

# WHISTLE-BLOWING POLICY AND PROCEDURE

## POLICY

### Introduction

Bondelivery NI Limited is committed to conducting our business with honesty and integrity, and we expect all staff to maintain high standards. However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. We also recognise the negative effect which malpractice can have on the organisation.

Creating and maintaining a transparent, supportive environment whilst promoting a culture of openness and accountability within our organisation is essential in order to prevent such situations occurring or to address them when they do.

### Purpose

Individuals may be worried about raising a concern and may think it is best to keep it to themselves, perhaps feeling it is none of their business, that it is only a suspicion, or that it is disloyal to colleagues, managers or the organisation to raise the matter. Even with a number of laws that exist to protect disclosures, it can be difficult to know what to do. The aims of this policy are:

- a) To affirm Bondelivery NI Limited's commitment to taking the necessary action, properly, promptly and to address any genuine concerns;
- b) To set out an information framework to raise and deal with concerns;
- c) To encourage individuals who have a concern about actual, potential or suspected wrongdoing and/or dangers within the organisation, to raise that concern openly and at an early stage in the knowledge that their concern will be taken seriously, investigated in an appropriate and timely manner, and that their confidentiality will be respected;
- d) To designate specific individuals or groups as complaint recipients;
- e) To establish a fair and impartial investigative process;
- f) To reassure individuals that they should be able to raise genuine concerns in good faith without fear of reprisals, even if they turn out to be mistaken.

### Scope

This Whistle-blowing Policy and Procedure is intended to encourage individuals to make good faith reports of concerns such as wrongdoing and/or danger within the workplace of Bondelivery NI Limited. This may include:

- a) criminal activity;
- b) miscarriages of justice;
- c) danger to health and safety;
- d) damage to the environment;
- e) failure to comply with any legal obligation or regulatory requirements;
- f) negligence;
- g) breach of our internal policies and procedures;
- h) conduct likely to damage our reputation;
- i) unauthorised disclosure of confidential information;
- j) the deliberate concealment of any of the above matters.

The above list is not exhaustive and management reserves the right to categorise any further concerns as appropriate.

A **whistle-blower** is an individual who raises in good faith, a genuine concern that may be happening at work relating to any of the aforementioned. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of our activities (a **whistle-blowing concern**) you should report it under this policy.

In the context of this policy, the term 'individual' should be taken to include everyone regardless of status or position, employees, agency workers, contractors, suppliers, customers, visitors and members of the general public.

Individuals should be able to make disclosures about wrongdoing and/or dangers at work so that concerns can be identified and resolved quickly. Individuals need only have a reasonable belief that the issue has occurred, either in the past or the present or is likely to happen in the future. They do not have to have proof that this is the case.

The term 'whistle-blower' is generally associated with the Public Interest Disclosure (Northern Ireland) Order 1998, which provides protection for workers who make certain disclosures of information in the public interest. It gives individuals the right of complaint to an industrial tribunal if, in good faith, they report wrongdoing and/or dangers at work and, as a result, suffer any form of detriment.

However, in line with good practice the same general principles contained in this policy will apply to the handling of concerns regardless of who raised the concern. A Guide to the Public Interest Disclosure (NI) Order 1998 (as amended) is available at [www.health-ni.gov.uk/.../public-interest-disclosure-northern-ireland-order-1998](http://www.health-ni.gov.uk/.../public-interest-disclosure-northern-ireland-order-1998).

### **Personnel Responsibility for Policy and Procedure**

The **Managing Director** has overall responsibility for ensuring this policy complies with our legal and ethical obligations and that all under our control comply with it.

The **Human Resources Manager** has primary and day-to-day responsibility for implementing this policy, monitoring its use and effectiveness, dealing with any queries about it and auditing internal control systems and procedures to ensure that they are effective.

**Management** at all levels are responsible for ensuring those reporting to them understand and comply with this policy and are given adequate training on it.

### **General Principles**

In making a decision as to whether an issue of concern falls within the remit of this Whistle-blowing Policy and Procedure, it is important to understand the difference between raising a concern and raising a grievance.

### **Whistle-blowing**

A whistle-blowing concern is about wrongdoing and/or dangers that **affects others**. It could be something which adversely affects other workers, the organisation itself and/or the general public. Generally, a whistle-blower has no self-interest in an issue being raised, however the distinction may not always be clear cut. If in doubt individuals are advised to raise the concern in any case.

### **Grievance**

A grievance is a personal complaint about **someone's own employment situation** e.g. about terms of employment, pay or unfair treatment. Grievances should be raised and dealt with under the terms of the company Individual Grievance Policy and Procedure which can be found in the Bondelivery Company Handbook or be requested from the company Human Resources Department.

The Whistle-blowing Policy and Procedure does not replace other company Policies and Procedures. If you are uncertain whether something is within the scope of this policy, you should seek advice from your Manager/Supervisor and/or the Human Resources Manager.

### **Confidentiality**

Bondelivery NI Limited hopes that an individual will feel able to raise whistle-blowing concerns openly under this policy. However, if you want to raise your concern confidentially, we will make every effort to keep your identity secret unless required by law. If it is necessary for anyone investigating your concern to know your identity, we will discuss this with you prior to any action. Similarly, if the allegations result in court proceedings then the whistle-blower may have to give evidence in open court if the case is to be successful.

Notes of meetings will be taken, kept no longer than is necessary and treated as confidential in accordance with General Data Protection Regulation (GDPR) 2018.

### **Anonymous Allegations**

This procedure encourages whistle-blowers to put their name to an allegation wherever possible, as anonymous allegations may often be difficult to substantiate/prove and/or have been made in good faith. Proper investigation may be more difficult or impossible if we cannot obtain further information from you.

Allegations made anonymously are much less powerful but will be considered at the discretion of the organisation. In exercising discretion to accept an anonymous disclosure the factors to be taken into account are:

- a) The seriousness of the concern raised;
- b) The credibility of the disclosure;
- c) Whether the disclosure can realistically be investigated from factors or sources other than the complainant.

### **External disclosures**

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any concerns of wrongdoing and/or dangers within the organisation. In most cases you should not find it necessary to alert anyone externally. However, the law recognises that in some circumstances it may be appropriate for you to report your concern to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. We strongly encourage you to seek advice before reporting a concern to anyone external.

Whistle-blowing concerns usually relate to the conduct of our staff, but they may sometimes relate to the actions of a third party. The law allows you to raise a concern in good faith with a third party, where you reasonably believe it relates mainly to their actions or something that is legally their responsibility. However, we encourage you to report such concerns internally first. You should contact your Manager/Supervisor or, where this is not appropriate, the Human Resources Manager or Managing Director for guidance.

### **Untrue Allegations**

No disciplinary or other action will be taken against a whistle-blower who makes an allegation in the reasonable belief that it is in the public interest to do so even if the allegation is not substantiated by an investigation. However, an individual who raises

a concern known to them to be untrue, frivolously, maliciously, for personal gain and/or where there is no element of public interest will be subject to disciplinary action which may result in summary dismissal.

### **Protection and Support for Whistle-blowers**

It is understandable that whistle-blowers are sometimes worried about possible repercussions. We aim to encourage openness and will support individuals who raise genuine concerns in good faith under this policy, even if they turn out to be mistaken.

Any individual who raises a genuine concern in good faith, whether or not that concern is eventually determined to be unfounded, will not suffer detriment for having raised that concern. If the person who raises the concern is not an employee, Bondelivery NI Limited will do what is in its power to ensure that he/she does not suffer any form of retribution for raising concerns. Staff must not threaten or retaliate against whistle-blowers in any way. Anyone involved in such conduct will be subject to disciplinary action which may result in summary dismissal.

If you believe that you have suffered any such treatment, you should inform your manager/supervisor and/or the Human Resources Manager immediately. If the matter is not remedied, you should raise it formally using our Individual Grievance Procedure.

If you are in any doubt you can seek independent advice from your local Citizen Advice Bureau, Labour Relations Agency on telephone number 0330 055 2220/028 71 269639 or the Independent Whistle-blowing Charity, Public Concern at Work helpline on 020 7404 6609, email [whistle@pcaw.co.uk](mailto:whistle@pcaw.co.uk), website [www.pcaw.co.uk](http://www.pcaw.co.uk).

If a whistle-blower is required to give evidence in criminal or disciplinary proceedings the investigator will arrange for them to receive advice about the procedure and advise on the support mechanisms that are available.

## **PROCEDURE**

### **Reporting a Concern**

A concern should be raised initially with an individual's departmental manager. However, this may depend on the seriousness and sensitivity of the issue, who is suspected of the concern, that you feel your manager has not addressed your concern and/or you prefer not to raise it with them for any reason. The whistle-blower may then raise the concern with another departmental manager, the Human Resources Manager and/or Managing Director.

### **Initial report**

The recipient of the concern will record the name of the person raising the concern, ask for his/her contact information and preferred means of communication. This will be used for all communications in order to preserve confidentiality and confidence.

- a) You may report your concern in person or put the matter in writing if you prefer;
- b) The recipient of the concern, may be able to agree quickly and effectively, a way of resolving your concern either informally or formally;
- c) A meeting will be arranged with you as soon as possible to discuss your concern. You may bring another worker or trade union representative to any meetings under this policy. However, if the concern is subsequently dealt with through another company procedure, the right to be accompanied will at that stage will be in accordance with that relevant procedure. Your companion

**MUST** respect the confidentiality of your disclosure and any subsequent investigation;

- d) A written summary of your concern will be taken at the meeting and you will be provided with a copy after the meeting. Further meetings may be necessary;
- e) An indication of how we propose to deal with the concern will be communicated to you and updated to you as appropriate.

### **Action on receipt of a Concern**

Once a concern has been received, the recipient will consider the allegation and carry out an initial assessment to determine the next step. This may include discussing and/or referring it to a higher level of designated recipient, whilst ensuring those connected to the concern are excluded. The whistle-blower will be informed of the outcome of the initial assessment. If appropriate, an investigation will be instigated. If the allegation discloses evidence of a criminal offence, a decision will be made as to whether to inform the PSNI. If the allegation concerns suspected harm to a minor the appropriate authorities will be informed immediately.

### **Investigation**

All whistle-blowing concerns will be investigated thoroughly and in a timely manner whether they are raised directly with Bondelivery NI Limited or through a third party.

In some cases, we may appoint an investigator or team of investigators including staff with relevant experience of investigations or specialist knowledge of the subject matter. The investigator(s) will ensure that a thorough investigation is carried out and may make recommendations for change to enable the organisation to minimise the risk of future wrongdoing and or dangers.

We will aim to keep you informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent us giving you specific details of the investigation or any disciplinary action taken as a result. You should treat any information about the investigation as confidential.

Whether an oral or written report is made, it is important that relevant information is provided including:

- a) As much background and history of the concern as possible, giving relevant dates, names and positions of those who may have contributed to the concern;
- b) The specific reason for the allegation. Although someone making an allegation will not be expected to prove the truth of any allegations, they will need to provide information to the person they have reported to, to establish that there are reasonable grounds for the allegation.

### **Timescale**

It is the aim of this procedure to settle matters at the earliest practicable moment. For the purposes of timescale, the following, where possible should be adhered to:

- a) The initial meeting will be arranged with you within five working days of receipt of the concern;
- b) The recipient, will if appropriate, instigate an investigation within five working days after the initial meeting;
- c) The investigation if possible, should be concluded within ten working days;
- d) The outcome should be notified within five working days of the investigation conclusion.

Timescales referred to within this policy will be adhered to as far as reasonably practicable but may need to be adjusted depending on the complexity of the concern.

### **Outcome**

The investigator accepts that whistle-blowers need to be assured that the concern has been properly addressed. Thus, subject to legal constraints, we will inform those making allegations of the outcome of any investigation, an indication whether further investigations will take place and if not, why not and where appropriate, any action being taken as a result. Steps will be taken to implement corrective action revealed by the outcome of the investigation.

Where the allegation has been made anonymously, obviously the investigator will be unable to communicate what action has been taken.

If we conclude that a whistle-blower has made false allegations maliciously, in bad faith or with a view to personal gain, the whistle-blower will be subject to disciplinary action which may result in summary dismissal.