



# Whistle Blowing Policy

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## Issue, Review and Amendment

This Policy shall be made available through the MTS intranet and its issue notified to relevant MTS employees through an internal memorandum or other appropriate form of communication.

An Appointed Person shall review this Policy annually to re-affirm its conformity to the current requirements of Corporate Policy or immediately if its contents are deemed to be no longer valid.

Where revisions are required they shall be made by replacement of the applicable page(s). An amended revision number and the date of revision shall identify each revised document; this shall be detailed within the document revision table below.

When changes affect a considerable number of pages, this document shall be re-issued/revised in its entirety, incorporating all previous revisions. A number shall identify issues and each issue shall cancel and replace all previous issues and revisions. Revisions shall be identified by a number and shall replace the previous revision.

Revisions shall be notified to relevant MTS employees through an internal memorandum or other appropriate form of communication.

Document Reviews		
Date	Revision	Reviewer
18/01/2012	<u>1</u>	Kevin Shiers
11/10/2012	<u>2</u>	Kevin Shiers

## Introduction

Trust and integrity are vital to Morrison Utility Services, it is therefore important that any fraud, misconduct or wrongdoing by workers or officers of the Company is reported and properly dealt with.

The Company therefore encourages all employees to raise any concerns that they have about any such misconduct or malpractice without fear of reprisal. The Company wants to hear those concerns and to be able to deal with them by following a procedure to investigate situations. The Company believes that this will encourage a culture of openness and that all employees will be able to act responsibly in order to uphold the reputation of the Company.

This policy does not form part of any employee's contract of employment and the company reserves the right to change the terms of this policy from time to time and to introduce a replacement policy as may be required.

## Scope

All employees

All third parties and supply chain partners who perform services for and on behalf of the Company. The Company expects those parties to abide by its ethical standards and core rules as set out in our Ethical Business Code of Conduct, which is closely linked to this policy or alternatively have in place equivalent policies and procedures to combat bribery and corruption.

## Background

The Public Interest Disclosure Act 1998 amended the Employment Rights Act 1996 to provide protection for workers who raise legitimate concerns about specified matters. These are called 'qualifying disclosures'. A qualifying disclosure is one made in good faith by an employee who has a reasonable belief that:

- a criminal offence
- failure to comply with a legal or regulatory obligation
- a miscarriage of justice
- an act endangering the health or safety of any individual
- an act causing damage to the environment; or
- deliberate 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. It is the Company's rather than the employee's responsibility to ensure that an investigation takes place. Any employee who has concerns about malpractice within the workplace will not be punished or victimised for his or her disclosures of confidential information in good faith. Any victimisation or harassment of the employee for having raised legitimate concerns will be dealt with as a disciplinary offence. If an employee wants to raise a concern about any of the above, they should use the procedure set out below. If the employee is not sure whether to raise a concern, he/she should discuss the issue first with his/her line manager or the Human Resources Department.

This policy is distinct from our Grievance Procedure. If you have a complaint relating to your personal circumstances in the workplace then you should use the Grievance Procedure. If you have concerns about malpractice within the organisation then you should use the procedure outlined in this policy.

## Principles

- All employees should be aware of the importance of preventing and eliminating wrongdoing at work, as outlined in the Ethical Business Code of Conduct. Employees should be watchful for illegal or unethical conduct and report anything of that nature they become aware of.
- Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the employee who raised the issue.
- No employee will be victimised for raising a matter under this procedure.
- Victimisation of a worker for raising a qualified disclosure will be a disciplinary offence.
- If misconduct is discovered as a result of any investigation under this procedure, the Company's disciplinary procedure will be used, in addition to any appropriate external measures.
- Maliciously or vexatiously making a false allegation or where an external disclosure is made when not 'protected' by the provisions of the Public Interest Disclosure Act 1998 may result in disciplinary action.
- Any instruction to ignore or cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager or departmental head, employees should not agree to remain silent. They should report the matter to the HR Director or member of the Operational Board.

## Procedure

### How to raise a concern

- If an employee has a concern, they should act promptly. The sooner it is raised, the sooner it can be dealt with.
- In the first instance any concerns should be raised with their line manager. If the employee reasonably believes his/her line manager to be involved in the wrongdoing, or if for any other reason the employee does not wish to approach his/her line manager they should contact the Human Resources Department for guidance.
- If possible, the employee should raise concerns in writing, however if they cannot do so, then any disclosures can be made orally. Such disclosures should provide as much supporting evidence as possible.
- If the employee does not wish to approach his/her line manager or the Human Resources Department for guidance then the option exists to raise concerns using an external 24/7 business ethics helpline. When calling the helpline an independent call agent will listen to your concerns and complete a report of your call. The call agent will then forward the report, in strict confidence, to a designated director of our organisation.



Expolink are the independent organisation we use for our business ethics helpline. You are urged to speak with your manager first. However, alternatively, or in addition to this, you can report your concerns through this 24/7 freephone number or web based reporting [www.expolink.co.uk](http://www.expolink.co.uk) with sign on name "morrison".

## What the Company will do

- After the concern has been raised, the line manager will discuss the matter with his senior line manager to decide what action needs to be taken (either by investigating the matter him/herself or immediately passing the issue to a more senior manager). Such an investigation can include an internal investigation by the Company involving specialist departments e.g. Health and Safety and/or by external investigators appointed by the Company which may involve the employee and other individuals being interviewed and providing a written statement and asked to comment on any additional evidence obtained.
- Once any investigation is complete, the line manager or investigating manager will then report to his Departmental Head/Contract Director. He/She will discuss the matter with the Operational Board director to determine the appropriate course of action, including reporting the matter to any appropriate government department or regulatory agency. Once a decision has been made as to what steps need to be taken, the employee will be informed accordingly. If no further steps are proposed, the employee will be given reasons for this in writing.
- If disciplinary action is required the line manager (or the person who carried out the investigation) will report the matter to the Human Resources department who will start the disciplinary procedure
- The identity of any employees making such disclosures will be kept confidential as far as is possible throughout this procedure. The Company acknowledges however, that in some circumstances it may be possible for others to deduce identity from the action taken by the Company to investigate, or to remedy, the wrongdoing.
- 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 employee concerned is prepared to have their name cited in wider discussions. In such a situation, consent would always be obtained before further action was taken.

## Further actions

If the employee is concerned that his/her line manager is involved in the wrongdoing, has failed to make a proper investigation or has failed to report the outcome of the investigations to the Department Head or Operational Board Director, he/she should inform the Human Resources Director who will arrange for another senior manager to review the investigation carried out.

## External disclosure

An employee should not disclose, save in exceptional circumstances, their concerns outside the Company unless they have first provided the Company with the opportunity to address those concerns. This could be through the use of the business ethics helpline set up with Expolink as mentioned earlier. The Company hopes that most concerns raised on an internal basis will be fully resolved.

## Safeguards

The Company will not (and will use reasonable endeavours to ensure that its employees do not) subject employees to any detriment as a result of a disclosure. Any such treatment should be immediately reported to the Human Resources department and/or senior line manager.

Employees will not be subjected to any disciplinary action as a result of making a disclosure in good faith in accordance with this procedure. However, if the Company believes that the disclosure has been made maliciously or vexatious, or where an external disclosure is made

when not “protected” by the provisions of the Public Interest Disclosure Act 1998, then the Company may bring disciplinary action.

## **Related Policies, Codes and Procedures**

Business Ethics and Anti Bribery Policy

Business Ethics ‘Help Line’

Ethical Business Code of Conduct

Expenses Policy

Gifts and Hospitality Procedures