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**Introduction**

Habbibi are committed to carrying out our business in a safe, honest and ethical way. Part of that is creating an open and supportive working environment where temporary workers, full and part-time employees, agency workers and contractors feel able to speak up about any suspected wrongdoing.

Whistleblowing law is located in the Employment Rights Act 1996 as amended by the Public Disclosure Act 1998 which gives legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns. The organisation has endorsed the provisions set out below so as to ensure that no members of staff should feel at a disadvantage in raising legitimate concerns.

It should be emphasised that this policy is intended to assist individuals who believe they have discovered impropriety. It is not designed to question financial or business decisions taken by the organisation nor should it be used to reconsider any matters which have already been addressed under harassment, grievance, disciplinary or other procedures. The whistleblowing policy and procedure is in place to ensure all individuals know and understand how to raise concerns and with this it is reasonable to expect staff to use this policy rather than raise their complaints outside the organisation.

This policy applies to temporary workers, full and part-time employees, agency workers and contractors.

**Definition**

*Whistleblowing* is the term used when an individual raises concerns or passes on information of wrongdoing. An individual must reasonably believe in the below two things to be covered by whistleblowing legislation:

* Employee is acting in the public interest
* reasonably believe is that the disclosure tends to show past, present or likely future wrongdoing falling into one or more of the following categories:

1. Any bribery, fraud or other criminal offence
2. A miscarriage of justice
3. A risk to health and safety
4. A risk or actual damage to the environment
5. A breach of any other legal or professional obligation.

We particularly want all who work for us to report if they have any concerns that modern slavery is taking place within our organisation, the suppliers and agencies we work with, or within our local communities so that these matters can be investigated by the proper authorities.

Personal complaints or concerns are not usually considered a whistleblowing matter and should be addressed through the organisation’s Grievance Policy or Bullying and Harassment Policy.

**Whistleblowing protection**

Any individual who takes action under the Public Disclosure Act 1998 or this policy will be protected from any detriment in relation to any allegations that are made.

If a staff member does not follow the procedure set out, which encompasses the requirements of the Public Disclosure Act 1998, the protection against detriment will not apply. Disclosing information in an inappropriate way (e.g., contacting the media) could result in disciplinary action being taken against the employee, which could include dismissal

**Confidentiality**

We will take steps to protect the identity of whistle blowers, as far as reasonably possible, and will not disclose a whistleblowers identity without their consent, unless we have to in order to look into their complaint or if it is required by law.

**Blowing the whistle**

If you need to raise a concern, here’s how you can go about doing it:

Your manager

A whistle blower must raise the issue with their line manager. However, if their line manager is involved in the activity, they have concerns about, or they don’t feel able to speak to them, they can talk to their manager’s manager or other internal contact, listed below, instead.

Whistle blowers can raise concerns either in person or written communication. Written communication should contain what the concern is, why they think it’s true, the whistle blowers contact details and any other details they think are relevant.

Other internal contacts

If you feel like you can’t raise the matter with a manager in your team, you can contact any of the following senior managers:

* Timothy Van Zyl, HR Manager – [tim@estabulo.co.uk](mailto:tim@estabulo.co.uk)
* Ricardo Da Costa, Restaurant Operations Manager – [ricardo@estabulo.co.uk](mailto:ricardo@estabulo.co.uk)
* Hamza Sayed, Operations Manager - [hamza@estabulo.co.uk](mailto:hamza@estabulo.co.uk)
* Emily Hodson, Safety and Compliance Manager – [emily@estabulo.co.uk](mailto:emily@estabulo.co.uk)

Anonymity

This policy encourages whistle blowers to put their name to any disclosures made. Concerns expressed anonymously can be more difficult to investigate, but will still be considered by the organisation.

When the organisation receives and anonymous complaint, they will weigh this up against the below factors to understand its credibility and whether a full formal investigation should take place:

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

External contacts

A whistle blower should always, in the first instance, talk to their Line Manager or other internal contact, as listed above, about any potential wrongdoing. If they are not satisfied with the response, they are entitled to contact a relevant external.

The Financial Conduct Authority (FCA) provide whistleblowing services for concerns about financial services organisations. Their details are:

Financial Conduct Authority 020 7066 9200 during office hours or leave a voicemail [whistle@fca.org.uk](mailto:whistle@fca.org.uk) Intelligence Department (Ref PIDA), Financial Conduct Authority, 25 The North Colonnade, London, E14 5HS

Depending on the type of concern, there are also other public bodies such as:

* HM Revenue and Customs
* Competition and Markets Authority
* Health and Safety Executive
* Environment Agency
* Director of Public Prosecutions
* Serious Fraud Office
* NHS Counter Fraud Authority

**Whistleblowing Process**

1) Colleague raises concerns to a manager

Whistle blowers should raise their concerns with their line manager first, so they can try to resolve the issue. If they feel unable to do this, or their line manager is involved in the activity they have concerns about, they can talk to their manager’s manager or to the other contacts detailed above.

Concerns can be raised in person or in writing. Concerns can be raised anonymously, but it may then be difficult for managers to carry out a full investigation if they need further details.

2) Manager receives the whistleblowing concern

If a manager receives a whistleblowing complaint, it’s important to deal with it as soon as possible. Depending on what type of issue it is, there might be a legal timescale for resolving it.

Managers must immediately contact the HR department, so that the concerns can be logged and to confirm that the concerns are whistle blowing and not a grievance matter.

3) Whistleblowing investigation

Once it is confirmed by the HR department that it’s whistleblowing, it’s important that it’s investigated as quickly as possible. The HR department will confirm who will investigate the concerns. The investigating manager should only investigate if they are independent to the issue raised. If the complaint involves the investigating manager, then they should inform the HR department who will pass it to another manager to deal with.

If the complaint was not anonymous, the investigation will schedule a meeting with the individual who raised the concern to gather more information. The investigating manager should confirm if they want their identity kept confidential.

The investigating manager should then consider who else they need to speak to, depending on the nature of the whistleblowing concern. For example, if the concern is about health and safety they might need to speak to the General Manager of that site or the Safety and Compliance Manager.

There’s no set timescale for investigating a whistleblowing complaint, as each situation will be different. The investigating manager will conduct a thorough investigation as quickly as possible, while keeping the whistle blower informed if your investigation is taking longer than you originally thought, so they know it’s still ongoing and hasn’t been forgotten.

4) Outcomes

Depending on what is found in the investigation, the outcome can vary.

If the investigating manager does not find anything to support the individual’s concern, or they find evidence to suggest that it isn’t true, the investigating manager should inform the individual that the matter has been investigated and there’s no information to support their concern.

If the investigating manager finds evidence to support the whistle blowers concern, they should take the necessary steps to resolve the matter. Throughout the process, the HR department should be updated and they will assign an independent manager to carry out any disciplinary investigations into staff implicated in the wrong doing. The investigating manager should inform the whistle blower that they have investigated the matter and actions are being taken to address the issues raised. Feedback will not detail any action that may be taken against other people, as this is confidential.

5) Monitoring

Whistleblowing cases must be logged with the HR department for monitoring and reporting purposes. The HR department keeps track of each allegation, who is investigating it, gives advice throughout the process and records what the outcome is.

Furthermore, the HR department reports statistics periodically to senior managers on the organisation.

6) Paperwork

Once the whistleblowing case has been dealt with, it’s important that all the paperwork be sent to the HR department, where it will be kept for 7 years in case it needs to be referred to. This includes notes from your investigations, evidence you gathered, letters you’ve sent and any emails you’ve received.