

Whistle Blowing Policy

Introduction

Whistle blowing occurs when an employee provides certain types of information, usually to their employer or a regulator, which has come to their attention through work. The whistle blower is usually not directly personally affected by the danger or illegality, although they may be. Whistle blowing is 'making a disclosure in the public interest' and occurs when a worker raises a concern about danger or illegality that affects others, for example, members of the public.

Whilst Freeport East Ltd is a company limited guarantee and not a public body, we recognise that the company oversees the utilisation of public funds and operates in accordance with a Memorandum of Understanding (MoU) with Government that involves delivering on public policy objectives.

Policy Aims

The aims of this policy are to:

- provide a means for employees, board members or contractors to express legitimate concerns and have them addressed
- ensure that issues are resolved quickly and satisfactorily in order to protect the users of our services.

This procedure will not require proof that suspicions are well founded. Persons who express their views in good faith in line with this guideline will not be penalised for doing so.

Scope

This policy applies to all employees, board members and contractors of Freeport East Ltd and has been designed to enable them to raise concerns internally and at a high level and to disclose information which they believe 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:

- financial malpractice or impropriety or fraud
- failure to comply with a legal obligation or statutes
- dangers to health & safety or the environment
- criminal activity
- improper conduct or unethical behaviour
- attempts to conceal any of these

Our Policy

Freeport East wants to create a culture whereby employees, board members and contractors can feel confident about raising concerns about any form of wrongdoing within the workplace.

Whistle blowing is only for the purposes of raising concerns about possible wrongdoing. Grievances, complaints and discipline issues should be raised using the appropriate procedure. Whistle blowing is the means by which employees can raise concerns if and when, for whatever reason, they feel inhibited about going through normal line management.

Procedures

In many cases, issues will be resolvable at an informal level without recourse to this procedure. Where an individual has a concern, they should raise it with the CEO.

If the matter is not resolved, the employee should contact the next appropriate senior person (for example, the Chair).

Alternatively, an individual can contact the East Suffolk Council's HR team by telephoning 0333 016 2022, who provide independent HR advice and support to Freeport East Ltd.

When a concern is first raised, the person voicing it will be interviewed by the person to whom they expressed the concern. An assessment will be made regarding any further action that may be needed. This meeting will be recorded.

If the CEO feels that there is not a ready solution and a resolution cannot be reached quickly, the matter will be brought to the attention of the Chair of the Freeport East board. The responsibility of ensuring that action is taken and of monitoring the situation will be that of the Chair.

Freeport East will respond to concerns raised by an employee who must not forget that testing out concerns is not the same as either accepting or rejecting them. Where appropriate, the matters raised may:

- be investigated by management or through the disciplinary process
- be referred to the police
- be referred to the external auditor and/or
- form the subject of an independent inquiry

In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle that Freeport East Ltd will have in mind is the public interest. Concerns or allegations that fall within the scope of specific procedures (for example, discrimination issues) will normally be referred for consideration under those procedures.

Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required, this will be taken before any investigation is conducted.

Usually within 10 working days of a concern being raised, the person considering the issues will write to the member of staff:

- acknowledging that the concern has been received
- indicating how Freeport East proposes to deal with the matter
- giving an estimate of how long it will take to provide a final response
- telling them whether any initial enquiries have been made
- supplying them with information about staff support mechanisms
- telling them whether further investigations will take place and if not, why not
- telling them how frequently Freeport East will keep them up to date on progress of the investigation.

The amount of contact between the person considering the issues and the employee will depend on the nature of the matters raised, the potential difficulties involved, and the clarity of the information provided. If necessary, Freeport East Ltd will seek further information from the employee.

Freeport East will take steps to minimise any difficulties that an employee may experience as a result of raising a concern. For instance, if they are required to give evidence in criminal or disciplinary proceedings Freeport East Ltd will arrange for them to receive advice about the procedure.

The individual raising the concern is expected to continue their normal duties or role throughout any investigation unless deemed inappropriate.

Freeport East Ltd accepts that the employee needs to be assured that the matter has been properly addressed. Thus, subject to legal constraints, it will inform them of the outcome of any investigation.

When the matter is resolved, all those involved in the issue should be informed of the outcome. In any case, the matter will be dealt with promptly and confidentially. Immediate steps should be taken to remedy the situation and a final solution should be reached within 28 days.

Assurances

Individuals should be assured that their concerns will be treated seriously and sensitively. Individuals who wish to use this procedure but who feel nervous about doing so may be accompanied by a colleague, close friend or family member to any meeting that is arranged.

Employee's Legal Rights

This policy has been written to take account of the Public Interest Disclosure Act 1998 which protects workers making disclosures about certain matters of concern, when those disclosures are made in accordance with the Act's provisions and in the public interest.

The Act makes it unlawful for Freeport East Ltd to dismiss anyone or allow them to be victimised on the basis that they have made an appropriate lawful disclosure in accordance with the Act.

Rarely, a case might arise where it is the individual that has participated in the action causing concern. In such a case it is in the individual's interest to come into the open as soon as possible. Freeport East cannot promise not to act against such an individual, but the fact that they came forward may be taken into account.

Harassment or Victimisation

Freeport East Ltd is committed to good practice and high standards and to being supportive of employees. It recognises that the decision to report a concern can be a difficult one to make. If an individual honestly and reasonably believes what they are saying is true, they should have nothing to fear because they will be doing their duty to their employer, colleagues and those for whom they are providing a service.

Freeport East Ltd will not tolerate any harassment or victimisation of a whistleblower (including informal pressures) and will take appropriate action to protect an individual when they raise a concern in good faith and will treat this as a serious disciplinary offence which will be dealt with under the disciplinary rules and procedures.

Support

Throughout this process:

- individuals will be given full support from the CEO and senior management
- individuals' concerns will be taken seriously, and
- Freeport East Ltd will do all it can to help the individual throughout the investigation.

Confidentiality

All concerns will be treated in confidence and every effort will be made not to reveal the identity of the whistleblower if that is their wish. If disciplinary or other proceedings follow the investigation, it may not be possible to take action as a result of the disclosure without the individual's help, so they may be asked to come forward as a witness. If they agree to this, they will be offered advice and support.

Anonymous Allegations

This policy encourages individuals to include their name with the allegation whenever possible. If they do not tell Freeport East Ltd who they are, it will be much more difficult for their position to be protected or for feedback to be given. This policy is not ideally suited to concerns raised anonymously.

Concerns expressed anonymously are much less powerful, but they may be considered at the discretion of Freeport East Ltd. In exercising this discretion, the factors to be taken into account would include:

- the seriousness of the issue raised
- the credibility of the concern, and
- the likelihood of confirming the allegation from other sources.

Untrue Allegations

If an individual makes an allegation in good faith and reasonably believes it to be true, but it is not confirmed by the investigation, Freeport East will recognise the individual's concern and they have nothing to fear. If, however, they make an allegation frivolously, maliciously or for personal gain, appropriate action that could include disciplinary action, may be taken.

There may be some concern that the procedure may be abused by individuals making malicious complaints about colleagues. Serious or persistent abuse of the system will not be tolerated and will be dealt with through the disciplinary procedure.

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 Freeport East nor should it be used to reconsider any matters which have already been addressed under harassment, complaint, disciplinary or other procedures.

Responsibility

The CEO has overall responsibility for the maintenance and operation of this policy. A record of any concerns raised and the outcome (but in a form that does not endanger a member of staff's confidentiality) will be maintained and will be reported, as necessary, to the Board.

External Avenues

This policy is intended to provide individuals with an avenue within Freeport East Ltd to raise concerns. Freeport East Ltd hopes that colleagues will be satisfied with any action taken. If they are not, and if they feel it is right to take the matter outside Freeport East Ltd, the following are possible contact points:

- Protect (previously Public Concern at Work) (tel: 020 3117 2520), a registered charity whose services are free and strictly confidential
- ACAS
- Local Citizens Advice Bureau
- Relevant professional bodies or regulatory organisations
- The police.

Disclosures may also be made to the Information Commissioner's Office who will investigate under their own procedures.

If an individual does take the matter outside Freeport East Ltd, they should ensure they do not disclose confidential information. They should check with the contact point they have approached.

Records

Records of whistle blowing matters (including complaints, investigations, reports and meetings) will be retained setting out the nature of the issue raised, the employer's response, any action taken and the reasons for it. All proceedings and records will be kept confidential and in line with the Data Protection Act 2018.