

# Whistleblowing Policy

18 August 2021

Last reviewed: 15 November 2024

## Policy Statement

Pellikaan Construction Ltd (Pellikaan) is committed to the highest standards of openness, probity and accountability.

An important aspect of accountability and transparency is a mechanism to enable staff and other members of Pellikaan to voice concerns in a responsible and effective manner. It is a fundamental term of every contract of employment that an employee will faithfully serve his or her employer and not disclose confidential information about the employer's affairs. Nevertheless, where an individual discovers information or a situation which they believe shows serious malpractice or wrongdoing within the organisation then this information/situation should be disclosed internally without fear of reprisal, and there should be arrangements to enable this to be done independently of line management (although in relatively minor instances the line manager would be the appropriate person to be told).

The Public Interest Disclosure Act gives legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns. Pellikaan takes all whistleblowing concerns seriously and has endorsed the provisions set out below to ensure that no employee should feel at a disadvantage in raising legitimate concerns.

It should be emphasised that 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 Pellikaan, nor should it be used to report, escalate or reconsider any matters which would be/ have been addressed under harassment, complaint, disciplinary or other procedures.

## Scope and application of policy

This policy is designed to enable employees of Pellikaan to raise concerns internally and at a high level and to disclose information which the individual believes shows malpractice or impropriety. It 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, (not listed exhaustively):

- Financial malpractice or impropriety or fraud
- Failure to comply with a legal obligation or Statutes
- Dangers to Health & Safety or the environment
- Criminal activity or criminal offences
- Improper conduct or unethical behaviour
- Attempts to conceal any of these.

The policy applies to all employees, whether on permanent, fixed-term or temporary contracts. It applies to office based, site based, remote and home workers.

## Safeguards

**Protection** - this policy is designed to offer protection to those employees of Pellikaan who disclose such concerns, provided the disclosure is made:

- in good faith
- in the reasonable belief of the individual making the disclosure that it tends to show malpractice or impropriety and if they make the disclosure to an appropriate person (see below).

Employees who raise genuine concerns under this policy will be protected from unfavourable treatment by others within the business. This includes, for example, retaliation, bullying, victimisation and harassment.

It is important to note that no protection from internal disciplinary procedures is offered to those who choose not to use the whistleblowing procedure detailed within this policy.

**Confidentiality** – Pellikaan will deal with all whistleblowing disclosures in a confidential and sensitive manner. The identity of the individual making the allegation may be kept confidential so long as it does not hinder or frustrate any investigation. However, the investigation process may reveal the source of the information and the individual making the disclosure may need to provide a witness statement as part of the evidence required.

**Anonymous Allegations** - this policy encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously are much less credible, but they may be considered at the discretion of the company. In exercising this discretion, the factors to be taken into account will include:

- The seriousness of the issues raised
- The credibility of the concern
- The likelihood of confirming the allegation from attributable sources.

**Untrue Allegations** - If an individual makes an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against that individual. In making a disclosure the individual should exercise due care to ensure the accuracy of the information. If, however, an individual makes malicious or vexatious allegations, and particularly if he or she persists with making them, disciplinary action may be taken against that individual.

In an extreme case, malicious or wild allegations could give rise to legal action on the part of the person(s) complained about.

## Procedures for making a disclosure

You may make disclosure verbally, although we prefer it to be in writing – as it will make our investigatory and reporting procedure more efficient and benefit you and the business.

Please confirm/provide the following information:

- That you are raising your concern under the Pellikaan Whistleblowing Policy.
- The context and background to your disclosure - detailing dates, names, places, locations etc.
- Why the situation causes concern. (Sources of evidence prompting concern will be useful, although are not necessary).

Pellikaan will expect you to demonstrate that you have a genuine concern and that there are reasonable grounds for it.

You must disclose information as soon as is reasonably possible, to the appropriate designated investigating officer as follows:

- Concerns regarding malpractice will be investigated by the Managing Director unless against the Managing Director or in any way related to the actions of the Managing Director. In such cases, the concern should be passed to the Business Owner for referral.

In the case of concern, which is in any way connected with but not against the Managing Director, the Business Owner will nominate a Senior Manager or external party to act as the alternative investigating officer.

- Concerns expressed against the Business Owner should be passed to Anton de Jongh (HR management) – details below.

### **Additional rights**

You have the right to bypass the line management structure and take your concern directly to the Business Owner. The Business Owner has the right to refer the concern back to management if he/she feels that the management, without any conflict of interest, can investigate it more appropriately.

Should none of the above routes be suitable or acceptable, you may approach the following individual who has been designated and trained as independent point of contact under this procedure. They can advise on the implications of the legislation and the possible internal and external avenues of complaint: Anton de Jongh (HR management).

If there is evidence of criminal activity then the investigating officer should immediately inform the police. The company will ensure that any internal investigation does not hinder a formal police investigation.

### **Timescales and reporting back**

Due to the varied nature of these sorts of issues, which may involve internal/external investigators and/or the police, it is not possible to lay down precise timescales for handling them. The investigating officer should ensure that the investigations are undertaken as quickly as possible without affecting the quality and depth of those investigations.

The investigating officer, should as soon as practically possible, send a written acknowledgement of the concern to the employee who has disclosed and thereafter report back to them in writing the outcome of the investigation and on the action that is proposed.

The written report will be as comprehensive as possible. However, Pellikaan may not be able to provide information which infringes its duty of confidentiality to other people, or where we have been asked to maintain confidentiality by an external authority that is carrying out an external investigation.

If the investigation is a prolonged one, the investigating officer should keep the employee informed, in writing, as to the progress of the investigation and as to when it is likely to be concluded.

All responses to the employee who raised the concern should be in writing and sent to their home address marked "confidential".

## Timescales and reporting back

The investigating officer should follow these steps:

- Full details and clarifications of the issue should be obtained.
- The investigating officer should inform the member of staff against whom the concern is expressed as soon as is practically possible. The member of staff will be informed of their right to be accompanied by a trade union or work colleague at any future interview or hearing held under the provision of these procedures. At the discretion of the investigating officer and dependant on the circumstances of the issue an alternative representative may be allowed e.g. the individual's legal representative.
- The investigating officer should consider the involvement of the company auditors and the Police at this stage and should consult with the Business Owner if appropriate.
- The allegations should be fully investigated fairly, properly and impartially by the investigating officer with the assistance where appropriate, of other individuals/bodies.
- A judgement concerning the issue and its validity will be made by the investigating officer. This judgement will be detailed in a written report containing the findings of the investigations and reasons for the judgement. The report will be passed to the Business Owner and/or Managing Director as appropriate.
- The Business Owner and/or Managing Director will decide what action to take. If the concern is shown to be justified, then they will invoke the disciplinary or other appropriate company procedures.
- The whistleblower should be kept informed of the progress of the investigations and, if appropriate, of the final outcome.
- If appropriate, a copy of the outcomes will be used to enable a review of company procedures.

If the whistleblower is not satisfied that their concern is being properly dealt with by the investigating officer, they have the right to raise it in confidence with the Business Owner or one of the designated persons described above.

If the investigation finds the allegations unsubstantiated and all internal procedures have been exhausted, and the whistleblower is not satisfied with the outcome of the investigation, Pellikaan recognises the lawful rights of employees and ex-employees to make disclosures to prescribed persons or bodies (e.g. the Health and Safety Executive). A full list of prescribed people and bodies can be found on the Government Website ([www.gov.uk](http://www.gov.uk)).

## Responsibility and Authorisation

Our Managing Director carries responsibility for whistleblowing within our business and has signed this policy as such.

Signed:



Date: 18 August 2021

Last reviewed : 15 November 2024

Name: Gert-Jan Peeters

Designation: Managing Director