**WHISTLEBLOWING POLICY**

Highways Utilities Ltd. 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 Company 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 some instances the line manager may be the best person to approach).

The Public Interest Disclosure Act, which came into effect in 1999, gives legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns. The Company 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 Company 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 to air their complaints outside the Company.

**Scope of Policy**

This policy is designed to enable employees of the Company to raise concerns internally and at a high level and to disclose information which the individual believes shows malpractice or impropriety. This policy is 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. These concerns could include:

1. financial malpractice or impropriety or fraud;
2. failure to comply with a legal obligation or Statutes;
3. dangers to Health & Safety or the environment;
4. criminal activity;
5. improper conduct or unethical behaviour;
6. attempts to conceal any of the above;

**Safeguards**

**i. Protection**

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

1. In good faith;
2. 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
3. choose not to use the procedure. In an extreme case malicious allegations could give rise to legal action on the part of the person/s complained about.

**ii. Confidentiality**

The Company 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. The investigation process may, however, reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the evidence required.

**iii. Victimisation**

The company is committed to good practice and high standards and wants to support its staff. HUL recognises that the decision to report a concern can be a difficult one to make. If what a member of staff is saying is true, they should have nothing to fear because they will be doing their duty to their employer and those for whom they are providing a service. HUL will not tolerate any harassment or victimisation (including informal pressures) that occurs as a result of a member of staff seeking to raise such concerns and it will take appropriate action to protect staff when they raise a concern in good faith.

Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect an employee or that may be under way in relation to them.

**iv. 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 Company.

In exercising this discretion, the factors to be taken into account will include;

1. The seriousness of the issues raised;
2. The credibility of the concern;
3. The likelihood of confirming the allegation from attributable sources.

**v. 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 allegations, and particularly if he or she persists with making them, disciplinary action may be taken against that individual.

**Procedures for Making a Disclosure**

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;

1. Complaints of malpractice will be investigated by the appropriate Director unless the complaint is against the Director or is in any way related to the actions of the Director. In such cases, another Director will assess the complaint;
2. In the case of a complaint which is any way connected with but not against all Directors, a Senior Manager can be nominated to act as the alternative investigating officer;
3. The complainant has the right to bypass the line management structure and take his or her complaint direct to Jack Clarke. Jack Clarke has the right to refer the complaint back to management if he feels that the management without any conflict of interest can more appropriately investigate the complaint.

Complaints should be made to the Directors as listed below. They can advise the complainant on the implications of the legislation and the possible internal and external avenues of complaint open to them;

1. Jack Clarke
2. Declan Bennett
3. David Eales

If there is evidence of criminal activity then the investigating officer should inform the police. The Company 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 and / 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 as well as any proposed action.. If the investigation is for any reason prolonged, 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 his or her home address marked clearly Private & Confidential.

**Investigating Procedure**

The investigating officer should follow the following procedure;

1. Obtain full, clear details of the complaint;
2. 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;
3. Consider the involvement of the Company auditors and the Police at this stage and should consult with the Managing Director / Owner;
4. Fully investigate the allegations with the assistance, where appropriate, of other individuals / bodies;
5. Make a judgement concerning the complaint and validity of the complaint, detailing the information in a written report containing the findings of the investigations and reasons for the judgement;
6. The Managing Director will decide what action to take; if the complaint is shown to be justified then he will invoke the disciplinary or other appropriate action as detailed in company procedures;
7. Keep the complainant informed of the progress of the investigations and, if appropriate, of the final outcome
8. If appropriate, provide a copy of the outcomes to the Company Auditors to enable a review of procedures.

If the complainant is not entirely satisfied that their concern has been dealt with adequately by the investigating officer, they have the right to raise it in confidence with the Company Owner, or one of the designated persons as 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 Company recognises the lawful rights of employees and ex-employees to make disclosures to prescribed persons (such as the Health and Safety Executive) or, where justified, elsewhere.

**Signed on behalf of Highways Utilities Ltd.**

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David Eales

Managing Director

15th July 2023  **(Review By: July 2024)**