

Policy Statement

The organisation is committed to the highest standards of openness, probity, and accountability. An important aspect of accountability and transparency is a mechanism to enable staff and other members of the Organisation to voice concerns in a responsible and effective manner.

It is a fundamental term of every contract of employment that an employee will faithfully serve his or her employer and not disclose confidential information about the employer's affairs. 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 relatively minor instances the line manager would be the appropriate person to be told).

Scope

This policy refers to everyone in the Organisation regardless of position or status.

Purpose

The Public Interest Disclosure Act, which came into effect in 1998, gives legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns. The Organisation has endorsed the provisions set out below so as to ensure that no members of staff should feel at a disadvantage in raising legitimate concerns.

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 Organisation, nor should it be used to reconsider any matters which have already been addressed under harassment, complaint, disciplinary or other procedures. Once the "whistleblowing" procedures are in place, it is reasonable to expect staff to use them rather than air their complaints outside the Organisation.

This policy designed to enable employees of the Organisation to raise concerns internally and at a high level and to disclose information which the individual believes shows malpractice or impropriety. This policy intended to cover concerns which are in the public interest and may at least initially be investigated separately but might then lead to the invocation of other procedures e.g., disciplinary.

Protected disclosures

Protected disclosures are specific types of information that an employee can legally report under whistleblowing legislation (primarily the Public Interest Disclosure Act 1998, which is part of the Employment Rights Act 1996) without fear of being unfairly treated or dismissed.

These concerns could include.

- Criminal offences – e.g., fraud, theft, bribery, tax evasion.
- Breach of legal obligations – e.g., failure to comply with health and safety law, environmental regulations, or employment law.
- Miscarriages of justice – e.g., cover-ups in legal processes.
- Danger to health and safety – e.g., unsafe working conditions, risk to public safety.
- Damage to the environment – e.g., illegal dumping of toxic waste.
- Sexual harassment – e.g., unlawful behaviour that involves unwelcome sexual advances, requests for sexual favours, and other verbal or physical conduct of a sexual nature
- Deliberate concealment – covering up any of the above

These are sometimes summarised as: criminal offences, legal breaches, health and safety, environment, miscarriages of justice, or cover-ups.

Protection

This policy is designed to offer protection to those employees of the Organisation who disclose such concerns provided the disclosure is made:

- in good faith
- 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 (see below).

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 malicious or wild allegations could give rise to legal action on the part of the persons complained about.

Confidentiality

The Organisation 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.

Who can raise a concern under this policy?

The Policy applies to all:

- employees of the organisation
- employees of contractors working for the organisation, for example, agency staff, builders, and subcontractors
- employees of suppliers
- those providing services under a contract or other agreement with the organisation.

Anonymous Allegations

This policy encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously are much less credible, but they may be considered at the discretion of the Organisation.

In exercising this discretion, the factors to be taken into account 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, however, an individual makes malicious or vexatious allegations, and particularly if he or she persists with making them, disciplinary action may be taken against that individual.

Procedures for Making a Disclosure

You may raise your concern by telephone, in person or in writing. The earlier you express your concern, the easier it is to take action. You will need to provide the following information:

- the nature of your concern and why you believe it to be true.
- the background and history of the concern (giving relevant dates)

Although you are not expected to prove beyond doubt the truth of your suspicion, you will need to demonstrate to the person contacted that you have a genuine concern relating to suspected wrongdoing or malpractice within the organisation and there are reasonable grounds for your concern.

You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.

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 possible, to the appropriate designated investigating officer as follows:

- Complaints of malpractice will be investigated by the appropriate Manager unless the complaint is against the Manager or is in any way related to the actions of the Manager. In such cases, the complaint should be passed to a Managing Director for referral.
- In the case of a complaint, which is any way connected with but not against a Managing Director will nominate a Senior Manager to act as the alternative investigating officer.
- Complaints against a Managing Director should be passed to an alternative Group Managing Director
- A Director will nominate an appropriate investigating officer.
- The complainant has the right to bypass the line management structure and take their complaint direct to a Managing Director. The Managing Director has the right to refer the complaint back to management if he/she feels that the management without any conflict of interest can more appropriately investigate the complaint.

Should none of the above routes be suitable or acceptable to the complainant, then the complainant may approach one of the following individuals who have been designated and trained as independent point of contact under this procedure. They can advise the complainant on the implications of the legislation and the possible internal and external avenues of complaint open to them:

Graeme Morley, Cema Group Director, Ross Hill Cema Group Director, or Deborah Jones Cema Group SHEQ Manager

If there is evidence of criminal activity, then the investigating officer should inform the police. The Organisation will ensure that any internal investigation does not hinder a formal police investigation.

Timescales

Due to the varied nature of these sorts of complaints, which may involve internal investigators 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 as quickly as possible without affecting the quality and depth of those investigations.

The investigating officer, should as soon as practically possible, send a written acknowledgement of the concern to the complainant and thereafter report back to them in writing the outcome of the investigation and on 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 as to when it is likely to be concluded. All responses to the complainant should be in writing and sent to their home address.

Investigating Procedure

The investigating officer should follow these steps:

- Full details and clarifications of the complaint should be obtained.
- The investigating officer should inform the member of staff against whom the complaint is made as soon as is practically possible. The member of staff will be informed of their right to be accompanied by a trade union or other representative at any future interview or hearing held under the provision of these procedures.
- The investigating officer should consider the involvement of the Organisation auditors and the Police at this stage and should consult with a Managing Director
- 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 validity of the complaint 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 the Managing Directors as appropriate.

- The Managing Directors will decide what action to take. If the complaint is shown to be justified, then they will invoke the disciplinary or other appropriate Organisation procedures.
- The complainant should be kept informed of the progress of the investigations and, if appropriate, of the final outcome.
- If appropriate, a copy of the outcomes will be passed to the Organisation Auditors to enable a review of the procedures.

If the complainant is not satisfied that their concern is being properly dealt with by the investigating office, they have the right to raise it in confidence with a Managing Director, 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 of the investigation, the Organisation recognises the lawful rights of employees and ex-employees to make disclosures to prescribed person (such as the Health and Safety Executive, the Audit Commission, or the utility regulations), or, where justified, elsewhere.

Communication

The policies, and with them the objectives are communicated internally and externally to personnel, customers and interested parties through the issuing of the employee handbook, completion of supplier questionnaires, and through the displaying of policies on noticeboards and the organisations website.

Statement of objective framework:

The policies are reviewed annually to ensure new issues or requirements are addressed and actioned based on current legislation and statutory guidance.

Document approved by
Graeme Morley, CEMA Group Director



Ross Hill, CEMA Group Director

