



## WHISTLEBLOWING POLICY

SCL Limited (SCL) is committed to promoting and maintaining the highest level of ethical standards in relation to all of our business activities and to conducting our business activities with honesty and integrity at all times. However, there is always a risk that things may occasionally go wrong and so the purpose of this policy is to encourage staff to report suspected wrongdoing as soon as possible, knowing that their disclosure will be taken seriously and investigated as appropriate.

The Public Interest Disclosure Act 1998 protects employees who raise legitimate concerns about specified matters and are then dismissed by SCL or are subjected to detrimental treatment or victimised by either SCL or work colleagues as a result, provided certain criteria are met. The Act makes provision about the kinds of disclosure which may be protected and the circumstances in which disclosures are protected. This policy is therefore intended to comply with the Act by encouraging staff to make disclosures about suspected fraud, misconduct, bribery or other wrongdoing in SCL, without fear of reprisals, so that problems can be identified, dealt with and resolved quickly.

SCL's policy is to support workers who raise protected disclosures. You must not victimise, subject to detrimental treatment or retaliate against an employee, worker, agency worker, consultant or contractor who has made a protected disclosure.

Employees are protected under the Act provided they reveal information of the right type (known as a "qualifying disclosure") and they reveal that information to the right person and in the right way (known as making a "protected disclosure").

### ***Qualifying disclosures***

Certain kinds of disclosure qualify for protection. These are disclosures of information which you reasonably believe are made in the public interest and tend to show one or more of the following relevant failures is either currently happening, took place in the past, or is likely to happen in the future:

- a criminal offence, including offences such as theft, fraud, facilitation of tax evasion or acts of bribery
- the breach of a legal obligation
- a miscarriage of justice
- a danger to the health and safety of any individual

- damage to the environment
- the deliberate concealment of information tending to show any of the above five matters.

Only disclosures of information that fall within one or more of these six categories qualify for protection under the Act.

Your belief must be reasonable, but it need not be correct. It might be discovered subsequently that you were, in fact, wrong or mistaken in your belief, but you must be able to show that you held the belief and that it was a reasonable belief to hold in the circumstances at the time of disclosure. Note that it is not your responsibility to investigate the matter. That is SCL's responsibility.

You must also reasonably believe that your disclosure is made in the public interest. It will therefore not include disclosures which can properly be characterised as being of an entirely personal rather than wider public interest, for example a disclosure about a breach of the terms of your own contract of employment which does not affect anyone else. In assessing the reasonableness of your belief in this regard, you should be aware that the following factors will be relevant: the number of individuals whose interests your disclosure caused, the nature of the alleged wrongdoing, the nature of the interests affected and the extent to which they're affected by the alleged wrongdoing disclosed and the identity of the wrongdoer.

If you are uncertain whether your proposed disclosure is within the scope of this policy, you should seek advice from your line manager (or from your designated SCL contact if you are an agency worker, consultant or contractor).

### ***Protected disclosures***

For a qualifying disclosure to then be a protected disclosure, you need to make it to the right person and in the right way. There are a number of methods by which you can make a protected disclosure, but SCL always encourages all employees, workers, agency workers, consultants and contractors to raise any disclosure internally in the first instance.

You are protected if you make a qualifying disclosure to either:

- SCL, or
- where you reasonably believe that the relevant failure relates solely or mainly to the conduct of a third party other than SCL or any other matter for which a third party other than SCL has legal responsibility, to that third party – for example, this might be a customer, client or supplier.

You are encouraged to raise any qualifying disclosures that you may have by following the disclosure procedure set out below, and this also includes qualifying disclosures relating to the conduct of a third party such as a customer, client or supplier.

However, if your concern relates to a breach of your own contract of employment which does not affect anyone else, you should use SCL's grievance procedure instead as these types of disclosure are not made in the public interest (as they only affect your own personal interests) and are therefore not covered by this policy. Likewise, you should not use the disclosure procedure in this policy for any other complaints or grievances relating to your own personal circumstances, such as the way you have been treated at work. In those cases, you should use SCL's grievance procedure, or the complaints procedure set out in SCL's dignity at work policy, as appropriate. If your complaint relates to your own personal circumstances but you also have wider concerns regarding one of the areas set out under qualifying disclosures above, you should discuss with

your line manager (or with your designated SCL contact if you are an agency worker, consultant or contractor) which procedure for making your complaint is the most appropriate.

### ***The disclosure procedure***

This procedure applies to all permanent and temporary employees and workers. In addition, third parties such as agency workers, consultants and contractors and any others who perform functions in relation to SCL should use it.

#### **The procedure is as follows:**

1. If you wish to make a qualifying disclosure, you should, in the first instance, report the situation in writing to your line manager (or to your designated SCL contact if you are an agency worker, consultant or contractor), setting out in detail the nature of your disclosure. If you do not wish to contact your line manager (or your designated SCL contact), you can instead contact an alternative manager.
2. Such disclosures should be made promptly so that investigation may proceed, and any action may be taken, expeditiously.
3. All qualifying disclosures will be treated seriously. The disclosure will be promptly, thoroughly and impartially investigated as appropriate. As part of the investigatory process, a meeting will be arranged with you so that you can set out the nature and full details of your qualifying disclosure and the basis for it and you will then be asked to provide a written witness statement (or the notes of the meeting will be used to produce a written record of your qualifying disclosure for you to sign after the meeting). [You have the right to be accompanied by a trade union official, trade union representative or a fellow employee of your choice at this meeting, but they must respect the confidentiality of your disclosure and the investigation.] The investigator may arrange further meetings with you as appropriate throughout the investigation.
4. Confidentiality will be maintained during the investigatory process to the extent that this is practical and appropriate in the circumstances, so individuals not involved in the disclosure or investigation should not be told about it. However, in order to effectively investigate a disclosure, SCL must be able to determine the scope of the investigation and the individuals who should be informed of or interviewed about the disclosure. For example, it may be necessary to interview witnesses to any “incidents” mentioned in your qualifying disclosure. The importance of respecting the confidentiality of the investigation will be emphasised to all those involved and a failure to maintain confidentiality may lead to disciplinary action being taken under SCL’s disciplinary procedure. Serious breaches of confidentiality will be treated as potential gross misconduct and could render the relevant employee liable to summary dismissal.
5. SCL reserves the right to arrange for another manager (or a team of investigators) to conduct the investigation other than the manager with whom you raised the matter. It is important that the investigation is conducted by a person or persons with appropriate experience of investigations or specialist knowledge of the subject matter of your qualifying disclosure.
6. Once the investigation has been completed, the investigator(s) will prepare a report and you will then usually be informed in writing of the outcome and SCL’s conclusions and decision as soon as possible, including what action, if any, is to be taken. SCL is committed to taking appropriate and prompt action with respect to all qualifying disclosures which are upheld. If no action is to be taken, or if for some reason we cannot

give you details of the outcome of the investigation, the reasons for this will be explained to you.

7. You will not be penalised for raising a qualifying disclosure, even if it is not upheld, unless the complaint was both untrue and made with malice.
8. Once SCL's conclusions have been finalised, any necessary action will be taken. This could include either reporting the matter to an appropriate external government department or regulatory agency and/or taking internal disciplinary action against relevant members of staff. The investigator(s) may also make recommendations for change to SCL's policies, processes or procedures to minimise the risk of future wrongdoing.
9. SCL always encourages all employees, workers, agency workers, consultants and contractors to raise their concerns directly in the first instance, rather than externally. This enables issues to be dealt with, and any wrongdoing remedied, promptly and speedily. In most cases, you should not find it necessary to raise your concerns externally. However, if, at the conclusion of the above stages, you do reasonably believe that appropriate action has not been taken, you may then report the matter externally to the proper authority in accordance with the provisions of the Act. The Act sets out a number of prescribed external bodies or persons to which qualifying disclosures may be made and you can access <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>. We strongly encourage you to seek advice before reporting the matter to anyone external. The independent whistleblowing charity, Protect, operates a free, confidential advice line for whistleblowers and you can find its details online.

SCL encourages you to make qualifying disclosures openly under this policy. We do not encourage staff to make qualifying disclosures anonymously, although we will investigate anonymous disclosures where we are able to do so. Completely anonymous disclosure can make proper investigation more difficult, if not impossible in some cases.

### ***General principles***

- be aware of the importance of eliminating fraud, misconduct, the facilitation of tax evasion, bribery or other wrongdoing at work. Report anything that you become aware of that is illegal or unlawful
- SCL will support you if you raise a genuine concern under this policy, even if you turn out to be mistaken, and you will not be victimised, subjected to a detriment or dismissed for raising a protected disclosure
- victimisation of an employee, worker, agency worker, consultant or contractor, or subjecting them to any form of detrimental treatment, threats or retaliation (including bullying and harassment), for raising a protected disclosure under this policy will not be tolerated by SCL, is a disciplinary offence and will be dealt with under SCL's disciplinary procedure. Depending on the seriousness of the offence, it may amount to potential gross misconduct and could result in your summary dismissal
- be aware that you can also be held personally liable for any act of victimisation or detrimental treatment of an employee or worker on the ground that they made a protected disclosure
- you should immediately draw the attention of your line manager to suspected cases of victimisation or detrimental treatment related to either yourself or another employee, worker, agency worker, consultant or contractor having made a protected disclosure - if you believe that you have been victimised or subjected to detrimental treatment for having made a

protected disclosure and the matter is not then remedied, you should raise it formally using SCL's grievance procedure

- covering up someone else's wrongdoing is also a disciplinary offence. Never agree to remain silent about a wrongdoing, even if told to do so by a person in authority, such as your line manager
- your right to make a protected disclosure under this procedure overrides any confidentiality provisions in your contract of employment
- finally, maliciously making a false allegation is a disciplinary offence and will be dealt with under SCL's disciplinary procedure. If you are a third party, such as an agency worker, consultant or contractor, it could result in your engagement being terminated.