protected and the circumstances in which disclosures are protected.</p> <p>This Policy is intended to comply with the Act by encouraging employees to raise such concerns to the Company internally and at high level using these procedures, so that problems can be identified, dealt with and resolved quickly.</p> <p>The Company expects employees to use the procedures detailed in this policy.</p>
<b>Qualifying Disclosures</b>	<p>Certain kinds of disclosure qualify for protection. These are disclosures of information which are made in good faith and which you reasonably believe tend to show malpractice or impropriety in one or more of the following matters, which is either happening now, took place in the past, or is likely to happen in the future:</p> <ul style="list-style-type: none"><li>• a criminal offence or miscarriage of justice</li><li>• the breach of a legal obligation</li><li>• a danger to the health or safety of any individual</li><li>• damage to the environment</li></ul>

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	<ul style="list-style-type: none"> <li>• deliberate concealment of information tending to show any of the above.</li> </ul> <p>This policy is designed to offer protection to those employees who raise concerns provided their belief is reasonable, however, it need not be correct. It might be discovered subsequently that you were, in fact, wrong, but you must be able to show that you held the belief in good faith and that it was a reasonable one to hold in the circumstances at the time.</p> <p>In order to qualify for protection, there are specified methods of disclosure/procedures, which you must have followed in order to disclose one of the above matters.</p> <p>The Company encourages you to raise your concerns under this procedure in the first instance.</p> <p>It is important to note that no protection from internal disciplinary procedures is offered to those who choose not to use the procedure. In an extreme case of malicious or wild allegation this could lead to legal action by the Company or on the part of the person(s) complained about.</p> <p>If requested, we will take all reasonable steps to protect your anonymity and will treat all disclosures in a confidential and sensitive manner, however you should be aware that action taken as a result of your disclosure may lead to your identity needing to be revealed. Note that it is not your responsibility to investigate the matter. That responsibility lies with the Company.</p>
<p><b>Exclusions</b></p>	<p>This policy is not designed to question financial or business decisions taken by the Company nor should it be used to reconsider any matters which have already been addressed under harassment, complaint, disciplinary or other procedures. If your concern relates to a breach of your own contract of employment, you should use the Company's grievance procedure</p>
<p><b>Anonymous Allegations</b></p>	<p>This policy encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously are much less credible, however, they may be considered at the discretion of the Company. In exercising discretion, the factors considered will include:</p> <ul style="list-style-type: none"> <li>• The seriousness of the issues raised</li> <li>• The credibility of the concern</li> <li>• The likelihood of confirming the allegation from attributable sources</li> </ul>
<p><b>Unproven</b></p>	<p>If an individual makes an allegation in good faith, which is not</p>

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<b>Allegations</b>	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.
<b>Untrue Allegations</b>	Malicious or vexatious allegations which are both untrue and in bad faith and particularly where the allexer persists with making them, will be investigated under the Company's disciplinary procedure and may result in disciplinary action being taken against the employee up to and including termination of employment.
<b>Disclosure Procedure</b>	<p>If you wish to make a qualifying disclosure under this policy, you should in the first instance report the situation to your Line Manager as promptly as possible. If you feel unable to speak to your Line Manager you may instead speak to an alternative Manager, Senior Manager or Director. On receipt of a complaint of malpractice, the member of staff who receives and takes note of the complaint, must pass this information as soon as is reasonably practicable to an appropriate person who will act as designated investigating officer as follows:</p> <p>Complaints of malpractice will be investigated by an appropriate Manager unless the complaint is against that Manager or is in any way related to the actions of that Manager. In such cases the complaint should be passed to a Senior Manager or Director.</p> <p>In the case of a complaint, which is connected with a Senior Manager the Manager receiving the complaint will nominate another Senior Manager or Director to act as the alternative investigating officer.</p> <p>Complaints against a Director should be passed to a Senior Manager or other Director not connected to the matter who will act as investigating officer.</p> <p>If there is evidence of criminal activity then the investigating officer should inform the police. The Company will ensure that any internal investigation does not hinder a formal police investigation.</p>
<b>Timescales</b>	The disclosure will be promptly investigated without the quality and depth of the investigations being affected, however, timescales will vary depending on the nature and seriousness of the matter. As soon as is practicably possible the investigating officer, will send a written acknowledgement to the complainant and thereafter report back to them in writing the outcome of the investigation and the action that is proposed. If the investigation is a prolonged one, the investigating officer should keep the complainant informed, in writing, as to the progress of the investigation and when it is likely to be concluded. All

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responses to the complainant will be in writing and sent to their home address.

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## Investigating Procedure

The investigating officer should follow these steps:

- The complainant should be interviewed and asked to provide a written witness statement setting out the nature and details of their qualifying disclosure and the basis for it
- The investigating officer should inform the member of staff against whom the complaint is made as soon as is practicably possible. The member of staff will be informed of their right to be accompanied by a fellow employee or trade union representative at any future interviews or hearings held under these procedures
- The investigating officer should consider the involvement of the Company auditors and the Police at this stage and should consult with a Director before taking such action
- The allegations should be fully investigated by the investigating officer with the assistance where appropriate, of other individuals/bodies.
- A judgement concerning the complaint and its validity will be made by the investigating officer. This judgement will be detailed in a written report containing the findings of the investigations and reasons for the judgement. The report will be passed to a Director.
- The Director will decide what action to take. If the complaint is shown to be justified, the Company's disciplinary or other procedures will be invoked
- The complainant should be kept informed of the progress of the investigations
- If appropriate, a copy of the outcome will be passed to the Company Auditors to review Company procedures

If the complainant is not satisfied that their concern is being properly dealt with by the investigating officer, they have the right to raise it in confidence with a Director or one of the designated persons described above.

## Outcome

Once the Company's 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.

If no action is to be taken, the reasons for this will be explained to the complainant.

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<b>Appeals</b>	<p>If the complainant wishes to appeal against the Company's decision, they must do so in writing within five working days of the Company's decision.</p> <p>On receipt of an appeal, a more senior manager (who may not be the person to whom the complainant addressed their appeal) will make arrangements to hear the appeal at an appeal meeting.</p> <p>At that meeting the complainant may, if they so wish, be accompanied by either a trade union official or a fellow employee of their choice. The complainant should take all reasonable steps to attend the appeal meeting. Following the meeting, the complainant will be informed in writing of the Company's final decision on the appeal.</p> <p>If, on conclusion of the above stages, the complainant reasonably believe that appropriate action has still not been taken, they may then report the matter to the proper authority in good faith.</p> <p>The Act sets out a number of prescribed bodies or persons to which qualifying disclosures may be made. (See the Public Concern at Work website (<a href="http://www.pcaaw.co.uk">www.pcaaw.co.uk</a>) or <a href="http://www.direct.gov.uk">www.direct.gov.uk</a> website. However, the Company always encourages all employees to raise their concerns internally in the first instance, rather than externally. This enables issues to be dealt with promptly and speedily.</p>
<b>Summary</b>	<p>As explained in the opening paragraph, the Company is committed to the highest standards of transparency and in order to ensure the effectiveness of this policy the Company will offer the aforementioned safeguards to its employees. However, to assist us in our commitment of preventing malpractice and impropriety we ask our employees to please consider and be aware of the following:</p> <ul style="list-style-type: none"><li>• be aware of the importance of eliminating fraud or wrongdoing at work. Report anything that you become aware of that is illegal</li><li>• you will not be victimised, subjected to a detriment or dismissed for raising a legitimate matter under this procedure</li><li>• victimisation of an employee for raising a qualifying disclosure under this procedure will be a disciplinary offence and will be dealt with under the Company's disciplinary procedure</li><li>• covering up someone else's wrongdoing is also a disciplinary offence. Never agree to remain silent about a wrongdoing, even if told to do so by a person in authority, for example your Line Manager</li><li>• finally, maliciously making a false allegation is a disciplinary offence</li></ul>