

WHISTLEBLOWING POLICY

Whistleblowing is the disclosure of information by a member of staff which relates to some danger, fraud or other illegal or unethical conduct in the workplace. The Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998) sets out how employees should make disclosures concerning workplace malpractice and gives legal protection to staff who blow the whistle on bad practice.

Purpose and Scope

The Company (Axter Ltd) is committed to ensuring that high ethical standards are maintained throughout its business and that any workplace malpractice is prevented or immediately dealt with should it arise. As part of this commitment, Axter seeks to support employees who report genuine concerns of malpractice or misconduct within the business.

This policy clearly outlines how employees can raise genuine concerns about wrongdoing in the workplace and details the Company's procedure for dealing with all such concerns. The policy is to encourage employees to report suspected wrongdoing as soon as possible in the knowledge that their concerns will be taken seriously and investigated as appropriate and that confidentiality will be respected.

The Company will make every effort to deal consistently with such disclosures in a fair, objective and discreet manner. Any employee who raises genuine concerns about malpractice within the workplace will not be punished or victimised for their disclosures of confidential information. Any victimisation or harassment as a result of having raised legitimate concerns will be dealt with as a disciplinary offence.

The policy has been developed in accordance with the Public Interest Disclosure Act (1998) and as such ensures that all employees can raise concerns without fear of detriment or disadvantage.

Background

The law provides protection for employees who raise legitimate concerns about specified matters. These are called "qualifying disclosures". A qualifying disclosure is one made in the public interest by an employee who has a reasonable belief that:

- a criminal offence;
- a miscarriage of justice;
- an act creating risk to health and safety;
- an act causing damage to the environment;
- a breach of any other legal obligation;
- financial fraud or mismanagement; or
- concealment of any of the above;

is being, has been, or is likely to be committed.

It is not necessary for the employee to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient. The employee has no responsibility for investigating the matter - it is the Company's responsibility to ensure that an investigation takes place.

This procedure is for disclosures about matters other than a breach of an employee's own contract of employment. If an employee has a complaint relating to their personal circumstances in the workplace or is concerned that their own contract has been, or is likely to be, broken, they should use the Company's grievance procedure.

If an employee has a concern about whether something is within the scope of this policy they should seek advice from the Managing Director ("Whistleblowing Officer").

If an employee reasonably believes that the relevant failure (i.e. any of the circumstances listed above) relates wholly or mainly to the conduct of a person or company other than the Company or any other matter for which person other than the Company has legal responsibility, then they should make that disclosure to that other person/organisation.

This policy applies to all Axter Ltd employees, workers and self-employed individuals. This policy does not form part of an employee's employment contract and the Company may amend it at any time.

Abuse of the Policy

Voicing a concern about wrongdoing in the workplace should not be done lightly. Whilst the purpose of this policy is to support employees who come forward with information or concerns about wrongdoing, the Company will not tolerate the system being abused. If it should become clear that the procedure has not been invoked in the interest of the public, for example, for malicious reasons or to pursue a personal grudge against another employee or the interests of the Company, this could constitute misconduct and will be dealt with in accordance with the terms of the Company's disciplinary procedure.

In the event that the employee believes that they are being subjected to a detriment by another employee as a result of the decision to submit a concern, the employee must inform the person dealing with the concern or investigation immediately. Appropriate action will be taken to protect the employee from any reprisals.

Employee Procedure for Disclosing Information

Employees are encouraged to use the Company procedure set out below to raise any concerns about wrongdoing in the workplace.

Company Procedure

Information may be disclosed or concerns may be raised either verbally or in writing to the employee's line manager:

If an employee wishes to raise a concern they should approach their manager in the first instance. If they feel unable to do so, or feel it is inappropriate to raise the matter with their manager, they should speak to the Managing Director.

They may be asked to put their concerns in writing if this is considered appropriate (by completing a Disclosure of Information Form – see Appendix 1), and a meeting will be arranged to discuss the matter fully with them. All information will be treated in confidence as far as possible. Employees are therefore encouraged to give their names when raising a concern as anonymous information is difficult to investigate.

Following the meeting, the employee's manager (or other first contact) will make a preliminary assessment of the situation, its possible impact on the Company and the form of action that should be taken. Some concerns or allegations may be resolved without the need for investigation and if the matter can be resolved at this stage the employee will receive a written note of their decision or proposed action. However, other concerns or allegations may require full investigation.

Under normal circumstances, the employee should expect to hear from their line manager within 10 working days of raising the concern. However, if the concern raised is of a serious nature and further action is needed, the Managing Director will be responsible for investigating the concern. They will decide how the case will be handled, including contact arrangements with the member of staff during the investigation. This process may take longer so the above deadline may not be achieved. In these circumstances the employee will be kept informed of the situation and notified when a proposed course of action has been determined.

Every effort will be made to keep the identity of an individual who makes a disclosure under this policy confidential. During investigations, efforts will be made to find independent and separate evidence for any reported suspicion. However, circumstances may arise where an investigation cannot be concluded or progressed further unless the individual is prepared to have their name cited in wider discussions. In such a situation, consent would always be obtained before further action was taken.

Once a decision has been made on the proposed course of action, the line manager will inform the employee, for example by completing a Proposed Course of Action Form (see Appendix 2). The individual will then be asked to sign the form to confirm that they consider the specified action to be appropriate.

If the proposed course of action is deemed to be inappropriate by the individual, does not occur in the time period proposed, or is unsuccessful, then the Public Interest Disclosure Act (1998) allows the employee to contact a prescribed external body. A full list of prescribed external bodies can be obtained from a Director.

Non-genuine Claims

The policy only applies to disclosures which are made in the public interest and where an employee reasonably believes that the information disclosed and any allegation contained in it are true. If any disclosure is found to be made in order to cause disruption within the Company, or concerns information which the employee does not substantially believe is true, or indeed if the disclosure is made for personal gain, then such a disclosure will constitute a disciplinary offence for the purposes of the Company's disciplinary policy and may constitute gross misconduct for which summary dismissal is the sanction.

While the Company hopes that such disclosures will never be necessary within its organisation, it also recognises that it may find itself in circumstances which are new to it. Each case will be treated on its own facts.

Protection and support for whistleblowers

It is understandable that whistleblowers are sometimes worried about possible repercussions. We aim to encourage openness and will support employees who raise genuine concerns under this policy, even if they turn out to be mistaken.

If an employee is concerned about possible reprisals if their identity is revealed, they should come forward to the Whistleblowing Officer and appropriate measures can then be taken to preserve confidentiality.

The Company will not subject a whistleblower to any detrimental treatment as a result of raising a concern. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If an employee believes that they have suffered any such treatment, they should inform the Whistleblowing Officer immediately. If the matter is not remedied they should raise it formally using the Company's Grievance Procedure.

Employees must not threaten, retaliate against or victimise whistleblowers in any way. If anyone is involved in such conduct they may be subject to disciplinary action.

External disclosures

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace.

If an employee believes that the relevant concerns have not been addressed using the internal procedure or considers that their concerns are so serious to warrant reporting to an external body such as a regulator, then they should contact a prescribed external body, see [Gov.UK website](#) for details, or the whistleblowing charity [Protect](#).

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