

WHISTLEBLOWING POLICY

T.F.Tull recognised that staff that raise concerns are an asset and not a threat. Staff are hereby provided with a procedure, which is clear and independent, by which concerns can be raised without reprisals in any form. Staff may raise a concern giving their name or they may raise a concern anonymously.

In an ethical organisation, the career and values of the professional and company culture, policies and procedures should converge. Due to the individual's desire to conform and the organisational demands on conformity are so powerful, the management of T.F.Tull is taking steps to ensure that such conformity does not work against public interest objectives. It is always possible that in some situations those who uphold the stated values of the company will be ostracised by the majority adhering to misconceived ideas of reward and praise within T.F.Tull.

Responsibility

All employees have a right and a moral responsibility to report improper actions and omissions. A workplace culture is now developing in which employees who act in good faith and in compliance with the law are protected from interference in or retaliation for reporting improper actions and cooperating with subsequent investigations or proceedings. Note that in some circumstances you may be breaching your contract and/or breaking the law if you do **not** raise your concern with management or an appropriate body.

Procedures

The UK's Public Interest Disclosure Act 1998 became law in July 1999 and T.F.Tull is fully apprised of its content and intent. Every manager in the company has a duty to ensure that staff are easily able to express their concerns. Where possible, concerns about malpractice by others should be reported to the relevant manager through defined channels. There will be circumstances where the ordinary processes available to staff to report on matters of concern in the workplace cannot be used. This 'Whistleblowing' procedure is intended to be applied to those circumstances. It is not intended as an extra mechanism for staff to challenge decisions, practices and policies with which they disagree but is reserved for raising concerns about malpractice or improper actions where the normal route for these concerns appears to be blocked.

In the UK the Public Interest Disclosure Act has rules for making a Protected Disclosure:

- You must disclose the information in good faith
- You must believe it to be substantially true
- You must not act maliciously or make false allegations
- You must not seek any personal gain

When to use the Public Interest Disclosure

Public Interest Disclosure (commonly called 'Whistleblowing') is required when employees, in good faith, believe employers or colleagues are engaged in improper course of illegal or unethical conduct and they must be able to disclose such conduct free from fear of intimidation or reprisal. Reporting improper actions outside normal channels will be necessary where attempts to report it in the past have not been successful or where, in good faith, the employee believes that the malpractice will only be dealt with by a designated officer who does not have direct managerial responsibility for that employee, or by elected members, in exceptional cases, by some official external body.

Managers should recognise that these Disclosures are the last line of defence in the regulation of bad practice within the department.

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Malpractice may be an action that is:

- Illegal
- Contrary to policy, regulation, procedure or instructions
- Likely to endanger service users, members of the public and/or colleagues
- Is unprofessional, inappropriate or conflicts with a general understanding of what is right and wrong

Therefore, the procedure should be used when staff feel:

- Reported matters have been consistently ignored or belittled
- Where staff are aware of malpractice or have a reasonable suspicion then ordinarily there must report the matter to their immediate manager or supervisor, who is expected to respond to the matter
- If necessary, staff should seek the support of a fellow worker in reporting an issue or the support of their trade union representative
- If the ordinary procedure is unsuccessful and a disclosure is required, those reporting should be clear of the facts of their concerns and should take notes, which may assist further investigation, and identify other witnesses

The Designated Officer to receive a Disclosure under this Procedure is the Managing Director. If the employee does not feel able to talk to the Managing Director, this procedure allows you to contact an elected citizen's representative (such as member of parliament, local government councillor). If the employee does not feel able to talk to any of the above, the Public Interest Disclosure Act allows you to contact a 'prescribed person'.

Cautionary Notes

Making a Public Interest Disclosure should not be done lightly. False or malicious allegations could lead to action by the Department if, following investigation, it is decided that such an allegation constitutes misconduct warranting disciplinary action. Additionally, an individual who is subject to such a Disclosure may feel he/she has the grounds to take legal action.

However, the organisation will ensure that Disclosures made in good faith are properly heard and dealt with within this procedure. The identity of those making a Disclosure shall remain confidential, to the extent allowed by the law, unless the employee waives that right in writing. Retaliation against staff acting in good faith by making an unwarranted adverse change to their employment status terms and conditions, is prohibited; retaliation includes, but is not limited to:

- Frequent and undesirable changes in work assigned
- Refusal to assign meaningful work
- Unsubstantiated reprimands or unsatisfactory performance evaluations
- Demotion or Unjust denial of promotion
- Pay reduction
- Transfer or reassignment

Feedback

Staff are invited to comment on this procedure and suggest ways in which it may be improved by contacting the Managing Director on 01923 235288.



Peter O'Grady
Managing Director
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