

## *Estate Insurance Group Limited*

### Confidential Reporting Policy – (Whistleblowing)

#### **1 Introduction**

- 1.1 Staff are often the first to realise that there may be something wrong within the company. However, they may not express their concerns because they fear harassment or victimisation, or that speaking up might be disloyal to colleagues or to the company. In these circumstances it might be easier to ignore the concern rather than report what might be just a suspicion of malpractice.
- 1.2 The Public Interest Disclosure Act 1998 (PIDA), which came into force on 2 July 1999, provides protection for employees from harassment or victimisation as a result of identifying malpractice. The PIDA does this by amending and extending the Employment Rights Act 1996 to provide an entitlement to compensation via the employment tribunal system to any employee who is victimised by his/her employer by reason of disclosing information relating to crimes, breaches of legal obligation, miscarriages of justice, dangers to health and safety or the environment and to the concealing of evidence relating to any of these. The employee must have acted in good faith (with limited exceptions) and have reasonable grounds for believing that the information disclosed indicates the existence of one of the above situations. It will be automatically unfair dismissal to dismiss, or otherwise penalise, employees for making a “protected disclosure” under PIDA. Any confidentiality agreement between employees and their employer, whether or not forming part of the contract of employment is expressly declared void so far as it purports to preclude the employee from making a protected disclosure.
- 1.3 We believe in openness and honesty. We are also committed to the highest possible standards of accountability. In line with those values and commitments which are contained in our service standards, we expect staff and others that we deal with who have serious concerns about any aspect of Estate Insurance Group’s work to come forward and voice those concerns. Indeed, it is our duty to do so.
- 1.4 This policy makes clear that you can do so without fear of victimisation, harassment, discrimination or disadvantage. This Confidential Reporting Policy is intended to encourage and enable staff to raise serious concerns within the company rather than overlooking a problem or *blowing the whistle outside*.
- 1.5 This policy applies to all staff and those contractors working for the company on its premises, e.g. agency staff, contracted staff. It also covers suppliers and those providing services under a contract.
- 1.6 This policy is in addition to policies about confidential reporting, for example, harassment and bullying. This policy aims to allow staff the opportunity to report their fear to someone, about whatever subject.

#### **2 Aims and scope of policy**

- 2.1 This policy aims to:
- \* Remind you of your duty to report concerns
  - \* Encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice
  - \* Provide avenues for you to raise those concerns and receive feedback on any action taken
  - \* Make sure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied
  - \* Reassure you that you will be protected from possible reprisals or victimisation if you have reasonable belief that you have made a disclosure in good faith
- 2.2 There are existing procedures in place to enable you to lodge a grievance relating to your own employment. The Confidential Reporting Policy is intended to cover the following major concerns:
- \* Conduct which is an offence or breach of law
  - \* Disclosures related to miscarriages of justice
  - \* Health and safety risks, including risks to the public as well as staff
  - \* Damage to the environment
  - \* Unauthorised use of public funds
  - \* Possible fraud, corruption or other financial irregularity
  - \* Other unethical conduct
- 2.3 Any serious concerns you have about any aspect of service provision or the conduct of officers, or members, or others acting on behalf of the company can be reported under the Confidential Reporting Policy. This may be something that:
- \* Worries you in terms of known standards, your experience or the standards you believe Estate Insurance Group subscribes to
  - \* Is against the Company policies
  - \* Falls below established standards of practice
  - \* Amounts to improper conduct

#### **3 Safeguards**

- 3.1 The decision to report a concern can be a difficult one to make. If what you are saying is true, you should have nothing to fear because you will be doing a duty to the public and to the company.

- 3.2 Estate Insurance Group will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith. Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary, capability, redeployment or redundancy procedures that already affect you.

#### **4 Confidentiality**

- 4.1 All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. However, at the appropriate time, you may need to come forward as a witness.

#### **5 Anonymous Allegations**

- 5.1 As a general rule, you should put your name to an allegation. Concerns which are expressed anonymously will be considered at the discretion of the person to whom you express the concern. Factors to be taken into account would include:

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

#### **6 Untrue Allegations**

- 6.1 If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. However, if during the investigation it is found that you made an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

#### **7 How to raise a concern**

- 7.1 The earlier you express your concerns, the easier it is to take action. You should normally raise concerns with your immediate line manager, or their line manager. However, this depends on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice.
- 7.2 Issues may be raised verbally or in writing. Staff, who wish to make a written report are advised to use the following format:
- \* The background and history of the concern (giving relevant dates)
  - \* The reasons why you are particularly concerned about the situation
- 7.3 There may also be a confidential reporting number available
- 7.4 Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person concerned that there are reasonable grounds for your concern. You may wish to consider discussing your concerns with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.
- 7.5 It would be advisable to inform your trade union representative (if appropriate) who may be able to offer you appropriate support and advice. If you do not belong to a trade union then you may consider inviting a friend to be present during meetings or interviews in connection with the concerns you have raised.

#### **8 How the company will respond**

- 8.1 The company will respond to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them.
- 8.2 Where appropriate, the matters raised may:
- \* Be investigated by management, internal audit, or through a disciplinary process
  - \* Be referred to the Police
  - \* Be referred to the external auditor
  - \* Form the subject of an independent inquiry
- 8.3 In order to protect individuals and those accused of misdeeds or possible malpractice, initial inquiries will be made to decide whether an investigation is appropriate and if so, what form it should take. The overriding principle which the Company will have in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures will normally be referred for consideration under those procedures.
- 8.4 Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.
- 8.5 Within ten working days of a concern being raised, the person with whom you have raised the concern will write to you:
- \* Acknowledging that the concern has been received
  - \* Telling you whether any initial inquiries have been made
- 8.6 The amount of contact between the Director considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from you. If necessary, further information will be sought from you. Any meetings arranged can be held off company premises if you wish and you may be accompanied by a trade union representative or friend. The person to whom you have made the concerns will write a brief summary of the interview(s) which will be agreed by both parties.
- 8.7 The company will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, arrangements will be made for you to receive advice about the procedure.

8.8 Subject to any legal constraints, you will be informed of the outcome of any investigation.

**9 The responsible officer**

9.1 The Directors of Estate Insurance Group will have overall responsibility for the maintenance and operation of the policy. If your concerns relate to the conduct of that Director, you should raise concerns with the co-director or other members of the EIG Board.

**10 How the matter can be taken further**

10.1 This policy is intended to provide you with an avenue within the company to raise concerns. Estate Insurance Group hopes you will be satisfied with any action taken. But if you are not, and you feel it is right to take the matter outside the company, the following are possible contact points

- \* Your trade Union
- \* The external auditor
- \* Your local Citizen Advice Bureau
- \* Relevant professional bodies or regulatory such as the Health and Safety Executive or Information Commissioner
- \* A relevant voluntary company such as **Public Concern at Work – 020 7404 6609**
- \* The Police

10.2 If you do take the matter outside the company, make sure that you do not disclose any confidential information.

Approved By:

Jeremy Stephen – Managing Director

Estate Insurance Group

January 2015

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