

The Business Portfolio (UK) Ltd

Whistle Blowing Policy & Procedures

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WHISTLE BLOWING POLICY

Introduction

The Business Portfolio (UK) Ltd is committed to maintaining an open culture with the highest standards of honesty and accountability, where workers can report any legitimate concerns in confidence. The Business Portfolio (UK) Ltd takes all malpractice very seriously, and this document sets out the policy and procedures by which workers can report any concerns.

Aims:

- To encourage you, as an employee, contractor or learner, to feel confident in raising any serious concern you may have about The Business Portfolio (UK) Ltd, its services and the conduct of its staff, contractors or service providers.
- To provide methods for you to raise those concerns and receive feedback on any action taken
- To ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied
- To reassure you that you will be protected from possible reprisals or victimisation (from your manager or other colleagues) if you reasonably believe that you have made any disclosure in the public interest.

'Whistle blowing' is the term used to describe a worker making a disclosure *in the public interest* about a 'colleague's' conduct in the course of employment, or about the employer's practices, which fall into one or more of the following categories of 'protected disclosures':

- Criminal offences
- Failure to comply with a legal obligation
- Miscarriages of justice
- Risks related to health and safety
- Environmental damage
- Deliberate concealment of information relating to any of the above

Whistle blowing legislation was introduced to protect workers from dismissal or victimisation in the event that they disclose some sort of wrongdoing that is in the public interest to the employer or another appropriate body.

'Worker' or 'colleague' in this context includes not only those who are directly employed by The Business Portfolio (UK) Ltd, but also individuals such as associates, session workers, agency temps etc. Anyone who works for The Business Portfolio (UK) Ltd under any type of contract will fall within the scope of the protection.

If employees or learners have concerns about internal practice (including breaches of their employment contract) that are not in the public interest, these must be raised via The Business Portfolio (UK) Ltd's grievance policy and procedures.

WHISTLE BLOWING POLICY

Policy Statement

The Business Portfolio (UK) Ltd's policy is to operate within the country's laws and regulations, and all workers are expected to co-operate in this by adhering to all laws, regulations, policies and procedures.

Under the whistle blowing legislation, The Business Portfolio (UK) Ltd offers protection to any worker who honestly and reasonably believes that underhand or illegal practices are taking place. The Business Portfolio (UK) Ltd undertakes to comply with all applicable laws relating to the prohibition of retaliation against whistle-blowers, where the disclosure meets the following conditions:

- The worker making the disclosure must reasonably believe that the information disclosed is in the public interest
- The worker making the disclosure must reasonably believe that the information disclosed is substantially true
- The worker making the disclosure must not have done so for personal gain

Assuming the requirements of this policy have been met, The Business Portfolio (UK) Ltd undertakes to protect the worker from any personal claims and from any victimisation, harassment or bullying resulting from a disclosure being made. The Business Portfolio (UK) Ltd also undertakes not to initiate any disciplinary action against the discloser: the aim is that the employment of any worker should not in any way be harmed or hindered as a result of making a disclosure, as long as it meets the conditions outline above. Where an individual who was originally involved in the malpractice decides to 'come clean', they cannot necessarily be guaranteed immunity from investigation.

You are encouraged to put your name to your allegation whenever possible. Concerns which are expressed anonymously are much less powerful, but will be considered at the discretion of the Finance Director.

Any reprisal or similar action taken against an individual making a disclosure under this policy may be regarded as gross misconduct and may result in disciplinary action.

Failure to notify The Business Portfolio (UK) Ltd when reasonably aware or certain of an occurrence included in the list of protected disclosures is regarded by The Business Portfolio (UK) Ltd as misconduct.

Failure to notify internally before notifying externally without good cause is also regarded as misconduct. Where a worker has reasonable grounds for believing that a senior manager may be involved in the malpractice, they should refer the matter to a member of the Leadership Team in the first instance.

The Business Portfolio (UK) Ltd will keep the identity of the discloser confidential as far as possible. However, in certain circumstances, such as a criminal investigation, the worker may be needed as a witness. If this happens, the designated member of the Leadership team will inform the worker at the earliest opportunity.

Any matter raised will be dealt with promptly and thoroughly investigated by the appropriate person. There will be an initial response within 5 days of receipt of the allegation.

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Any deliberate false or malicious allegations will be taken very seriously and appropriate disciplinary action will be taken against the worker making the disclosure. Where a worker acts in a malicious way (for example by leaking information to the press), the protection outlined above will not apply and the worker will be subject to disciplinary action which could result in summary dismissal for gross misconduct.

Where the nature of the disclosure is not included in the list of protected disclosures, it should be made by way of The Business Portfolio (UK) Ltd's grievance procedure and not under this whistle blowing policy.

Procedures

When disclosing any concerns, a worker will not be expected to have absolute proof of malpractice, but will need to be able to show clear reasons for his or her concern.

In the event that a worker has reason to believe that underhand or illegal practices are taking place, the worker is encouraged to make his or her disclosure immediately to his or her own manager, who should report it to a senior manager. Alternatively, the worker can report it to the Leadership team directly, particularly if the worker's line manager is implicated in the disclosure.

Where the disclosure concerns the health, safety, and welfare of those on our premises (whether workers, contractors or visitors), the worker is expressly required to immediately notify the Health, Safety & Environment Manager so that the hazard (actual or potential) or dangerous occurrence can be dealt with as a matter of urgency. This must be done before making any other report to an outside body.

The investigating officer (usually a member of the Leadership team) will investigate the alleged offence in conjunction with the Finance Director with the assistance of other individuals / bodies, including the police, The Business Portfolio (UK) Ltd's auditors or industry bodies as appropriate.

The investigating officer will inform the member of staff against whom the complaint is made as soon as is practically possible. The member of staff will be informed that the investigations will be held under The Business Portfolio (UK) Ltd's disciplinary procedures.

The complainant will be kept informed of the progress of the investigations and, if appropriate, of the final outcome.

If the alleged offence is substantiated, appropriate action will be taken. The discloser will be informed of the outcome where reasonably practicable, and the appropriate authorities, such as The Business Portfolio (UK) Ltd's auditors will be informed.

If the discloser is unhappy about the outcome of an investigation, he or she should make a further report to the Leadership team, and if there is a good reason to do so, the concern will be investigated again.

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Law relating to this policy

This code has been written with regard to the Public Interest Disclosure Act, 1998, as amended on 25 June 2013. The Act protects employees who make disclosures about the following matters of concern in accordance with the Act's provision.

- a criminal offence;
- a breach of a legal obligation;
- a miscarriage of justice;
- a danger to the health and safety of an individual;
- damage to the environment; or
- the deliberate covering up of any matter which relates to any of the above issues.

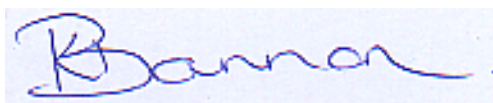
The Act is incorporated into the Employment Rights Act, 1996, which protects employees who take action over, or raise concerns about, health and safety at work.

A guide to the Public Interest Disclosure Act, 1998, is available on the Department for Business Innovation and Skills Website (www.berr.gov.uk) or on the Direct gov website www.direct.gov.uk under employment and problems at work.

Responsibilities

Directors and Leadership Team	<ul style="list-style-type: none">• Development and maintenance of such procedures as are necessary to ensure implementation of the policy.• Maintenance of the policy• Reporting to the Trustees
Management	<ul style="list-style-type: none">• Design of procedures• Implementation of procedures• Dissemination throughout their teams• Ensuring day to day operational compliance• Reporting to the Leadership Team
Individual Responsibility (Workers and Contractors)	<ul style="list-style-type: none">• Compliance with procedures• Identifying potential improvements through day to day work• Reporting to the Management Team

Signed:



Director

Date 01.03.19