

Pell Frischmann

WHISTLE BLOWING POLICY

The Public Interest Disclosure Act 1998 gives protection to workers who “blow the whistle” at work. This Policy provides guidance on the law from 25 June 2013 onwards.

An employee is protected by the Act if they make a disclosure of information, which they reasonably believe, shows a relevant failure on the part of the Company.

WHAT IS A “RELEVANT FAILURE”?

A relevant failure is defined by the Act as one of the following:

- A criminal offence has been or is likely to be committed.
- A person has failed, is failing or is likely to fail to comply with a legal obligation.
- A miscarriage of justice has happened, is happening or is likely to happen.
- The health and safety of an individual has been, is being or is likely to be damaged.
- Damage to the environment has occurred, is occurring or is likely to occur.
- Information showing any of the above has been, is being or is likely to be concealed.

PROTECTED DISCLOSURES

In order to be protected by the Act, an employee must make the disclosure in good faith to a HR Manager, their Line Manager, a legal advisor in the course of obtaining legal advice or to any prescribed person. They must reasonably believe that the information tends to show one or more of the relevant failures and is in the public interest.

PROTECTION OF EMPLOYEES MAKING PROTECTED DISCLOSURES

Once an employee has made a protected disclosure, they have the right not to be subjected to any detriment by the Company or by other members of staff for making that disclosure and not to be dismissed as a result of it. It is not necessary for an employee to prove the breach of failure which they are alleging has occurred, they only need to believe it has occurred, or is likely to occur.

If an employee makes an allegation which is not confirmed by a subsequent investigation, no action will be taken against them. However, if it is discovered that the allegation was made maliciously or for personal gain, disciplinary action may be taken against the employee.

COMPANY PROCEDURE

If an employee becomes aware of a wrongdoing at work in line with any of the above, they should inform either a HR Manager or their Line Manager, in the first instance.

Any information disclosed to the Company will be received in absolute confidence, and an employee may write anonymously to the HR Director or Company Secretary if they feel it is necessary, and the Company will promptly investigate and deal with any wrongdoing brought to its attention in line with the procedures noted below.

Pell Frischmann will, to the extent possible treat all 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 investigations. Employees must be aware that sometimes the investigatory process reveals the source of disclosure and the person making the disclosure may need to provide a statement as part of the evidence required, for example, if police involvement is required.

Pell Frischmann will not tolerate harassment or victimisation and will take action to protect our people when they raise a concern. Any harassment or victimisation will be treated as a serious disciplinary offence which will be dealt with under the Disciplinary Policy.

All records relating to disclosures, any subsequent investigation and action taken will be managed in compliance with the Data Protection Act 1998. Pell Frischmann encourages people to put their name to any disclosure they make. Concerns expressed anonymously are not automatically disregarded but may be considered at the discretion of the HR Director and/or the Company Secretary. In exercising this discretion, the factors to be taken into account will include:

- The seriousness of the issues raised; and
- The likelihood of confirming evidence for the allegation from reliable sources.

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COMPANY PROCESS

Once a disclosure has been raised and it has been considered by one or both of the above:

- An investigating manager will be assigned to review the complaint.
- An investigation will take place as quickly as possible. Due to the varied nature of potential allegations, it is not possible to give precise timescales for dealing with all matters. The complainant may be invited to a meeting to discuss the complaint. The complainant may bring a colleague or trade union representative with them to any such meeting.
- The Company will inform the person or people against whom the complaint is made as soon as possible at a time that will not impede a thorough and full investigation. For example, in a case of alleged fraud where evidence may be tampered with. The individual will be informed of their right to be accompanied by a colleague or a trade union representative at any future interview or hearing held under these procedures.
- The Company will fully investigate the allegations and present the findings to the HR Director and / or Company Secretary for review and agreement of the next course of action.
- The complainant will be informed in writing of the outcome of the investigation at the end of the process (excluding the outcome of any disciplinary process arising which will be confidential).

Whistleblowers must not suffer any detrimental treatment as a result of raising a genuine concern. If an employee believes that s/he has suffered any such treatment, s/he should inform a HR Manager or their Line Manager immediately. If the matter is not remedied the employee should raise it formally using the Company's Grievance Procedure.

IF AN EMPLOYEE IS NOT SATISFIED

If an employee is not happy with the way in which his/her concern has been handled, s/he can raise it with the HR Director who may decide to arrange a formal meeting with the employee to discuss the concern. The employee may bring a colleague or trade union representative to any meetings under this policy. There will be no further right of appeal following the determination of the employee's concern.

Iain Bisset

Iain Bisset
Managing Director
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