

# Whistleblowing Policy and Procedure

## Purpose

The purpose of this policy and procedure is to proactively encourage the reporting of concerns of malpractice or wrongdoing. Amey wants to ensure that all direct employees and other workers are able to raise concerns without fear of retribution, and that all such reports are given due consideration. For the purpose of this policy, other workers includes consultants, contractors, trainees, seconded staff, casual workers, agency staff, volunteers, interns, agents, sponsors and any other person associated with Amey and suppliers and the term “Employees” includes Amey’s direct employees (whether permanent, fixed-term or temporary) and these other workers. The Amey Code, which has been made available to all direct employees, contains details of the whistleblowing process and this policy and procedure provides more in-depth guidance and information. This policy and procedure and the Amey Code reflect good practice and comply with all relevant legislation.

## Policy

Amey is fully committed to the highest standards of openness, integrity and accountability and it aims to conduct its business at all times in a responsible manner. All Employees are required to act in a similar manner.

Amey proactively encourages Employees to raise concerns about any malpractice or wrongdoing and ensures that any Employee who identifies any such conduct, is able to disclose this in confidence and without fear of punishment either through their people manager, an established reporting procedure such as the Grievance Process or the dedicated independently managed Whistleblowing Helpline. Such disclosure overrides any confidentiality provision in the direct employee’s contract of employment and the normal restrictions that prevent direct employees from divulging confidential information acquired during their employment will not apply.

Amey is committed to complying with The Public Interest Disclosure Act 1998, also known as the ‘PIDA’, together with the Employment Rights Act 1996; (together the “Acts”) which together ensure that Employees cannot be punished, victimised, dismissed or made to suffer any detriment by their employer as a consequence of making a valid protected disclosure (as defined in PIDA).

Employees are strongly encouraged to report any suspected malpractice or wrongdoing by Amey or its Employees that falls short of Amey’s Code and our values, or is not compliant with its other policies and procedures or the law.

Amey undertakes to treat each disclosure with due regard and undertake a level of investigation appropriate to the seriousness of the allegation. Any investigation will be undertaken by an appropriate investigator appointed by the Monitoring Officer, who is the General Counsel or their nominated representative. The investigator will be independent, and in most circumstances, will be from a different part of the business.

## Procedure

### Principles

This policy and procedure is mandatory and describes the way in which Amey deals with protected disclosures. Within this policy and procedure all disclosing individuals are referred to as “Whistleblowers”.

This policy and procedure does not replace or overrule other Amey policies and procedures which are already in place; nor should it be used when other procedures are more appropriate. For example, the Grievance Policy procedure should be used in relation to most employment issues.

## Making a Disclosure

An Employee should first consider whether the matter can be resolved locally by raising it directly with the person in question or their people manager, or pursuing it through another more appropriate Amey policy or procedure (see flow chart at Appendix 1). There are well published and robust reporting mechanisms in place in respect of a range of matters including for example health and safety and employment issues. Should none of these options be applicable or appropriate then disclosure should be made through the independently managed Whistleblowing Helpline and in accordance with this policy and procedure.

### What is Required to Make a Disclosure?

To make a protected disclosure under this policy & procedure, an employee must have a “reasonable belief” that one or more of the following seven “failures” either has occurred or is likely to occur:

1. non-compliance with the Amey Code
2. a criminal offence
3. a failure to comply with a legal obligation
4. a miscarriage of justice
5. an act creating risk to health and safety
6. an act causing damage to the environment
7. a deliberate concealment of information about any of 1-6 above.

Criteria 2 to 7 above are qualifying disclosures under the law. Criterion 1 is not a qualifying disclosure under the law but is given the status of a protected disclosure under this policy and procedure.

The Employee making the disclosure must:

1. have an honest and reasonable belief that one of the seven relevant “failures” set out above has occurred or is likely to occur; and
2. be making the disclosure in the company or public interest.

Employees who do not fulfil both these requirements lose the protection offered under the Acts and under this policy and procedure. An Employee does not have to be able to prove the allegation, but does need a reasonable and genuine belief that the information they share is true. While some allegations may prove to be unfounded, Amey would prefer the issues or concerns to be raised, rather than run the risk of not identifying a problem early on.

### Who to Make the Disclosure to

If an Employee feels unable to raise the concern with their people manager and there is no other appropriate reporting regime for such issues, Amey offers an independently managed Whistleblowing Helpline (telephone 0800 160 1797). The Whistleblowing Helpline is provided by an independent third-party organisation, which will pass all information provided to the Monitoring Officer, speedily and unfiltered.

Employees using the Whistleblowing Helpline will be asked to set out the background and history of their concern, giving names, dates and places where known, and the reason why they are particularly concerned about the situation. Although Whistleblowers are not expected to prove the truth of an allegation, they will need to demonstrate that there are sufficient grounds for the concern.

Should a disclosure under this policy & procedure, be received by a people manager or person other than the Monitoring Officer, it is that person’s responsibility to complete the Whistleblowing Referral Form (see Appendix 3) and send it to the Monitoring Officer without undue delay. Details should be provided of what actions, if any, have been taken to investigate and resolve the issue disclosed. It is important that all whistleblowing type disclosures are identified and brought to the attention of the

Monitoring Officer. The Monitoring Officer will then be a position to determine the need for any additional investigation or actions.

### Investigation of the Disclosure

For each disclosure made via the Whistleblowing Helpline, a Whistleblowing Referral Form (see Appendix 2) will be forwarded by the Whistleblowing Helpline to the Monitoring Officer.

Concerns or allegations that reasonably fall within the scope of other specific procedures, for example health and safety or grievance issues, will normally be referred by the Monitoring Officer for consideration under those procedures. The Whistleblower is informed when this is the case.

The Monitoring Officer may consult with the Amey Executive Team and decide whether an investigation is required and, if so, what form it should take. The Monitoring Officer may decide to take no further action if an allegation is considered to be trivial or vexatious. Decisions will be reported regularly to the Amey Executive Committee.

Some concerns may be resolved without the need for formal investigation and unless the Whistleblower has chosen anonymity, they may be invited to take part in any necessary discussions with the Monitoring Officer.

If the Monitoring Officer determines that an investigation is required, then they will designate an appropriate investigator to investigate the matter further. Following this the investigator will, within a reasonable amount of time, contact the Whistleblower for an initial discussion in respect of the disclosure. The investigator will also provide to the Whistleblower:

- an acknowledgment that an investigation will be carried out
- an indication of how they propose to deal with the matter
- an estimate of how long the process will take
- confirmation that any investigation will, as far as practical, be carried out in the strictest confidence
- confirmation of the protection provided for the Whistleblower by this policy & procedure and
- confirmation that the investigator will keep them informed of progress.

Following any investigation, the investigator will produce a formal report which will be provided to the Monitoring Officer. The Monitoring Officer will then decide what if any further action is to be taken in respect of the report's findings. At this stage the Monitoring Officer informs the disclosing employee of the status of their disclosure.

The Whistleblower will be kept informed of progress from time to time. If, after following the procedure outlined above, the Whistleblower reasonably believes that appropriate action has not been taken, the Whistleblower may report the matter to the relevant proper authority (if applicable) and inform the Monitoring Officer/Whistleblowing Helpline accordingly. The Acts set out a number of regulatory bodies to which qualified disclosure may be made. For example, these include:

- HM Revenue & Customs
- Financial Conduct Authority
- Health & Safety Executive
- The Information Commissioner
- Environment Agency
- Police

Guidance for investigating officers can be found in the document entitled 'Procedure for Investigators'.

### Confidentiality

All protected disclosures will be treated in a confidential and sensitive manner and all reasonable steps will be taken to protect the identity of the Whistleblower making the allegation. However, the Whistleblower may be asked to provide a statement as part of the investigation.

## Anonymous Allegations

Employees are encouraged to give their name when making a disclosure. Anonymous disclosures are not automatically disregarded but may be more difficult and may take longer to investigate.

Any concern raised anonymously will be considered at the Monitoring Officer's discretion, taking into account the following factors:

- the seriousness of the issue raised
- the credibility of the concern and
- the likelihood of confirming the allegation from attributable sources.

## Protection of Whistleblower

Amey undertakes that no one who makes a protected disclosure in the company's or public interest under this procedure will be subjected to any punishment as a result of having made a protected disclosure. If a Whistleblower feels that they are being subjected to any prejudice or harassment as a consequence of their disclosure, then they must immediately inform their people manager or, if that is not appropriate, a senior person, such as a director or the Monitoring Officer, and appropriate action will be taken to protect them. However, a Whistleblower should be aware that making a protected disclosure may not necessarily protect them from other actions that may be unrelated to the disclosure.

## Contractual Liability

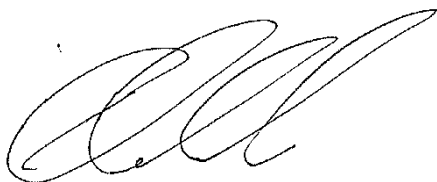
It is a term of all Amey contracts of employment that direct employees have a duty to their employer, to prevent them from disclosing their employers' confidential information. In addition, Amey has required certain categories of staff to sign a specific confidentiality clause in their contracts of employment. However, a disclosure made under this policy and procedure would not be considered a breach of the direct employee's employment contract unless it was found to have been made maliciously or unreasonably.

## Malicious Allegations

If a disclosure is subsequently deemed by the Monitoring Officer to be deliberately malicious, vexatious or knowingly false, disciplinary action may be taken against the person that made the disclosure.

## Retraction of Allegation

Once the disclosure has been made it may be retracted by the Whistleblower at any time but Amey reserves the right to proceed with any investigation, even if the Whistleblower does not wish to proceed further.



**Andrew Milner**

Chief Executive Officer

August 2023

## Revision status

REVISION	DATE	AMENDMENT	CONTENT OWNER	MANDATED BY
0.0	2/06/10	Final draft	M Cadger	M Bradshaw
1.0	31/08/10	New Policy	M Cadger	M Bradshaw
1.1	July 11	Reviewed & updated	M Cadger	M Bradshaw
1.2	5/07/12	Update to contact fax no	M Cadger	K Litton
1.3	23/07/13	Re-formatted & updated with legislation changes	M Cadger	K Litton
1.4	8/12/13	New doc ref	M Cadger	K Litton
1.5	11/11/2014	Signatory removed	T Fitchett	K Litton
1.6	April 2015	Reviewed & updated including dovetailing with new Code of Ethics.	P. Theobald	W. Robertson
1.7	30/6/2016	Reviewed and updated. Equality Impact Assessment completed.	P. Birch	W. Robertson
1.8	01/04/2017	Updated Whistleblowing details due to provider change as of 1 <sup>st</sup> April 2017	P Birch	W.Robertson
1.9	17.05.2017	Mandator changed to Jayne Bowie	Paul Birch	Jayne Bowie
2.0	30.06.2017	Annual review. Minor changes to content	Paul Birch	Jayne Bowie
2.1	12.07.2017	Updated Whistleblowing number in Appendix	Paul Birch	Jayne Bowie
2.2	02.11.2018	Annual review. No changes to content.	Paul Birch	Jayne Bowie
3.0	20.03.2020	Review and update. Minor changes to content	Paul Birch	Jayne Bowie
3.1	24.01.2023	Updated to reflect change of Chief Executive	Paul Birch	Jayne Bowie
3.2	01.08.2023	Updated to reflect the new company branding	Paul Birch	Jayne Bowie

## Appendices

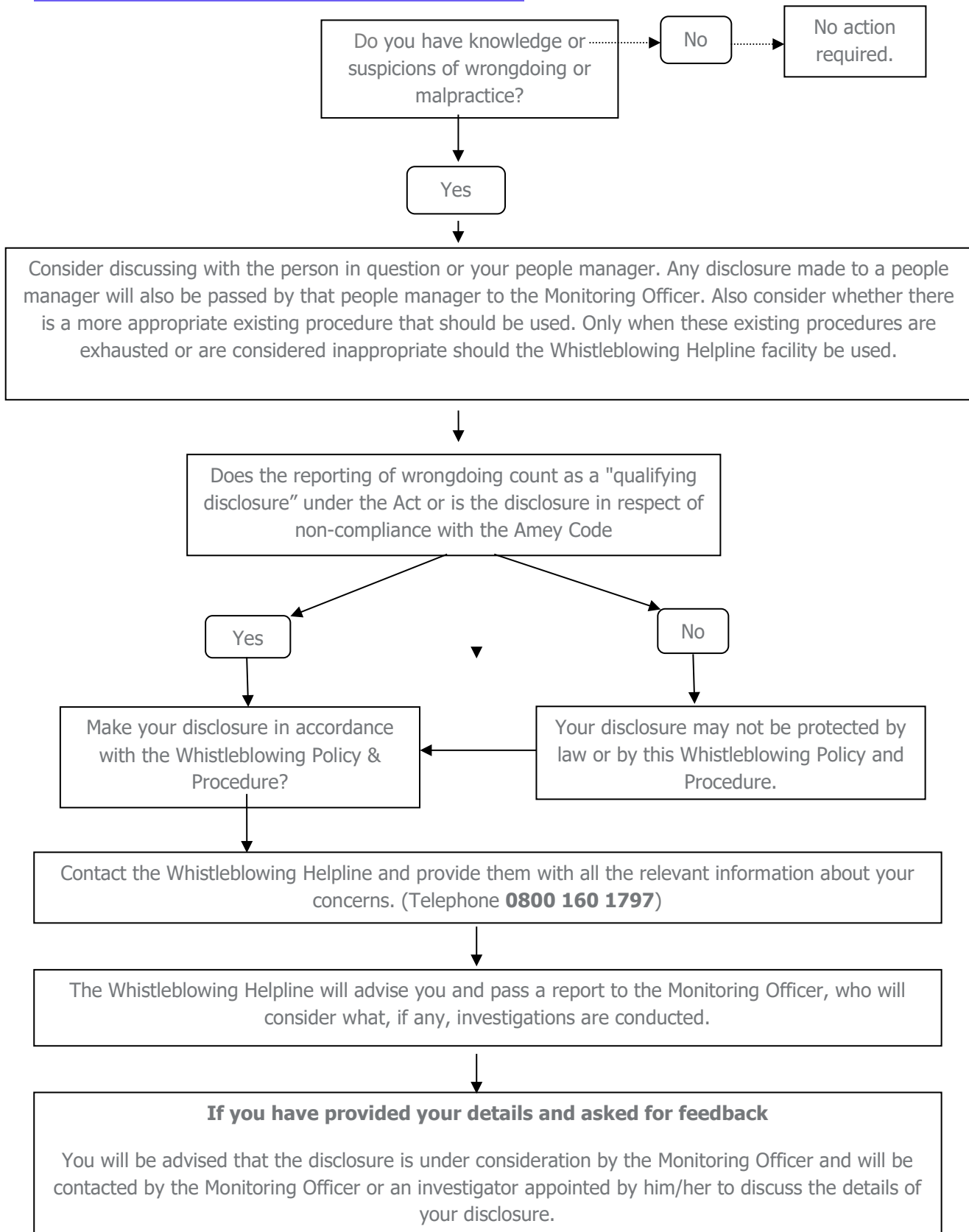
Appendix 1 – Protected Disclosures Process – Flow Chart

Appendix 2 – Whistleblowing Referral Form (For use by Whistleblowing Helpline)

Appendix 3 – Whistleblowing Referral Form (For use by people managers and other managers)

Appendix 1

Protected Disclosures Process - Flow Chart



## Appendix 2

### Whistleblowing Referral Form (For use by Whistleblowing Helpline)

#### **[STATEMENT TO BE READ OUT BEFORE COMMENCING TO TAKE DETAILS OF CALL**

**This service is provided in line with Amey’s Whistleblowing Policy & Procedure and Code of Ethics. These documents are available on the Amey intranet or from the Amey HR helpdesk. Legislation and the Amey Whistleblowing Policy & Procedure guarantee that a caller making a valid protected disclosure will not be victimised in anyway. In order to assist Amey to investigate the matters fully, please can you give as much information as possible about your complaint. A failure to give sufficient information may make it difficult for the company to fully investigate your complaint.]**

This form should be completed immediately when you receive a [Whistleblowing](#) call/disclosure. The form should be emailed to the Amey Monitoring Officer, Jayne Bowie, Group Legal Director ([Jayne.Bowie@amey.co.uk](mailto:Jayne.Bowie@amey.co.uk)) and her nominee Paul Birch, Corporate Services Director ([paul.birch@amey.co.uk](mailto:paul.birch@amey.co.uk)). In the absence of Jayne Bowie an e-mail should also be sent to Paolo Steffenini, Legal Director ([paolo.steffenini@amey.co.uk](mailto:paolo.steffenini@amey.co.uk)) by PRIVATE outlook.

Legislation gives protection from victimisation or other unfair treatment to workers who disclose to their employer instances of malpractice within the business. You must not disclose the details of the individual or the disclosure to anyone unless authorised by the Amey Monitoring Officer or his nominee.

If the Whistleblower chooses to remain anonymous, it is recognised that this contact will be the only opportunity available to secure information from them. For this reason, the recipient of the call should extract as much information as possible from the caller by seeking detailed facts relating to any allegation. It is important that the Whistleblower is asked each of the questions below but this framework should not inhibit the recipient of the call asking additional questions to optimise the information gained.

Date and time concern reported:	Name of caller (if given):
Method of contact (i.e. letter/telephone/meeting)	Contract and depot/office/location:
Contact telephone number/email address of caller:	Does the caller require feedback? - If yes, feedback will be provided by the Monitoring Officer or his/her nominee under the Amey Whistleblowing Policy & Procedure, [Statement to be made to caller: In certain



	<p>circumstances Amey may be prevented from sharing certain information concerning its investigation or the outcome]. Please provide your contact details:</p>
<p>Who is the caller's people manager?</p>	
<p>Has the caller discussed this matter with his/her people manager in accordance with the Amey Whistleblowing Policy &amp; Procedure?</p> <p>If not, why? – Please give reasons:</p>	
<p>Details of concern raised: (provide as much detail as possible).</p>	
<p>Has the discloser discussed this with anyone else?</p>	
<p>Details of person referring disclosure to the Monitoring officer.</p> <p>Name:</p> <p>Contact Number:</p>	
<p>Date and time of referral to Monitoring Officer:</p>	

## Appendix 3

### Whistleblowing Referral Form (For use by Amey people managers and other managers)

#### **STATEMENT TO BE READ OUT BEFORE COMMENCING TO TAKE DETAILS OF A DISCLOSURE**

**This record is made in line with Amey’s Whistleblowing Policy & Procedure and Code of Ethics. These documents are available on the Amey intranet or from the Amey HR helpdesk. Legislation and the Amey Whistleblowing Policy & Procedure guarantee that an employee making a valid protected disclosure will not be victimised in anyway. In order to assist Amey to investigate the matters fully, please can you give as much information as possible about your complaint. A failure to give sufficient information may make it difficult for the company to fully investigate your complaint.**

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Method of contact (i.e. letter/telephone/meeting)	Contract and depot/office/location:
Contact telephone number/email address of caller:	Does the caller require feedback? - If yes, feedback will be provided by the Monitoring Officer or his/her nominee under the Amey Whistleblowing Policy & Procedure, [Statement to be made to caller: In certain circumstances Amey may be prevented from sharing certain information concerning its investigation or the outcome]. Please provide your contact details:

Who is the discloser's people manager?	
Has the discloser discussed this matter with his/her people manager in accordance with the Amey Whistleblowing Policy & Procedure?	
If not, why? – Please give reasons:	
Details of concern raised: (provide as much detail as possible).	
Has the discloser discussed this with anyone else?	
Details of person referring disclosure to the Monitoring officer.	
Name:	
Contact Number:	
Date and time of referral to Monitoring Officer:	