

## **1 Introduction**

- 1.1 McKenzie Electrical Solutions Ltd (Trading as MES Power Engineering - “the Company”) is committed to encouraging a culture of openness within the Company to prevent incidents of malpractice.
- 1.2 The Company recognises that, from time to time, things may go wrong or the Company may be unknowingly harbouring malpractice. The Company has a duty to identify malpractice and take the appropriate measures to remedy the situation.
- 1.3 The Company encourages all employees to raise issues which concern them at work direct with their line manager in the first instance.

## **2 Statutory Obligations**

- 2.1 All employees have legal protection under the Public Interest Disclosure Act 1998 from any form of retribution, victimisation or detriment as a result of publicly disclosing certain serious allegations of malpractice.
- 2.2 Employees who disclose information of a specified category to a specified individual in specified circumstances, in accordance with the Public Interest Disclosure Act 1998 will be afforded protection. It will also enable them, if necessary, to make a complaint or assist in an investigation without fear of reprisal.
- 2.3 In addition, employees are afforded protection when making wider disclosures to the media, MPs or the police, for instance, providing the disclosures are reasonable, not made for public gain and are:
  - 2.4 Exceptionally serious
  - 2.5 Not raised internally or with a prescribed regulator due to fear that victimisation would ensue
  - 2.6 Not raised internally or with a prescribed person due to a belief that there would be a cover-up or no prescribed person existed
  - 2.7 Raised internally or with a prescribed person, but not dealt with properly.

## **3 Employer responsibility**

- 3.1 The Company views any issue of potential malpractice or misconduct extremely seriously and therefore all complaints raised under this policy shall be dealt with promptly and in strictest confidence.
- 3.2 The Company shall appoint a senior manager to meet with the employee who raised the complaint to compile a full report into the nature of the allegations and alleged misconduct or malpractice.
- 3.3 Once the report is completed in full, the Management Team shall appoint an appropriate person to undertake a full investigation into the allegations of malpractice or misconduct.
- 3.4 The Company will ensure that both management and employees comply with this policy. The Management Team will be responsible for coordinating the implementation of this policy and monitoring it thereafter.

## **4 Employee responsibility**

- 4.1 Employees should raise the matter with their line manager or another senior manager as appropriate where genuinely and in good faith they believe that one of the following sets of circumstances is occurring, has occurred or may occur within the Company,:
- 4.2 that a criminal offence has been committed, is being committed or is likely to be committed
- 4.3 that a person has failed, is failing or is likely to fail to comply with any legal obligation to which he or she is subject
- 4.4 that a miscarriage of justice has occurred, is occurring or is likely to occur
- 4.5 that the health and safety of any individual has been, is being or is likely to be endangered
- 4.6 that the environment has been, is being or is likely to be damaged
- 4.7 that 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.
- 4.8 Employees who raise an issue which may fall into the above category should be aware that further investigation will normally be necessary and that they may be required to attend a disciplinary or investigative hearing as a witness.
- 4.9 Employees wishing to make a complaint should do so orally or in writing, describing the incident(s) as fully as possible to their line manager, or a more senior manager if appropriate.
- 4.10 Employees are not required to prove the malpractice or misconduct and are entitled to raise matters on reasonable suspicion, however, employees will not be protected from the consequences of making such a disclosure if, by doing so, he/she commits a criminal offence. Employees will only be entitled to protection if the disclosure is carried out in accordance with the policy in good faith.

## **5 Reporting Complaints**

- 5.1 All allegations of malpractice or misconduct will be dealt with seriously, confidentially and speedily.
- 5.2 If you wish to make a complaint you should follow the following steps:
- 5.3 You should report the details to your direct supervisor or line manager. If you do not wish to speak to your line manager, you can instead speak to the Management Team.
- 5.4 You should report the incident promptly so that investigation may proceed and any action taken speedily.
- 5.5 All allegations will be taken seriously. The allegation will be promptly investigated and, as part of the investigatory process, you will be interviewed and asked to provide a written witness statement setting out the nature and details of the incident or complaint and the basis for it.
- 5.6 Confidentiality will be maintained during the investigatory process to the extent that this is practical and appropriate in the circumstances. However, in order to effectively investigate an allegation, the Company must be able to determine the scope of the investigation and the individuals who should be informed of or interviewed about the allegation. The Company reserves the right to arrange for another manager to conduct the investigation other than the manager with whom you raised the matter.
- 5.7 You will be invited to attend at least one meeting at a reasonable time and place at which your complaint can be discussed. You should take all reasonable steps to attend that meeting and you have the right to be accompanied by either a trade union official or a fellow employee of your choice or other individual who does not act in a legal capacity for you.

5.8 If the investigation proves that malpractice or wrongdoing has occurred, the Company's Disciplinary Procedure will be invoked and disciplinary action, up to and including dismissal, may be taken against the individual responsible for the offence.

5.9 You will not be penalised for raising a complaint of discrimination even if it is not upheld, unless the complaint was both untrue and made in bad faith.

## **6 External Disclosure**

6.1 If an employee is not satisfied with the outcome of the investigation, the employee is legally entitled to make a disclosure to a prescribed person or, where justified, other bodies.

6.2 It is nevertheless recommended that, in the first instance, the employee report his/her dissatisfaction to the Management Team.

## **7 Penalties**

7.1 Any employee who raises a concern, which the investigation proves to be deliberately vexatious or malicious, will become the subject of disciplinary proceedings, up to and including dismissal.

7.2 Where the investigation proves the concern to be unfounded, but the employee raised the concern in good faith and without malice, Management Team will ensure that the employee is not subjected to victimisation or any other reprisals.

## **8 Monitoring, reviewing & record-keeping**

8.1 The Company will seek to establish effective monitoring, reviewing and record-keeping systems to ensure effective implementation and development of this policy.



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