

WHISTLE-BLOWING POLICY

1 PURPOSE

This policy gives a brief overview of the Public Interest Disclosure Act 1998 and its relevance to workers within the Horbury group. The phrase “whistle-blowing” in this policy refers to the disclosure internally or externally by workers of Horbury of malpractice, as well as illegal acts or omissions at work. It covers how any disclosures should be made and how these will be handled. Horbury is committed to the highest standards of openness, honesty and integrity.

An important aspect of accountability and transparency is a mechanism to enable workers to voice concerns in a responsible and effective manner. If a worker 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 relatively minor instances the line manager would be the appropriate person to be informed).

2 PRINCIPLES

No worker should feel at a disadvantage by raising legitimate concerns.

This policy and procedure has been written to take account of the Public Interest Disclosures Act 1998, which protects workers (from being dismissed and/or penalised) after making disclosures about certain matters of concern, where those disclosures are made in accordance with the Act’s provisions. For this policy, workers are defined as all employees, officers, consultants, casual workers, agency staff and subcontractors.

3 POLICY

Horbury is committed to achieving the highest possible standards of service and the highest possible ethical standards in public life and in all its practices. To achieve these ends, it encourages freedom of speech. It also encourages workers to use internal mechanisms for reporting any malpractice or illegal acts or omissions by other workers or ex-workers. 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 which have already been addressed under other employment procedures. Horbury expects workers to use these whistle-blowing procedures, in the first instance, rather than airing their complaints outside the Company.

3.1 Other policies and procedures

Horbury has a range of policies and procedures which deal with standards and behaviour at work. They cover discipline, grievance, harassment, recruitment and selection. Workers are encouraged to use the provisions of these procedures when appropriate. Whistle-blowing is specific and means a disclosure of information by a Horbury worker to a designated officer where the worker **reasonably believes** that one or more of the following matters is happening now, took place in the past or is likely to happen in the future:

- A criminal offence has been committed;
- Financial malpractice or impropriety or fraud;
- Improper conduct or unethical behaviour;
- A miscarriage of justice;
- A danger to the health and safety of any individual(s);
- The environment has been or is being unnecessarily damaged;
- Any suspicion of Modern Slavery Offences;
- A deliberate concealment of information tending to show any of the above.

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This policy is designed to offer protection to workers who may disclose such concerns provided the disclosure is made in line with this policy. Horbury will not tolerate any harassment or victimisation of a whistle-blower and will treat this as a serious disciplinary offence, which will be dealt with under the disciplinary rules and procedures.

3.2 Role of the Trade union / ACAS

Horbury recognise that workers may wish to seek advice and be represented by a trade union official or ACAS representative when using provisions of this policy and it acknowledges and endorses the role that external officers may play in this area.

3.3 Designated officer

If a worker has concerns about any of the issues that are described in point 3 of this document, they should first raise their concerns with their line manager. If for any reason the worker cannot approach their line manager, they should report the matter to the designated officer (below) who has been nominated by Horbury to handle concerns under this procedure. The designated officer will have direct access to the senior members of the organisation.

Designated officer: Chief Financial Officer. Tel no. 01709 515044.

3.4 Role of the designated officer

The designated officer will arrange an initial interview which will, if requested be confidential, to ascertain the area of concern. At this stage the whistle-blower will be asked whether they wish their identity to be disclosed and will be reassured about protection from possible reprisals or victimisation. They will be asked whether they wish to make a written or verbal statement. In either case the designated officer will write a summary of the interview, which will be agreed and dated by both parties. The designated officer will report directly to a director who will be responsible for commissioning any further investigation.

3.5 Complaints about a member of the Horbury senior management team

If a worker has concerns about senior members of Horbury they should report this directly to a Director who will decide how the investigation should proceed. Contact details of the relevant Director can be obtained from the designated officer.

3.6 The investigation

Confidentiality:

The Company will treat all whistle-blowing 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 a source of the information and the individual making the disclosure may need to provide a statement as part of the evidence required.

Also, the investigation may need to be carried out by not informing the subject of the complaint until it becomes necessary to do so. This may be appropriate in cases of suspected fraud.

Anonymous allegations:

This policy encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously are much more difficult to investigate, but they may be considered at the discretion of the company.

In exercising this discretion, the factors to be considered will include:

- the seriousness of the issues raised;
- the credibility of the concern;
- the likelihood of confirming the allegations from attributable sources.

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The designated officer will offer to keep the whistle-blower informed about the investigation and its outcome.

If the result of the investigation is that there is a case to be answered by any individual, the disciplinary procedure will be utilised. The exact nature of any action taken against an individual will remain confidential.

If there is no case to answer, but the worker held a genuine concern and was not acting maliciously, the designated officer should ensure that the worker suffers no reprisals.

Only where false allegations are made maliciously and vexatiously, will it be considered appropriate to consider the whistle-blower's conduct under the terms of the disciplinary policy.

3.7 External Disclosures

This policy intends to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases the whistle-blower should not find it necessary to alert anyone externally.

The law recognises that in some circumstances it may be appropriate to report concerns to an external body such as a regulator. Horbury strongly encourages workers to seek advice before reporting a concern to an external party. PROTECT is the UK's whistleblowing charity. It operates a free confidential helpline (020 3117 2520). They may also be contacted via their website at <https://protect-advice.org.uk>.

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