

Landward Research

WHISTLEBLOWING POLICY



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1 What Is Whistleblowing?

Whistleblowing is the term used when a worker passes on information concerning wrongdoing. The wrongdoing will typically (although not necessarily) be something they have witnessed at work.

To be covered by whistleblowing law, a worker who makes a disclosure must reasonably believe two things.

- The first is that they are acting in the public interest. This means in particular that personal grievances and complaints are not usually covered by whistleblowing law.
- The second is that the disclosure shows past, present or likely future wrongdoing.

Some examples of the type of wrongdoing which could legitimately be raised by a whistleblower include:

- Criminal offences or activities
- Failure to comply with an obligation, or likelihood of failure to comply with legal obligations
- Financial impropriety, such as fraud
- Financial mismanagement or corruption
- Health and safety issues concerning the workplace that puts the safety of workers or visitors at risk
- Failure to investigate allegations of sexual assault by one employee against another
- Racial, sexual, disability or other discrimination
- Breaches of legislation, for example the Data Protection Act 2018
- Payments in exchange for awarding contracts
- Risks to the environment
- Covering up wrongdoing in the above categories

The law concerning protected disclosure of information is contained in the Public Interest Disclosure Act 1998 (PIDA), it offers protection to those in both the private and public sectors who 'blow the whistle' in certain circumstances. It also provides the right for a worker to take a case to an employment tribunal if they have been victimised at work or they have lost their job because they have 'blown the whistle'.

Disclosures are only protected by the PIDA if they are made to the employee's or worker's employer or to 'prescribed persons', such as a regulatory body. The Department for Business, Energy and Industrial Strategy (BEIS) has published a list¹ of the prescribed bodies to whom staff members can make a protected disclosure.

2 Aims Of This Policy

The purpose of this policy is to reassure all staff members that they can raise any serious concerns about wrongdoing or malpractice within Landward Research without fear of victimisation, discrimination, disadvantage or dismissal.

Through this policy, Landward Research aims to ensure that all staff members feel confident in raising serious concerns at the earliest opportunity and know how to do so.

The whistleblowing procedures in this policy should not be used in place of the Landward Research Grievance Procedure. Any concerns about individual terms and conditions of employment or other aspects of the working relationship should be handled using the existing grievance or harassment procedures.

This policy is intended to encourage and enable staff members to raise serious concerns within Landward Research rather than or 'blowing the whistle' outside.

This policy applies equally and fully to all Landward Research Ltd staff members and to staff members of all subsidiary companies of Landward Research Ltd (on 20th January 2022: Landward Research Teoranta, Landward Limited Liability Company and Landward Limited).

3 Protection Of The Whistleblower

If a staff member raises a genuine concern under these arrangements, they will not be at risk of losing their job or suffering any form of retribution as a result. Provided that they are acting in good faith, it does not matter if they are mistaken. This

¹ <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies>

assurance does not extend to someone who maliciously raises a matter they know to be untrue or which is raised in a vexatious or mischievous way. Where a staff member is victimised for raising a concern, Landward Research will take appropriate action against those responsible.

Any disclosures made under this procedure will be treated in a sensitive manner. Landward Research recognises that a staff member may want to raise a concern in confidence, on the basis that their name it is not revealed without their consent. Landward Research will respect any request for confidentiality as far as possible, restricting it to a 'need to know basis'. However, if the situation arises where it is not possible to resolve the concern without revealing the staff member's identity (for example in matters of criminal law), the Landward Research will advise the staff member before proceeding. The same considerations of confidentiality will be afforded to the staff member(s) at the centre of the concern, as far as appropriate.

If disciplinary or other proceedings follow the investigation, it may not be possible to take action as a result of a disclosure without the help of the staff member who made the disclosure, so they may be asked to come forward as a witness.

4 Raising A Concern

If a staff member experiences something in the workplace which they perceive to be a wrongdoing, it is important that the concern is raised straight away. Proof is not required as this is Landward Research's responsibility. The staff member must have a reasonable belief that disclosing the information is in the public interest before raising a concern.

4.1 Raising A Concern Internally

Staff members may informally raise their concern with their line manager first. This may be a verbal discussion or in writing. The issue will be treated in confidence. If the line manager cannot deal with it they will take it to the CEO.

If the staff member feels that their line manager is an inappropriate person to talk to, or where a concern has already been raised within the line management chain, and the staff member feels that it has not been adequately addressed, they may take their concern directly to the CEO. If the concern involves the CEO staff member

may raise the concern with another member of the Board of Directors, for them to investigate and take action.

When raising a concern under this policy, a staff member provide the following information:

- The background and reason behind the concern
- Whether they have already raised a concern with anyone and the response
- Any relevant dates.

This information should demonstrate that there are reasonable grounds for the concern to be acted upon. It is important that matters are not investigated by the staff member themselves as proof is not needed, just a reasonable, honest belief that wrongdoing, has or is likely to occur. If applicable, personal interests must be declared from the outset.

All concerns will be investigated and dealt with as appropriate. The line manager involved will ensure that the CEO is informed and involved as appropriate, unless the CEO themselves is implicated, in which case another member of the Board of Directors will be informed and involved as appropriate.

The staff member who raised the concern or issue will be informed of the outcome of the investigations and what, if any, action has been taken.

If the staff member is unhappy about the speed, conduct or outcome of the investigation, they should put their concerns in writing to the CEO. They should write to the another member of the Board of Directors if the CEO is personally involved. The CEO (or Director) will investigate the complaint, and report back to the member of staff with their findings and what, if any, action has been or will be taken (for further details, see the Landward Research Complaints Policy).

4.2 Handling An Internal Disclosure

All investigations will be conducted sensitively and as quickly as possible. While Landward Research cannot guarantee that the outcome will be as the staff member wishes, it will handle the matter fairly and in accordance with this policy.

Upon receipt of the disclosure, a meeting to discuss the concerns will be offered and held within a reasonable period. The meeting will be held in a confidential and

private location and the following persons will be present, the staff member raising the concern and the Appropriate Person to whom the concern has been raised (line manager, CEO, or Director, as set out above). The staff member can may be accompanied by a trade union representative or a colleague who is not involved in the area of work to which the concern relates.

The Appropriate Person will make a formal note of the meeting and this will be shared with the whistle-blower within an agreed timeframe. If the disclosure falls more properly within other procedures (e.g. Disciplinary or Grievance) then the staff member will be advised of this. The Appropriate Person will then notify the CEO (unless one or both is implicated) that a whistleblowing disclosure has been made. The identity of the whistle-blower will be protected throughout this process.

In some cases a suitable conclusion may be reached through an initial conversation with the Appropriate Person. In more serious cases there may be a need for a formal investigation. Landward Research will decide what the most appropriate action to take is. It is important to note that if an investigation concludes that the disclosure was untrue it does not automatically mean that it was raised maliciously.

If, following the meeting, the Appropriate Person decides not to proceed with an investigation, this decision will be explained as fully as possible to the staff member who raised the concern.

The Appropriate Person will aim to update the staff member on the progress of the concern within 28 days where possible. However, in the event of a formal investigation or the involvement of the police, it may not be possible or appropriate to provide full details.

The Appropriate Person will confirm when the matter is concluded and, if appropriate, the outcome of the investigation, maintaining security and confidentiality for all parties as far as possible.

Throughout any investigation, the staff member will still be expected to continue their duties/role as normal unless deemed inappropriate.

4.3 Raising A Concern Externally

Landward Research encourages staff members to raise matters internally first, before any external organisation is involved, and it is hoped that this policy will provide staff members with the assurance they need to do so. However, Landward Research accepts that there may be circumstances where staff members feel it is more appropriate to make the disclosure to an external body. This is known as a 'Public Disclosure'. BEIS has published a list² of the prescribed bodies to whom staff members can make a protected disclosure.

If a staff member raises concerns outside Landward Research, then they should ensure that it is to one of these prescribed bodies. Raising a concern outside the prescribed routes, for example, with the media, campaign groups, on social media or with political parties, is only protected by Public Interest Disclosure Act in very limited circumstances and could, if it amounts to an unauthorised disclosure, result in disciplinary action.

Information that is confidential to Landward Research or to anyone else, such as a client or partner of Landward Research, should not be disclosed, except to those included in the list of prescribed contacts.

This Policy does not prevent a staff member from taking their own legal advice.

5 Anonymous Disclosure

Staff members are encouraged, where possible to put their names to concerns raised. However, raising a concern anonymously is preferred to silence about potential serious wrongdoing. If a staff member chooses to raise concerns anonymously, they should be aware that the investigation itself may serve to reveal the source of information.

When anonymous concerns are raised they will be treated as credible, unless they are obviously a hoax, and investigated so far as possible. Anonymous claims can be more difficult to investigate as there is no option to seek further information during the investigation and claimants cannot be contacted to discuss the outcome.

² <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies>

A staff member is unsure about raising a concern, then they can get independent advice from the charity Protect³.

6 Malicious Whistleblowing

Where it is found that the whistleblower makes an allegations maliciously, and any of the following apply:

- They did not act in the public interest
- They made an allegation without having reasonable grounds for believing it to be substantially true
- They collected information to support the allegations improperly
- They made an allegation for personal or third party gain

Then the whistleblower will be subject to formal disciplinary action, up to and including dismissal and in some cases may be subject to criminal investigation where illegality has occurred in order to achieve those aims.

Additionally where this criterion is met or the staff member engages in improper conduct in relation to whistleblowing, they are unlikely to be protected as a whistleblower under the PIDA Act.

If a staff member makes an allegation in good faith and reasonably believing it to be true, but it is not confirmed by the investigation, Landward Research will recognise the concern and the whistleblower will be protected from any form of retribution as a result.

7 Other Related Documentation

Where necessary, this policy should be read in conjunction with other Landward Research Policies, such as:

- Health and Safety Policy
 - Performance Management Procedure
 - Code of Conduct
 - Absence Management Procedure
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³ <https://protect-advice.org.uk/>

- Equity, Diversity, and Inclusion Policy
- Prevention of Sexual Harassment Policy
- Annual Leave Policy
- Travel and Expenses Policy
- Complaints Policy

Relevant Legislation:

The Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998).

8 Review

Landward Research will review this policy on an ongoing basis and carry out a formal review not less than every 3 years. Such review shall take into account the operation of the Policy since the last formal review, any legal or regulatory developments, an assessment of current best practice and any other relevant information.