

# Whistleblowing Policy

**Starfish 9 Ltd Whistleblowing Policy - 2023 - Issue 3**

(Last Review 7th Jan 2023 - Next Planned Review 26th Jan 2024)

# Whistleblowing

Starfish 9 Ltd encourages a free and open culture in dealings between managers, employees, and all people with whom it engages in business and legal relations. Breaches or failures are to be effectively dealt with.

This policy is designed to provide guidance to all those who work with or within the company who may from time to time feel that they need to raise certain issues relating to the company with someone in confidence.

Anyone who in the public interest raises genuine concerns under this policy will not under any circumstances be subject to any form of detriment or disadvantage as a result of having raised their concerns.

## Procedure

This policy will apply in cases where individuals genuinely believe that one of the following set of circumstances is occurring, has occurred or may occur within the company and that it is in the public interest for the employee to disclose it. The matters that may be disclosed in this way are:

- A criminal offence has been committed, is being committed or is likely to be committed.
- A person has failed, is failing or is likely to fail to comply with any legal obligation to which he or she is subject.
- A miscarriage of justice has occurred, is occurring or is likely to occur
- The health and safety of any individual is likely to be damaged.
- The environment has been, is being or is likely to be damaged.
- Information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed.

There is no need for an individual to prove that the breach or failure that they are alleging has occurred or is likely to occur: a reasonable suspicion will suffice, i.e., where the individual reasonably believes that the information disclosed is substantially true. However, it should be noted that they are not entitled to make a disclosure if in doing so they commit a criminal offence.

If workers wish to raise or discuss any issues which might fall into one of the categories listed above, they should contact the Managing Director, or in his absence the Health & Safety Manager, alternatively they can report their concern to an independent party for example the HSE, The Police, Environmental Agency etc.

The person or agency will, insofar as possible treat the matter in confidence. It is likely that an investigation will be necessary and the employee who has made the disclosure may be required to attend an investigatory hearing and or/ a disciplinary hearing ( as a witness). Appropriate steps will be taken to ensure that the individuals working relationships are not prejudiced by the fact of the disclosure.

If felt that the relevant failure ( i.e., One of the set of circumstances listed above) relates wholly or mainly to the conduct to a person other than their employer or any other matter for which a person other than the company has a legal responsibility, then they should make that disclosure to that other person.

Everyone should be aware that the policy will apply where they believe that the information disclosed, and any allegation contained in it are substantially true. If any disclosure concerns information which employees do not substantially believe is true, or indeed if the disclosure is made for personal gain, then such as a disclosure will constitute a disciplinary offence for the purposes of the company's disciplinary policy and procedures and may constitute gross misconduct for which summary dismissal maybe an outcome.

While we hope that such disclosures will never be necessary, we recognise that we may find circumstances which are new to it, therefore, each will be treated on its own merits.

Anyone who makes a disclosure is protected from detrimental treatment by the company, by a colleague or by an agent of the business. An employer is vicariously liable for detrimental treatment. If this occurs, it should be raised immediately with the line manager so that the matter can be investigated thoroughly without due delay. Detrimental treatment includes, for example, harassment and bullying or not complying with the persons rights and entitlements under his or her contract of employment.

An employee is also protected from dismissal by the company form making a protected disclosure.

**Name:** John Jessimer

**Signed:** 

**Position:** Managing Director

**Date:** 7 January 2023

