

Whistleblowing: Frequently Asked Questions

1. What is Whistleblowing

Whistleblowing is when an employee reports suspected past, present or imminent wrongdoing, or an attempt to conceal wrongdoing. Officially this is called 'making a disclosure in the public interest'. It serves to protect and reassure the workforce, and to maintain a healthy working culture and an efficient organisation.

The reporting of a wrong doing under this policy may be covered by the Public Interest Disclosure Act 1998 (the Act).

2. What can I raise under the Whistleblowing Procedure?

Concerns can relate to matters of policy or misinterpretation of policy or it can relate to (but not limited to) the following:

- Criminal offence;
- Unlawful acts;
- Improper and/or unethical behaviour;
- Endangering the health or safety of any individual;
- Miscarriage of justice;
- Financial malpractice, impropriety or fraud;
- Mishandling or risks to data and/or information;
- Failure to comply with a legal obligation;
- Breaches of policies and procedures, only where an employee does not feel able to report their concerns through the grievance procedure, e.g. because they have witnessed wrongdoing or because they are fearful that doing so would result in a significant threat to themselves or any other person or they have reasonable grounds to believe that it may result in further harassment;
- Deliberate concealment of any of the above.

This is not an exhaustive list, and it may transpire that the concern relates to general wrongdoing. It is still important that it is raised according to the Whistleblowing Procedure. Concerns may include but are not limited to:

- A threat to National Security:
- Failure to follow security vetting procedures;
- Falsifying documentation.
- Failure to comply with legal obligations:
- Not protecting personal data as required by the Data Protection Act, Gender Recognition Act 2004, Health and Safety regulations or any other relevant legislation.

3. What is not covered by the Whistleblowing Procedure?

Issues around the treatment of an employee or personal complaints about employment, for example: complaints about terms and conditions; promotion or selection procedures are not covered by the Whistleblowing Procedure. Any other complaints connected to working conditions, including harassment, bullying and discrimination are also not covered by the Whistleblowing Procedure. These would normally be dealt with by the line manager through day-to-day management action, or through appropriate grievance procedures.

4. What is the difference between whistleblowing and a personal grievance?

Concerns raised under the Whistleblowing Policy should address wider issues that concern colleagues or public in general, rather than personal complaints that may be raised under other policies and procedures. For James Fisher and Sons Plc employees, these will usually relate to ethical behaviours, as outlined in the Code of Ethics.

Personal grievances and complaints, including complaints of bullying, harassment and discrimination will not be accepted under the Whistleblowing Policy and should be raised under the appropriate policy.

5. Is a 'crisis of conscience' complaint the same as blowing the whistle?

A 'crisis of conscience' may occur when an individual is asked to conduct work which conflicts with their faith or personal beliefs. This is not the same as whistleblowing where there is suspicion of wrongdoing.

A crisis of conscience should be discussed with the line manager in the first instance.

6. Do I need to formally raise a concern under the Whistleblowing Procedure?

The regular and open discussions between an employee and their line manager are the suggested platform to discuss a concern informally before raising it more formally under the Whistleblowing Procedure. What is important is that concerns are raised and not how it is done.

7. I don't have any proof of my concern yet. What should I do?

Proof is not needed to raise a concern. To raise a concern there only needs to be reasonable belief that wrongdoing has occurred is occurring or is likely to occur. It is not for the individual to investigate or prove that their concerns are justified; that is the responsibility of the Designated Officers.

8. Why should I follow the Whistleblowing procedure?

The Whistleblowing Policy and procedures have been designed to offer protection when raising a concern that is accepted under the Policy whilst ensuring that it is addressed and resolved at the right level and as quickly as effectively possible.

9. What are the benefits of whistleblowing?

A positive whistleblowing culture has numerous advantages. For example, it can:

- Encourage an open culture where employees feel confident that concerns can be raised and dealt with quickly and that they will be protected for doing so;
- Detect and deter wrongdoing;
- Provide managers with the information they need to make decisions and control risk;
- Protect both personal and organisational reputations;
- Reduce the chance of anonymous or malicious leaks (including to the media);

- Reduce the chance of legal claims against the organisation.

10. Will there be any repercussions if I blow the whistle?

The organisation will protect any person who reports a concern in good faith from victimisation or reprisals such as being subject to discipline, dismissal or any other detriment as a result of raising the concern.

Disciplinary action will be taken against those who victimise or otherwise subject to detriment any worker who has raised a concern under the Whistleblowing Policy.

11. Where can I go for support during this process?

It is recognised that raising or considering raising a concern can be an anxious or tense experience. There are various channels of support available throughout the process:

- Line managers, or another locally based manager, or the Internal Audit can advise on available support;
- The [ACAS Helpline \(0300 123 1100\)](#) provides free and impartial advice for employees on a range of issues, including whistleblowing in the workplace;
- Protect is a whistleblowing charity which advises individuals on whistleblowing matters at work;

Please note: these sources of support, help and advice, other than line managers and the Internal Audit team, are not themselves bodies or prescribed bodies as per the Act to whom concerns can be raised.

12. Will my identity remain confidential?

The organisation will endeavour to protect the identity of the person who raised the concern, and this should be possible in the majority of cases. Any document, report or recommendation prepared by the organisation in relation to the matter will not expose the identity of the person raising the concern.

However, situations may arise where the identity of the person raising the concern needs to be disclosed. If possible, their identity will be restricted to a 'need to know basis'. However, a situation may arise where it is not possible to resolve the concern and guarantee confidentiality (for example, in matters of criminal law). If the concern raised is covered by the Whistleblowing Policy and it is of a public interest it may not be possible or appropriate to stop the investigation. If this is the case the Designated Officer will advise the individual of this before proceeding.

13. Can I raise a concern anonymously?

An individual can choose to raise concerns anonymously. Concerns raised openly make it easier for them to be investigated and for feedback to be provided. Employees are therefore encouraged, where possible, to put their names to concerns raised, but raising a concern anonymously is preferred to silence about potential serious wrongdoing.

14. Will I be able to find out the outcome of the investigation?

The Designated Officer will endeavour to keep an individual informed of progress, and where possible provide an update within 3 months. They will be advised when the matter has been concluded, though it cannot be guaranteed that all the details of the investigation and the final outcome will be disclosed; security and confidentiality must be maintained for all parties.

15. I am not happy with the outcome of the investigation, what now?

If the concern has been raised with line management, an alternative within the management chain or the Internal Audit team in accordance with the Whistleblowing Policy and it is not thought a satisfactory outcome has been achieved, the concern may be raised with the Group Company Secretary.

16. What would happen if an employee raised concerns maliciously, vexatiously or knowing them to be untrue?

If an employee raises malicious, vexatious or knowingly untrue concerns in order to harm colleagues or the organisation, they will face disciplinary action. This could result in dismissal unless they can demonstrate a reasonable belief that the concern was raised in the public interest.

17. What would happen if an employee is treated badly by a co-worker because they raised a concern?

It is the responsibility of the organisation to stop any bad treatment and take reasonable steps to prevent any further issues arising. If an employee feels they are being treated badly because they have raised a concern, they should report this to their line manager or someone else in their line management chain, or they should seek advice from the Internal Audit Team.

Where an employee has been victimised for raising a concern, the organisation will take appropriate action against those responsible, in line with the organisation's Disciplinary policy.

18. What is PIDA and how does it link with the organisation's Whistleblowing Procedure?

The Public Interest Disclosure Act 1998 (PIDA) is more commonly known as 'whistleblowing legislation' and is part of employment law.

PIDA serves to protect 'workers' who make a 'qualifying disclosure' in one of the permissible ways set out in the Act. Having made a 'protected disclosure' they are entitled to the protection set out in the Act. By law, the employer has a duty to protect that worker from suffering any detriment as a result of making a protected disclosure. Any dismissal of an employee as a result of the disclosure would be automatically unfair.

Disclosures to certain regulatory bodies, known as 'prescribed persons', can be permitted by PIDA in certain circumstances.

In order to be protected, however, an employee will need to follow the procedure set out in the Act. Those wishing to raise a concern in this way are advised to seek their own legal advice.

