

## Whistle blowing policy/procedure

The Company is committed to the highest standards of openness, probity and accountability and expects employees and others who work with the Company who have serious concerns about any aspect of the Company's work to voice such concerns. The Company is also committed to the sense that individuals should feel free to raise serious concerns about law, ethics and standards and related matters.

This procedure provides the means by which individuals who have a reasonable belief that there are significant matters of public interest that are causing concerns can report them and ensure that they are appropriately considered. The Public Interest Disclosure Act 1998 provides employees with legal protection against being dismissed or penalised by their employers as a result of disclosing certain serious concerns. It also requires employees who wish to disclose such concerns and who wish to retain the protection offered by the Act to follow the relevant internal procedure provided by their employer in all but the most exceptional circumstances.

This procedure is designed to allow concerns of public interest arising from the business and conduct of Company affairs to be raised, investigated and where appropriate, acted upon. Although the Act offers protection specifically to employees, this procedure is also available to anyone who is contracted to provide services to the Company. Any complaints that are not of a public interest kind, will be dealt with by other procedures of the Company. Other procedures are available to deal with:

- Grievances from staff connected with their employment.
- Appeals from disciplinary procedures for staff and students.
- Harassment and bullying.

This procedure may not be used to re-open or review a matter already decided under these other procedures. However, if public interest issues were to become known for the first time through other procedures they may be investigated under this procedure.

Public interest matters are defined as:

- Criminal activity, including fraud or financial irregularity, corruption, bribery, or blackmail.
- A miscarriage of justice.
- An act creating risk to health and safety.
- An act causing damage to the environment.
- A breach of any other legal obligation.
- Professional malpractice; or
- Concealment of any of the above.

The Company recognises the importance of assuring individuals that they will not be harassed or victimised as a result of raising a legitimate complaint. An individual making a disclosure to the appropriate person will not be penalised provided the disclosure is made in good faith and in the reasonable belief that the information disclosed, and any allegation contained in it, are substantially true. Where this is not the case, the Company will take appropriate action against the person responsible. A frivolous or vexatious complaint or one raised in order to harass or falsely discredit another person may result in action against the complainant.

Since it may not be possible to undertake a fair and effective investigation of an anonymous complaint, it will not, in many instances, be possible to proceed under this procedure. Therefore, a person raising a complaint is encouraged to put their name to the allegation. However, anonymous complaints may be reported and may be investigated or acted upon, as

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the person receiving the complaint sees fit, having regard to the seriousness of the issue raised, the credibility of the complaint, the prospects of being able to investigate the matter, and fairness to any individual mentioned in the complaint.

The identity of the person making a disclosure will be kept confidential, if so requested, provided that this is compatible with a proper investigation. If an allegation raises matters of extreme concern, the Company may be obliged to pursue the matter even if it involves a breach of confidentiality. In such cases every reasonable effort will be made to agree a way forward with the complainant. However, there may be some circumstances (for example allegations of criminal activity, potentially significant civil liability, or serious contraventions of the Company's public responsibilities) when it is necessary to take action without observing strict confidentiality. Information relating to the person(s) about whom a complaint is made, and the matters raised will only be divulged to others to the extent necessary to undertake a proper investigation. Anyone assisting with an investigation must keep confidential the matters that have been discussed with them. A person raising a matter under this procedure, or anyone interviewed in the course of investigating such a matter may be accompanied by a work colleague or trade union representative if they so choose.

### **Procedure**

The matter should be raised initially with a company Director or the acting General Manager. If the complaint implicates both, it should be raised with a person or body the complainant feels comfortable with. Disclosures should normally be in writing and provide as much supporting evidence as possible about the concern and about the grounds for believing that malpractice has occurred. The person to whom the complaint is reported will decide whether the matter is to be investigated and, if so, by whom. The choice of investigator will be notified to the complainant.

Some complaints may require immediate referral to an outside body for consideration and investigation (e.g., the police or the Health and Safety Executive), but usually a preliminary internal investigation will first be undertaken.

The person conducting the investigation shall not be the person who will ultimately take decisions based on the findings of the investigation. Complaints concerning financial matters will normally be referred to the Director of Finance and Legal Services for investigation (unless they are the subject of the complaint), who may commission the internal audit service to undertake the investigation on their behalf. In exceptional cases, the Company may wish to entrust an investigation to an independent person(s) from outside the Company.

The person to whom the disclosure is made will ensure that a written record is made of all stages of the complaint, including the matters raised, the conduct of any investigation and any decisions taken. Reasons will be given for any decisions taken. Where a decision is taken not to investigate or take any further action, the complainant will be informed in writing, normally within five working days of the decision.

Where the matter has been investigated, the recipient of the complaint will decide after appropriate consultation what action, if any, should be taken, reporting the outcome to the complainant in writing normally within five working days of the decision. Some matters may need to be reported to the relevant outside body (e.g., the Police, the Health and Safety Executive).

### **Independent review**

Provided the procedure above has been exhausted, the complainant, if dissatisfied with the outcome of an investigation, may request that the matter is reviewed by an independent person appointed for that purpose. Any such request must be in writing and must be received

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by the person to whom the disclosure was originally reported within 14 calendar days of the decision on the complaint being despatched.

The purpose of the independent review shall be to consider whether:

- The investigation has been adequately handled; and
- The response to the complaint was reasonable in all the circumstances.

The Directors will, after consultation with the complainant, appoint a person who is not a current employee, or other office holder or agent of the Company and who is appropriately skilled to conduct the review.

The independent review will not entail oral hearings, but the reviewer will have the right to interview the complainant and any other persons, including those involved in the handling of the complaint. New evidence or relevant material may be considered at the discretion of the reviewer. The reviewer may determine, in the light of new evidence or relevant material, that the matter be referred for further investigation.

If the review concludes that the original investigation and decision were sound, it shall so report to the Directors and to the complainant. Such a decision shall be final. In such cases the review may also determine that the complaint was prompted by malice or some other improper motive and/or that the complaint was without substance or merit; and, if so, whether the complainant should be required to make a contribution to the costs incurred in the independent review.

If the review finds that either the investigation or the decision was not sound, it shall report its findings and its recommendations for remedy to the Directors. The directors shall decide what action, if any, to take and its decision in this respect shall be final.

### **Disclosure to prescribed bodies**

Staff and other relevant persons are strongly encouraged to use this procedure to raise concerns of a public interest nature within the company so that there is the opportunity for the company to be aware of and, where necessary, address those concerns. The Public Interest Disclosure Act (1998) includes a right for the individual to raise their concerns with an external person or body. The following are examples of relevant prescribed bodies or similar organisations with which such disclosure might be made, together with the areas in which they have a regulatory role or specific responsibility:

- HMRC - for disclosures about tax, National Insurance contributions, etc.
- Comptroller and Auditor General of the National Audit Office – for disclosures relating to the proper conduct of public business, value for money, fraud and corruption in the provision of publicly-funded services.
- Information Commissioner (ICO) – for disclosures about compliance with data protection legislation.
- Health and Safety Executive – for concerns about health and safety at work.
- Funding bodies for concerns about the use of funding allocated by them or breaches of funding contracts.
- The Quality Assurance Agency, external validating or accrediting bodies – for concerns about academic standards.
- Members of Parliament.

This policy is endorsed by Senior management and signed on behalf of Adroit Utilities by

Name: Terence Gormley      Signature: *T Gormley*

Position: Director

Date: February 2025

Review Date: February 2026

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