

Whistleblowing Policy (Disclosures in the Public Interest)

Version	Changes	Originator	Approved by Board
3.0	Annual Review and re-sign	RP	08-06-2020
2.0	Addition of clause to include Environment Agency interests.	RP	06-08-2018
1.0	Version 1.0	RP	12-07-2011

References to “the Company” or to “the Employer” are for J T Mackley & Co Ltd and any subsidiary entities.

1. Purpose and Scope

The Public Interest Disclosure Act 1998 protects employees who raise legitimate concerns about specified matters from being dismissed or from being subjected to detrimental treatment or victimised as a result, provided certain criteria are met. The Act makes provision about the kinds of disclosure which may be protected and the circumstances in which disclosures are protected. These rules are therefore intended to comply with the Act by encouraging employees to make disclosures about fraud, misconduct or wrongdoing to the Company, without fear of reprisal, so that problems can be identified, dealt with and resolved quickly.

Employees are protected provided they reveal information of the right type (known as “qualifying disclosure”) and they reveal that information to the right person and in the right way (known as making a “protected disclosure”).

(A ‘Worker’ has a special wide meaning in the case of whistleblowing. As well as employees it includes agency workers and people who aren’t employed but are in training with employers. Some self-employed people may be considered to be workers for the purpose of whistleblowing if they are supervised or work off-site.)

2. Protected disclosures

Certain kinds of disclosure qualify for protection. These are disclosures of information which are made in good faith and which you reasonably believe show that one or more of the following relevant failures is either currently happening, took place in the past, or is likely to happen in the future:

- A criminal offence
- The breach of a legal obligation
- A miscarriage of justice
- A danger to health and safety of any individual
- Damage to the environment
- Deliberate concealment of information tending to show any of the above five matters.

Only disclosure of information that falls within one or more of these six categories qualifies for protection.

For a qualifying disclosure to be a protected disclosure, you need to make it to the right person and in the right way. There are a number of methods by which you can make a protected disclosure, but the Company encourages employees to raise any disclosure internally in the first instance.

You are protected if you make a qualifying disclosure to either:

- The Company, or

- Where you reasonably believe that the relevant failure relates solely or mainly to the conduct of a person other than the Company or any other matter for which a person other than the Company has legal responsibility, to that other person.

Qualifying disclosures must be made in good faith to be protected, i.e. with honest intent and without malice or an ulterior motive. Your belief must be reasonable, but it need not be correct. It might become apparent subsequently that you were, in fact, wrong or mistaken in your belief, but for protection to be effective you must be able to show that you held the belief in good faith and that it was a reasonable belief to hold in the circumstances at the time of disclosure. Note that it is the Company's responsibility to investigate the matter, and not yours.

If your concern relates to a breach of your own contract of employment, you should use the Company's grievance procedure.

You are encouraged to raise any qualifying disclosures that you may have by following the disclosure procedure set out below.

3. The disclosure procedure

This procedure applies to all employees. In addition, agency workers and contractors who perform functions in relation to the Company are encouraged to use it.

- a) If you wish to make a qualifying disclosure, you should, in the first instance, report the situation in writing to your line manager, setting out in detail the nature of your disclosure. If you do not wish to contact your line manager, you can instead contact a Director.
- b) Such disclosures should be made promptly so that investigation may proceed and any action taken expeditiously.
- c) All qualifying disclosures will be treated seriously. The disclosure will be promptly investigated and, as part of the investigatory process, you will be interviewed and asked to provide a written witness statement setting out the nature and details of your qualifying disclosure and the basis for it. Confidentiality will be maintained during the investigatory process to the extent that this is practical and appropriate in the circumstances. However, in order to effectively investigate a disclosure, the Company must be able to determine the scope of the investigation and the individuals who should be informed of or interviewed about the disclosure. The Company reserves the right to arrange for another manager to conduct the investigation other than the manager with whom you raised the matter.
- d) Once the investigation has been completed, you will be informed in writing of the outcome and the Company's conclusions and decision as soon as possible. The Company is committed to taking appropriate action with respect to all qualifying disclosures which are upheld.
- e) You will not be penalised for raising a qualifying disclosure even if it is not upheld, unless the complaint was both untrue and made in bad faith.
- f) Once the Company's conclusions have been finalised, any necessary action will be taken. This could conclude 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 you.

- g) If, on conclusion of the above stages, you reasonably believe that appropriate action has not been taken, you may then report the matter externally to the proper authority in good faith in accordance with the provisions of the Act. The Act sets out a number of prescribed external bodies or persons to which qualifying disclosures may be made. However, the Company always encourages all employees to raise their concerns directly in the first instance, rather than externally. This enables issues to be dealt with promptly.

4. Environment Agency Interests

A large proportion of the work that we do is with the Environment Agency. If you are working on a project that is carried out for the Environment Agency, and in the event that you feel unable to raise your concern internally and it relates to the Environment Agency please contact Peter Kellett, Director of Legal Services, at Horizon House, Deanery Road, Bristol, BS1 5AH, email peter.kellett@environment-agency.gov.uk mobile 07810 180974

5. General principles

- Be aware of the importance of eliminating fraud or wrongdoing at work. Report anything that you become aware of that is illegal or unlawful
- You will not be victimised, subjected to a detriment or dismissed for raising a protected disclosure under this procedure
- Victimisation of an employee for raising a protected disclosure under this procedure will be a disciplinary offence and will be dealt with under the Company's disciplinary procedure
- 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, such as your line Manager
- Your right to make a protected disclosure under this procedure overrides any confidentiality provisions in your contract of employment
- Finally, maliciously making a false allegation is a disciplinary offence.