

Making a Protected Disclosure Policy

Introduction

- Under certain circumstances, employees have legal protection if they make disclosures about organisations for whom they work. These employees are commonly referred to as 'whistle blowers' and their activities have often received wide publicity in the media.
- An employee who believed, for example, that organisations were disposing of toxic waste illegally may have 'blown the whistle' directly to the press or television, perhaps because of concern for the environment, a belief that the organisation would attempt a 'cover-up' if asked to stop, or for financial gain.
- Employees, who blew the whistle on organisations, were often treated detrimentally by them or their engagements were terminated. This discouraged employees from whistle blowing even where such action would be for the good of the public. The legislation is designed to protect employees from suffering any detriment or termination of engagement for whistle blowing.

Qualifying Disclosures

Certain disclosures are prescribed by law as qualifying disclosures. Disclosures are qualifying disclosures where it can be shown that the company commits a 'relevant failure' by:

- a. committing a criminal offence;
- b. failing to comply with a legal obligation;
- c. a miscarriage of justice;
- d. endangering the health and safety of an individual;
- e. environmental damage; or
- f. concealing any information relating to the above.

These acts can be in the past, present or future, so that, for example, a disclosure qualifies if it relates to environmental damage that has happened, is happening, or is likely to happen.

The Procedure

- If you so wish you should in the first instance report any concerns you may have to a Director/the Line Manager who will treat the matter with complete confidence. If you are not satisfied with the explanation or reason given to you, you should raise the matter with the appropriate organisation or body, e.g. the Police, the Environment Agency, Health and Safety Executive or Social Services Department.
- If you do not report your concerns to a Director/the Line Manager you may take them direct to the appropriate organisation or body.

General Notes

- The Public Interest Disclosure Act 1998 prevents you from suffering a detriment or having your contract terminated for 'whistle blowing' and we take very seriously any concerns which you may raise under this legislation.
- We encourage you to use the procedure if you are concerned about any wrong doing at work. However, if the procedure has not been invoked in good faith (e.g. for malicious reasons or in pursuit of a personal grudge), then it will make you liable to immediate termination of engagement or such lesser disciplinary sanction as may be appropriate in the circumstances.