



## **Whistleblowing Policy**

### **Introduction**

It is important to the business that any fraud, misconduct or wrongdoing by colleagues or officers of the CMI is reported and properly dealt with. The CMI therefore encourages all individuals to raise any concerns that they may have about the conduct of others in the business or the way in which the business is run.

### **Aim**

The aim of this policy is to ensure that at every level of management our business is conducted in such a way as to comply with all legal requirements that govern our activities.

### **Scope**

This policy applies to all employees and officers of the CMI. Other individuals performing functions in relation to the CMI, such as agency workers and contractors, are encouraged to use it.

### **Our Policy**

Our business is run in accordance with the law. This policy applies to the way that we employ and manage our staff.

We operate as a team and we expect our employees to all play their part as members of the team for the good of the business as a whole. We do not believe that any of our employees will ever feel the need to become a whistleblower. There is no reason for any employee to believe that he or she will suffer detriment for speaking up if they believe that something is wrong or that if we are alerted to it we will conceal or destroy evidence. However we are fully aware of our responsibility under the law and we will respect the legal protection afforded to a whistleblower.

### **What Is Whistleblowing?**

A whistleblower is someone who discovers something that is wrong and alerts his employer or the relevant authorities to what is going on. The law recognises that Whistleblowing occurs and protects employees who are whistleblowers from detrimental treatment such as dismissal. To be protected by the law a whistleblower must fall within the stringent legal rules. Anyone who does not act in good faith or is motivated by personal gain will not be protected.

### **Public Interest Disclosure Act 1998**

The Act protects “whistleblowers” from suffering detriment in employment and makes dismissal for certain disclosure automatically unfair. There is no qualifying period of employment for this protection.

Police officers, civilian police employees and those who work in the Security Service, Secret Intelligence Service or Government Communications Headquarters are NOT protected.

### **Who is protected?**

A worker who makes a qualifying disclosure that is made to one of a category of persons set out in the Act and which is therefore a protected disclosure.

'Worker' is widely defined and includes employees and other workers as normally understood by the expression but also contractors under an employer's control, persons on training schemes and also doctors, dentists and other professionals providing National Health Service schemes.

### **What is protected?**

A 'qualifying disclosure' is one of information that in the reasonable belief of the disclosing worker shows wrongdoing of one or more of the following kinds:

- (1) A criminal offence was committed or is being or is likely to be committed
- (2) A person has or is or is likely to fail to comply with a legal obligation
- (3) A miscarriage of justice has occurred or is or is likely to occur
- (4) The health and safety of any individual has been or is being or is likely to be endangered
- (5) The environment has been, is being or is likely to be damaged
- (6) That information tending to show any matter falling within any one of the above categories has been, is being, or is likely to be deliberately concealed.

However if the person making the disclosure commits a criminal offence by making it or makes it in breach of legal professional privilege (e.g. solicitor's secretary disclosing client information) it is not a qualifying disclosure.

To be a 'Protected Disclosure' the 'Qualifying Disclosure' must only be made to one of the following categories of person:

- a) The employer or (where the disclosure relates to the conduct of another person or matters for which another person other than the employer has legal responsibility) that other person
- b) A legal adviser in the course of getting legal advice
- c) A Minister of the Crown (where the worker is employed by someone appointed by a Minister of the Crown or a body whose members are so appointed)
- d) To one of the prescribed persons set out in the Public Interest Disclosure (prescribed Persons) Order 1999 (e.g. health and safety problem disclosure is to the Health and Safety Executive; Fraud : Secretary of State for Trade and Industry; consumer protection matters: Local Authority Consumer Protection unit; tax matters: the Inland Revenue)
- e) A person other than those set out above where the worker acts in good faith, reasonably believes the information to be substantially true, does not make the disclosure for personal gain, and it is in all the circumstances reasonable to make the disclosure. AND
  - i. the worker reasonably believes he will be subjected to a detriment if the disclosure is made to his employer or the prescribed person;
  - ii. there is no prescribed person and the worker believes that the wrongdoing will be concealed or destroyed by the employer;
  - iii. the worker has previously disclosed the same information to the employer or the prescribed person;
- f) Any other person where the disclosure is one of an "exceptionally serious failure" made in good faith, not for personal gain, where it was reasonable to make the disclosure.

### **What Protection does the worker have?**

He/She is protected from detriment or dismissal as a result of making a protected disclosure. Dismissal is automatically unfair, and there is no limit on compensation for such a dismissal. Complaint of detriment or dismissal is made to an Employment Tribunal.

### **Grievance arising from policy**

Any member of staff who feels aggrieved with any decision in respect of this policy should follow the CMIs Grievance Procedure