

Whistle Blowing Policy & Procedures

STATEMENT

Policy Author

Anna Urbanowicz

Updated

November 2017

Policy Review Date

November 2020 (3 yearly)

Policy Owner

Anna Urbanowicz

Group Director of Internal Controls

1. Policy

The Esh Group and Board are committed to maintaining and where appropriate, improving standards of corporate governance. Through the Esh Group Ethical Governance policy, the highest standards of integrity and accountability are put into practice by the Board and are expected to be adopted and adhered to by all company directors, employees and third parties, including sub-contractors and their employees.

The foundation of the Esh Group Ethical Governance Policy is designed to support a culture of open, honest and fair dealing and the actions of an employee or worker should never compromise the Esh Core Values of:

- Act ethically and with integrity;
- Teamwork is the forefront;
- Forward thinking, innovative, dynamic, always looking for improvement; and,
- Brand & reputation are at the heart of the Group.

The Esh Group will uphold all laws relevant to the jurisdictions in which it operates but of particular reference to the whistle blower, are those provisions made under the Employment Rights Act 1996 and the requirements under the Public Interest Disclosure Act 1998, and the Enterprise & Regulatory Reform Act 2013.

In line with all the above, the Group wish to reassure employees that there is a safe alternative to silence and it provides a level of support to maintain a culture of open, honest and fair dealing without fear of reprisal. As a result, the Group has established a set of Whistle Blowing procedures to encourage any person or organisations to raise concerns in an appropriate manner. In essence to 'Speak Up & Be Supported'. These procedures are also designed to support the rate of detection of poor practice and when necessary, bring about appropriate corrective action. They provide information on how to report wrongdoing at work and how those making disclosures are protected.

2. Purpose

The purpose of establishing Whistle Blowing procedures is to ensure that any person who becomes aware of an irregularity, can report their concerns in an effective and timely manner.

The Group recognises that a person or organisation may be reluctant to report wrong doing, or express concerns because;

- The person or organisation does not know how to speak up, or even who to speak to;
- They may feel that speaking up would be disloyal to colleagues, or to the Group; or,
- They may fear harassment, or victimisation.
- These procedures define the available routes and the policy enforces the protection and safeguarding mechanisms.

3. Scope

The scope of this policy covers all workers and stakeholders, internal and external to the Esh Group. Referred to collectively in this document as 'workers'.

This policy covers Esh Holdings Limited and all its subsidiaries and associate undertakings.

A worker does not need to be an employee of a Group company as they may be engaged via some other arrangement. For example, they may be a sub-contractor.

The stakeholder may also be for example, a customer, or supplier. The stakeholder may even be a member of the general public. For example, a neighbour to an Esh contract site.

This policy does not cover specific concerns about an employees' own contract of employment, conditions, or general complaints. These should be addressed through the normal grievance procedures with your manager and where appropriate the HR team. In such instances, please refer to the Esh Group Employees Handbook.

4. Definitions & Principles of Whistle Blowing

These Whistle Blowing procedures are intended to assist individuals who believe they have discovered malpractice or impropriety and provide a safe outlet for reporting concerns. To 'Speak up & Be Supported'. Whistle blowing is a casual but well recognised term often used when someone reports suspected wrongdoing at work. The worker making the disclosure may, or may not be directly or personally affected by the danger or illegality.

Issues of wrong doing may involve instances or suspicions in the areas of (but not exhaustive); fraud or theft, health & safety, bribery, bullying, harassment, environmental or discrimination.

All persons or organisations may raise concerns anonymously, or in confidence. However, when a concern is disclosed in confidence, this will make it easier for specific issues or allegations to be investigated and appropriate action taken if required.

Persons reporting wrong doing are expected to do so without malice. In making a disclosure, the individual should exercise due care to ensure the accuracy of the information and that the suspicion is reported in good faith. If, however, an individual makes malicious or vexatious allegations, and particularly if he or she persists with making them, disciplinary action may be taken.

5. How to Raise a Concern

Before raising a concern

At some point in your working life you may experience, or be witness to, something in the workplace which makes you feel uncomfortable. At this first point you need to think about your concerns carefully before deciding on what course of action to take.

If you are an employee of the Esh Group, you should always refer to the Esh Group Employees Handbook in the first instance. If an employee has concerns in relation to their own contract of employment, conditions, or general complaints then this is outside of the Whistle Blowing procedures and these concerns should be directed to your line manager, or if appropriate to the HR team.

However, if you conclude that your concern lies within the scope of the Whistle Blowing Policy or you are a non-employee, then this section outlines your options.

Who to contact

Once you have decided that your concern lies within the scope of the Whistle Blowing Policy then the following routes are available to you. The choice of route will be dependent on the specific factors relating to your concern.

For an employee, it is normally recommended that the first point of contact should always be your line manager or a senior manager within the company. However, the Group recognises that an employee may feel uncomfortable doing this, or the person wishing to speak out may not be an employee and therefore, the following routes are available:

If a worker, stakeholder or organisation feel uncomfortable with contacting a manager of the engaging Esh company, or if they feel it is inappropriate, then they should consider contacting one of the Esh Group nominated persons identified below. These persons are Group Directors independent of individual operations, who will ensure that anyone who speaks up is heard and supported as appropriate. Their direct contact details are widely available on SharePoint and via the Esh switchboard 0191 377 4570.

- Andy Radcliffe, Group Chief Executive Officer
- William Stobbs, Group Health & Safety, Environmental and Quality Director
- Chris Watson, Group HR Director
- Anna Urbanowicz, Group Director of Internal Controls and Head of Governance & Compliance

If a worker or organisation feel they cannot use the above route, or if other routes have been used, exhausted and they feel there is an unsatisfactory outcome, then the Esh Group have organised an independent, safe and accessible means for all stakeholders (employees and non-employees) to report concerns in respect of wrong doing at the work place. This is a Whistle Blowing telephone line run independently to Esh Group by a company called Safecall Limited.

This alternative service has been set up by the Esh Group to provide a professional, independent and confidential means of reporting your

concerns. This is a reporting mechanism only, not a counsel or support service. Reporting to Safecall can be made 24 hours a day; 7 days a week and is accessible in a number of ways:

- › Via a Freefone number – 0800 915 1571
- › Via email on eshgroup@safecall.co.uk
- › Via the web on www.safecall.co.uk/report

When contacting Safecall you will be put in touch with an operator who is trained to receive a report about concerns in the workplace that you feel cannot be addressed in any other way. Your phone call will not be audio recorded and you may remain anonymous if you wish. The information you provide will be reported in confidence directly to the Head of Governance & Compliance.

Guidance on how to express your concern

Any format is acceptable, in writing (letter or email) or verbally. However, written format does allow you to gather your thoughts in advance and express yourself clearly.

Things to think about as you compile your thoughts are:

- Background to the concern. Why has it come to this point that you feel it is important to report your concerns in this specific manner? Why on this particular occasion?
- Who else is aware of this concern?
- What other reporting routes (if any) have you taken and the resulting outcomes (if any)?
- What do you think are reasonable outcomes to reporting the concern now? (what do you want to happen?)
- Please include relevant dates, times, locations as appropriate when reporting your concerns.
- What evidence is there to substantiate (prove) the information you have provided? What other information can be drawn on or referred to?

- A gauge to the urgency of the concern? Can further problems be prevented if timely action is taken now? (will it get worse?)
- What support do you need? Do you wish a colleague to accompany you to report a concern? Do you want help from your manager or another member of the Esh team?
- Is the concern a one-off or ongoing?

What happens after a concern is reported

Due to the varied nature of concerns and the requirement to make further enquiries and potentially use specialist resources then it is not possible to lay down precise procedures or timescales for such investigations. The investigating team will however ensure that the investigations are undertaken as quickly as possible without affecting the quality and depth of those investigations.

In all cases the response by Esh will be appropriate to the concern raised and dependent on the nature of the concern and available information. Therefore, the more information that is provided at the time of raising a concern, the more efficient and effective will be the response by the Group.

Any situations which are governed by the Esh Group Employee Handbook will follow the agreed procedures in the handbook.

Similarly, verbal concerns raised in the course of day to day working with your line manager should routinely be managed normally as they arise.

In respect of any concerns which fall outside of the handbook or day to day working, then the following procedures are established:

- Verbal or written reports to one of the four nominated persons in section 3 will be acknowledged within 7 working days. This acknowledgement will note the concern(s) being raised and indicate what (if any) action is planned.
- Verbal or written reports to Safecall will result in a written summary of the concerns being issued to one of the four nominated persons above within 24 hours of the call or report being received. You may choose to remain anonymous and withhold your name and if so, this will be respected. Note that this is a reporting mechanism only and Safecall do not provide support or counselling. For Esh to subsequently fully investigate a concern, more action may be feasible if you are willing to

disclose your contact details. In such cases, the report will follow the above acknowledgement process.

- When a concern is reported via the Whistle Blowing telephone line, SAFECALL, then the caller will be asked to provide two pieces of information which only they will know. The caller is then provided with a unique Personal Identification Number (PIN number). The two pieces of information and the PIN number are used during any future communication between Safecall and the caller as a means of continued confidential exchange and if requested anonymous, identification.
- The above PIN will facilitate a caller to arrange to call back at a prescribed time to continue in a dialogue with the same call handler if required. The expectations of the caller will be determined during the dialogue.

In all cases, the concerns raised irrespective of reporting route, will be duly considered to the extent of the information provided and appropriate to the nature of the concerns.

Where an investigation is warranted and embarked upon, the investigator may need to seek to clarify information with the person reporting the concern and an ongoing dialogue may result. Such dialogue will be treated sensitively and in confidence. The amount of contact between the person reporting the concern and the person investigating the concern will depend on the nature of the matter being raised and the potential difficulties involved.

At the end of the consideration or investigation period, the outcome will be reported back to the person reporting the concern where the contact details have been provided.

What to do if you feel that a concern has not been resolved or dealt with properly

Should you not be satisfied with the outcome once you have reported a concern, then there is an escalation route to follow.

If you have raised a matter with your line manager or a senior manager within your engaging Esh company and you are not satisfied that the concern has been treated appropriately then you should escalate your concerns directly to one of the four Esh Group Director nominated contacts in section 3. If you feel unable to contact them directly, then the Safecall telephone service above is an available reporting route.

Failing the above, once you have exhausted the escalation process above, having engaged with your line manager, senior manager and/or the nominated contact(s), if you are still not satisfied, then you have the ultimate option to raise the matter directly with the Esh Group Non-Executive Chairman, or other Non-Executive Directors. Names are available on the Esh Group website and your report can be made in writing via the Group registered address at Esh House.

6. Dealing with Requests for Information

The Data Protection Act 1998 gives individuals the right of access to their personal information.

Any report compiled as a result of Whistle Blowing by either a nominated person (noted above), or via the Whistle blowing telephone line will be compiled with the above Act in mind and will adopt an appropriate language and writing style accordingly.

Calls to the Whistle Blowing telephone line are not audio recorded. Any handwritten notes recorded during the call form the basis of a written report to one of the nominated persons above and this is explained in full at the commencement of the call. Any caller has the right to remain anonymous.

7. Public Interest Disclosure Act 1998 and the Enterprise & Regulatory Reform Act 2013.

Since June 2013, any disclosure of information that in the reasonable belief of the worker is made in the public interest, is classed as a 'qualifying disclosure' and is covered by statute.

Qualifying disclosures are disclosures of information where the worker reasonably believes that one, or more, of the following matters is either happening, has taken place, or is likely to happen in the future:

- A criminal offence;
- The breach of legal obligation;
- A miscarriage of justice;
- A danger to health & safety of any individual;
- Damage to the environment; and, or
- Deliberate attempt to conceal any of the above.

Officially this is called 'making a disclosure in the public interest' and as a result the worker is legally protected from suffering a detriment, bullying or harassment from another employee or colleague.

The protection in law of a 'worker' encompasses, employees, agency workers, people training with an employer although not employed, as well as self-employed workers if they are supervised or working off-site.

In the first instances such concerns must follow one of the internal routes (including Safecall) described above. Reporting concerns to any other external body (i.e. external to the Esh Group, or external to the Esh independent Whistle blowing telephone line administered by Safecall), should only be used as a last resort.

However, should a worker feel the need to contact an external body in respect of a qualifying disclosure in the public interest, then we recommend that the worker seek legal advice in respect of making a disclosure to a 'prescribed person or body' before making a disclosure.

There is a definitive list of prescribed persons and bodies which is maintained by the Government. The most up to date version can be found on the Government website Gov.uk. In such instances, workers who 'blow the whistle' on the basis of 'disclosure in the public interest' can claim unfair dismissal if they are dismissed or victimised for doing so. To be protected within the law, the whistle blower needs to believe that the disclosure is in the public interest.

Further details in respect of Whistle blowing – Public Interest Disclosure can be found on the ACAS website.

8. Monitor & Review of this Policy

Ongoing monitoring of this Policy and the accompanying Procedures will be undertaken in respect of changes to key personnel and independent telephone service arrangements.

Ongoing monitoring will be undertaken in respect of changes in legislation and regulation and will be updated and re-issued at minimum every 3 years.

9. Supporting Documentation & Information

The following documents are available on SharePoint or via the Group HR team and provide further related information:

- › The Esh Group Employees Handbook and associated policies
- › The Esh Group Anti-Corruption & Bribery Policy
- › The Esh Group Corporate Governance Statement disclosed annually in the Esh Holdings Ltd statutory accounts
- › Advisory, Conciliation & Arbitration Service (ACAS) www.acas.org.uk
- › UK Government Gateway www.gov.uk
- › Public Concern at Work www.pcaw.org.uk

– Ends –

