

Whistle Blowing Policy

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1 Introduction Purpose and Scope

Whistleblowing is the term commonly used to describe the actions of someone who raises concerns about misconduct or malpractice within an organisation.

This document outlines EMEC's policy on whistleblowing and sets in place clear procedures to be followed. This policy applies to all EMEC employees who are referred to in the act as "workers". It should be borne in mind that whistle-blowers are considered witnesses to events or circumstances, rather than complainants, and will be treated with respect at all times.

2 The Legislation

The Public Interest Disclosure Act 1998, offers a framework of protection against victimisation for workers who "blow the whistle" on criminal behaviour or other wrongdoing. The Act does not introduce general protection for whistle-blowers that applies in all circumstances, but applies to workers who follow the procedures laid down in the legislation in disclosing specific categories of malpractice.

To be covered by whistleblowing law, a worker who makes a disclosure must reasonably believe two things. The first is that they are acting in the public interest. This means in particular that personal grievances and complaints are not usually covered by whistleblowing law.

The second thing that a worker must reasonably believe is that the disclosure tends to show past, present or likely future wrongdoing falling into one or more of the following categories:

- A criminal offence
- A failure to comply with a legal obligation
- A miscarriage of justice
- The endangering of an individual's health and safety
- Damage to the environment
- Deliberate concealment of information relating to any of the above

3 EMEC's Stance on Whistleblowing

Whistleblowing is relevant to all organisations and all people, not just the few who are corrupt or criminal. Every business and every public body faces the risk of things going wrong or of unknowingly harbouring corrupt individuals. Where such a risk arises, usually, the first people to realise or suspect the wrongdoer will be those who work in the organisation.

Within EMEC, staff are expected to display acceptable standards of conduct at all times. In addition to this policy, employees should ensure they are familiar with other EMEC policies as detailed in the Employee Handbook.

Any allegations of malpractice will be taken very seriously and this policy clearly identifies how such instances can be brought to attention. Any worker who wishes to disclose an incident or situation can report this in complete confidence. A whistle-blower, who has acted in good faith, is protected by the Act and dismissal, on the basis of status as a whistle-blower, is automatically unfair. Employees who are subject to any detriment for having made a protected disclosure are entitled to complain to an employment tribunal. There is no qualifying length of service for bringing a claim.

4 Procedures

To be protected by the Act a whistle-blower must follow set procedures, which are designed to offer the opportunity for a worker to make a disclosure at different levels:

- Internal disclosure to EMEC
- Disclosure to prescribed regulator (e.g. Health and Safety Executive, Financial Services Agency, SEPA)
- Disclosure to other bodies (e.g. Police, media, MPs, non-prescribed regulators)

Disclosure in all cases must be made in good faith and not for personal gain, with a reasonable suspicion that malpractice has occurred or will occur.

The procedures to be followed within EMEC are outlined below:

4.1 Internal disclosure to EMEC

- Should you become aware of a situation or incident which you wish to disclose, and you feel you cannot raise it through the usual line management channels, you should advise any member of the Executive Team or any Non-Executive Director of the Board.
- You may ask for your concerns to be treated in confidence and this will be respected, wherever possible.
- You will not be penalised for making a disclosure.
- If you make a disclosure which is subsequently found not to have been made in good faith, or to have been made for personal gain, or made without a reasonable suspicion that malpractice has occurred or will occur, this will be dealt with under EMEC's Disciplinary Policy.

4.2 Disclosure to a prescribed regulator

If you do not feel you can raise the matter internally to EMEC (e.g. you believe you would be victimised) you should refer it to a prescribed regulator. The Public Concern at Work website (www.pcaaw.co.uk) lists the regulators prescribed under the Act.

4.3 Disclosure to other bodies (e.g. Police, media, MP's, non-prescribed regulators)

Should only be made when it meets one of the following three preconditions:

- You believe you would be victimised if you raised the matter internally or with a prescribed regulator.
- There was no prescribed regulator and you reasonably believed evidence may be concealed or destroyed.
- The concern had already been raised with the employer or a prescribed regulator.

Public Concern at Work (tel: 020 3117 2520, website www.pcaaw.co.uk) is an independent authority on whistleblowing, which can provide practical free advice to prospective whistle-blowers.

5 Communication and Review

This policy will be communicated to staff via the Employee Handbook, during induction, and at staff meetings.

This policy will be reviewed on a biennial basis.