



Whistle Blowing Policy & Procedure

Introduction

Construction & Plant Assessments Ltd (CPA) is committed to operating in an ethical and principled way. The aim of this policy and procedure is to provide staff with a means for raising genuine concerns of breaches of the law, suspected bribery and/or other serious wrongdoings. The principles of openness and accountability which underpin legislation protecting whistle-blowers are reflected in this policy and procedure. CPA is also committed to ensuring compliance with the Bribery Act 2010.

CPA encourages staff to raise genuine concerns about suspected wrongdoing at the earliest practicable stage.

This policy and procedure also aims to encourage staff to raise genuine concerns through CPA's procedures without fear of adverse repercussions being taken against them. The law allows staff to raise such concerns externally and this policy informs staff how they can do so. However, should staff raise a concern otherwise than under this procedure; it may result in a disclosure losing its protected status under the law.

This policy and procedure also seeks to balance the need to allow a culture of openness with the need to protect other staff against vexatious allegations or allegations which are not well-founded.

Learners at CPA are also encouraged to raise genuine concerns about suspected wrongdoing by making a complaint to the Designated Safeguarding Officer (DSO). This policy and procedure is designed for the use of staff of CPA.

Applicability of this Policy & Procedure

This policy applies to all staff engaged by CPA, including all employees, apprentices/learners, and sub-contracting staff members.

Staff might be unsure whether it is appropriate to raise their concern under this policy and procedure or whether it is a personal grievance, which is more appropriate to raise under CPA's grievance procedure. Any staff member in this situation is encouraged to approach David Russell (DSO) or Craig Wordsworth (Director)

Protected Disclosures

The law protects staff who, out of a sense of public duty, want to reveal suspected wrong doing or malpractice.

The law allows staff to raise what it defines as a 'protected disclosure'. In order to be a protected disclosure, a disclosure must relate to a specific subject matter and the disclosure must also be made in an appropriate way. A 'protected disclosure' must, in the reasonable belief of the staff



member making it, also be made in the public interest. A protected disclosure must consist of information and not merely be allegations of suspected malpractice.

Specific Subject Matter

If, in the course of employment, a staff member becomes aware of information which they reasonably believe tends to show one or more of the following, they must use this policy and procedure:

- That a criminal offence has been committed, is being committed or is likely to be committed.
- That an individual has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject.
- That a miscarriage of justice has occurred, is occurring, or is likely to occur.
- That the health or safety of any individual has been, is being, or is likely to be, endangered.
- That the environment, has been, is being, or is likely to be, damaged.
- That information tending to show any of the above, is being, or is likely to be, deliberately concealed.

Procedure for Making a Disclosure

Information which a staff member reasonably believes tends to show one or more of the situations given above under (specific subject matter) should promptly be disclosed to the (DSO) in writing so that any appropriate action can be taken. The (DSO) reports directly to the Director and is therefore well placed to deal with concerns.

If it is inappropriate to make such a disclosure to the (DSO), a staff member can raise the issue with the Director of CPA.

Staff are encouraged to identify themselves when making a disclosure. If an anonymous disclosure is made, CPA will not be in a position to notify the individual making the disclosure of the outcome of action taken by CPA. Anonymity also means that CPA will have difficulty in investigating such a concern. CPA reserves the right to determine whether to apply this procedure in respect of an anonymised disclosure in light of the following considerations:

- The seriousness of the issues raised in the disclosure.
- The credibility of the concern.
- How likely it is that the concern can be confirmed from attributable sources.

Procedure for Investigation of a Disclosure

When a staff member makes a disclosure, CPA will acknowledge its receipt, in writing, within a reasonable time.

CPA will then determine whether or not it believes that the disclosure is wholly without substance or merit. If CPA considers that the disclosure does not have sufficient merit to warrant further action, the staff member will be notified in writing of the reasons for CPA's decision and advised that no



further action will be taken by CPA under this policy and procedure. Considerations to be taken into account when making this determination may include the following:

- If the DSO is satisfied that a staff member does not have a reasonable belief that suspected malpractice is occurring; or
- If the matter is already the subject of legal proceedings or appropriate action by an external body; or
- If the matter is already subject to another, appropriate CPA procedure.

When a staff member makes a disclosure, which has sufficient substance or merit warranting further action, CPA will take action it deems appropriate (including action under any other applicable CPA policy or procedure).

If appropriate, any internal investigation will be conducted by a manager of CPA without any direct association with the individual to whom the disclosure relates, or by an external investigator appointed by CPA as appropriate.

The staff member making the disclosure will be notified of the outcome of any action taken by CPA under this policy and procedure within a reasonable period of time. If the staff member is not satisfied that their concern has been appropriately addressed, they can appeal against the outcome by raising the issue with the Director within five working days.

Safeguards for Staff Making a Disclosure

A staff member making a disclosure under this procedure can expect their matter to be treated confidentially by CPA and, where possible, their name will not be disclosed to anyone implicated in the suspected wrongdoing, without their prior approval. CPA will take all reasonable steps to ensure that any report of recommendations, or other relevant documentation, produced by CPA does not identify the staff member making the disclosure without their consent unless CPA is legally obliged to do so, or for the purposes of seeking legal / safeguarding advice. Where CPA must disclose a name to an outside body such as the Police the staff member will be notified of this disclosure in advance.

No disciplinary action will be taken against a staff member on the grounds of making a disclosure under this policy or procedure. This does not prevent CPA from bringing disciplinary action against a staff member where CPA has sound reason to believe that a disclosure was made maliciously or vexatiously, or where a disclosure is made outside CPA without reasonable grounds.

A staff member will not suffer dismissal or any detrimental action or omission of any type (including informal pressure or any form of victimisation) by CPA for making a disclosure in accordance with this policy and procedure. Equally, where a staff member is threatened, bullied, pressurised or victimised by a colleague for making a disclosure, disciplinary action will be taken by CPA against the colleague in question.



Disclosure to External Bodies

This policy and procedure has been implemented to allow staff to raise disclosures internally within CPA. A staff member has the right to make a disclosure outside of CPA where there are reasonable grounds to do so and in accordance with the law.

Staff may make a disclosure to an appropriate external body prescribed by the law. This list of 'prescribed' organisations and bodies can be found in information on the GOV.UK website. If this is a safeguarding issue relating to another member of staff, contact the Local Authority Designated Officer (LADO) on 01302 737332 or email LADO@dcstrust.co.uk.

Staff can also make disclosures on a confidential basis to a practising solicitor or barrister.

If a staff member seeks advice outside of CPA, they must be careful not to breach any confidentiality obligations or damage CPA's reputation in so doing.

Accountability

CPA will keep a record of all concerns raised under this policy and procedure (including cases there is no case to answer and therefore that no action should be taken).