

## Whistleblowing Policy & Procedure

### **Introduction**

Whistleblowing is where an employee raises concerns about underhand or illegal practices within his or her own organisation or an associated organisation.

Floorskills Limited's policy is to operate within the law and all employees are expected to cooperate in this by adhering to the laws, policies and procedures.

Floorskills Limited is committed to maintaining an open culture with the highest standards of openness, honesty and accountability. The Company takes all malpractice very seriously, this policy details the procedures by which employees can report any concerns in a responsible and effective manner.

### **1. Statement of Assurance**

Floorskills Limited undertakes to comply with all applicable laws relating to the prohibition of retaliation against good faith whistleblowers (see Public Interest Disclosure Act 1998, which gives protection to workers who whistleblow against victimisation or dismissal)

The Public Interest Disclosure Act 1998 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 to ensure that no members of staff should feel at a disadvantage in raising legitimate concerns.

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).

Floorskills Limited undertakes to protect employees who raise concerns through the correct procedure from any victimisation, harassment or bullying occasioned as a result of his or her disclosure. Floorskills Limited also undertakes not to initiate disciplinary action as a result of the allegation.

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.

### **2. 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:

- Criminal activity - (theft / embezzlement / assault, etc)
- Financial malpractice or impropriety or fraud
- A failure to comply with a legal obligation
- Improper conduct or unethical behaviour
- A miscarriage of justice
- Professional malpractice
- Dangers to Health & Safety or the environment
- Deliberate concealment of information relating to any of the above
- All issues pertaining to Safeguarding should be dealt with under the Safeguarding Policy

Where the nature of a disclosure is not included in the above list, it should be made by way of the Company's Grievance Procedure, and not under this Whistleblowing policy.

In the event an employee has reason to believe that an offence of a serious nature, underhand or illegal practices are taking place the employee is encouraged to make their disclosure immediately to a member of the Senior Management Team.

It is particularly important in matters concerning the health, safety and welfare of those on company premises that anyone who becomes aware of a hazard or dangerous occurrence is expressly required to immediately notify a member of the Senior Management Team, HR or nominated Health & Safety representative before completing any other required report not least so that immediate action can be taken if necessary to deal with the hazard.

Only individuals who have observed the practice first-hand and are employed directly by the company may take action under this whistleblowing policy. If the person is not directly employed by the company, they are not covered by the Floorskills Limited Whistleblowing Policy. They should raise the issue through the Complaints Procedure.

### **3. Safeguards**

**Protection** - this policy is designed to offer protection to those employees of Floorskills Limited 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).

**Confidentiality** – Floorskills Limited 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.

**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:

- 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.

#### **4. Procedures for Reporting and Investigating Concerns**

When disclosing any concerns, the employee will not be expected to have absolute proof of malpractice but will need to be able to show the reasons for their concerns.

Once an employee has raised a concern the Senior Management Team member to whom the concern has been reported will then investigate the alleged offence with any other employees.

**Where preliminary enquiries show that further investigations need to be made the following procedure will be followed:**

- 4.1 The investigating senior manager will notify the 'accused' employee of the allegations made against them
- 4.2 The investigating senior manager will interview all parties concerned with the allegation
- 4.3 A judgement concerning the complaint and validity of the complaint will be made by the investigating senior manager. 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 Senior Management Team, Chief Executive, Chairman or Director as appropriate
- 4.4 The Senior Management Team, Chief Executive, Chairman or Director will decide what action to take. If the complaint is shown to be justified, then they will invoke the disciplinary or other appropriate Company procedures
- 4.5 The complainant should be kept informed of the progress of the investigations and, if appropriate, of the final outcome
- 4.6 If appropriate, a copy of the outcomes will be used to enable a review of Company procedures

**Where the alleged offence is of a serious nature the following action will be taken:**

- 4.7 The employee at the centre of the allegation will be suspended immediately on full pay pending the outcome of the investigation

- 4.8 The employee on suspension will be informed of the necessity of this action and will be assured that, at this point, there is no inference of guilt
- 4.9 Where it is believed the employee has committed an offence as prescribed by relevant regulators details will be reported to the relevant authorities or Police as appropriate, irrespective of whether disciplinary procedures are completed and whether or not the employee is suspended from duty
- 4.10 If as a result of internal investigations, the allegations are substantiated, action will be taken accordingly:
- 4.11 The employee concerned will be subject to the Disciplinary Procedure through to summary dismissal, as appropriate
- 4.12 Criminal charges may be brought by the Police or other parties, depending upon the circumstances
- 4.13 If allegations are not proven, then the employee will be restored to full duties / exonerated
- 4.14 Where allegation is not proven, but it is subsequently proven that the accusations was deliberately false or malicious in intent then the accusing employee will be subjected to appropriate disciplinary action
- 4.15 Where an employee act maliciously, the protection outlined above will not apply and the employee will be subjected to disciplinary action which could result in summary dismissal for gross misconduct
- 4.16 When investigating allegations and where requested, the company will keep the identity of the discloser confidential as far as possible (see above 3. Safeguards)

## **5. Further Concerns**

- 5.1 If the complainant does not agree with the outcome of the investigation, they should make a further report in writing to the investigating member of the Senior Management Team. If there is good reason to do so the concern will be investigated again
- 5.2 If the complainant is not satisfied that their concern is being properly dealt with or that the investigating senior manager is complicit in the 'offence' then they should raise this concerns with another member of the Senior Management Team, the Chief Executive or Director directly
- 5.3 If an employee has a concern and is unsure whether this is the appropriate procedure for raising it, or is unhappy about the final outcome of an investigation they can contact the independent charity Public Concern at Work for independent advice
- 5.4 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, Floorskills Limited recognises the lawful rights of employees and ex-employees to make

disclosures to prescribed persons or body (e.g. the Health and Safety Executive) A full list of prescribed people and bodies can be found on the Government Website ([www.gov.uk](http://www.gov.uk)).

## **6. Timescales**

Due to the varied nature of complaints, which may involve internal / external investigators and / or the police, it is not possible to lay down precise timescales for such investigations. The investigating senior manager should ensure that the investigations are undertaken as quickly as possible without affecting the quality and depth of those investigations.

The investigating senior manager, 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 marked “confidential”.

## **7. Failure to Notify**

- 7.1 Failure to notify the company when reasonably aware or certain of an occurrence included in the list of categories of disclosures listed in 2. Scope of Policy, is regarded by the company as misconduct
- 7.2 Failure to notify internally before notifying externally without good cause is also regarded as misconduct
- 7.3 Only if an employee has reasonable grounds for believing that the Director may be involved may contact to an outside body be made