

# THE TRG GROUP

## WHISTLE BLOWING POLICY

At The TRG Group we endeavour to be professional with each other, our candidates, clients and suppliers and set high standards of integrity and commitment to upholding our values.

To do this effectively we have instituted a whistle-blowing policy as part of our programme of ethics.

### INTRODUCTION

The Public Interest Disclosure Act 1998 came into force on 2 July 1999. This Act recognised that workers have the right to “blow the whistle” and disclose certain information, e.g. the fraudulent activities of management, malpractice and/or concerns about health and safety.

The Act introduced specific rights for those who disclose information to a third party about an alleged wrong-doing in defined circumstances. There is no general right for all so-called whistle-blowers to receive special protection. To qualify, the following issues must be met:

- the Disclosure in question must relate to one of the specified categories contained within the Act; and
- the Disclosure must be made in one of the ways specified.

### Subject Matter of the Disclosure

There are limits on the subject matter that will qualify for protection. A qualifying Disclosure means any Disclosure of information, which, in the reasonable belief of the worker making the Disclosure, tends to show one or more of the following:

- that a criminal offence has been committed, is being committed or is likely to be committed; or
- 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; or
- that a miscarriage of justice has occurred, is occurring or is likely to occur; or
- that the health or safety of an individual has been, or is being or is likely to be endangered; or

- that the environment has been, is being or is likely to be damaged, or
- that information tending to show any massive failing within any one of the proceeding paragraphs has been, is being or is likely to be deliberately concealed.

However, there are two important exceptions where the Disclosure will not qualify for protection and they are:

- if the person making the Disclosure commits an offence by making it, or
- it is a matter in which a legal, professional privilege would apply, namely, correspondence between the employer and their lawyers regarding a specific case.

### **Procedures for Disclosures**

In order to qualify for the whistle-blowing protection, the worker must use one of the six specified ways to make the Disclosure. The aim of the legislation is to encourage workers to disclose the information through appropriate internal channels first rather than going directly to an outside person such as a member of the media.

The six permitted ways of Disclosure are as follows:

#### **Disclosure to an Employer or Other Responsible Person**

This method of Disclosure will ensure that workers are protected in respect to Disclosures made in good faith. Where the worker believes that the relevant failure relates solely or mainly to the conduct of a person other than the employer or to a matter for which that other person has responsibility, the Disclosure should be made to that other person.

With regard to temporary workers, it may well be appropriate for the temporary worker to raise the concern with the client at which they are working or have worked in the first instance, rather than TRG.

#### **Disclosure to a Legal Adviser**

This protects workers who disclose information in the course of obtaining legal advice.

#### **Disclosure to a Minister of the Crown**

This will only apply where the worker's employer is an individual appointed under any enactment by a Minister of the Crown or a body whose members are so appointed. Examples include the Utility Regulatory Bodies and NHS trusts, i.e. could apply to nurses, care staff and workers supplied to local authorities.

### **Disclosure to a Prescribed Person**

Workers will qualify for protection when they make a Disclosure in good faith to a person prescribed by an order made by the Secretary of State.

### **Disclosure in Other Cases**

Disclosure in other cases apply where the worker makes the Disclosure in good faith, reasonably believes that the information disclosed and any allegations contained within it are substantively true, does not make the Disclosure for the purposes of personal gain and meets one of the specified conditions set out below, namely:

- that at the time he or she makes a Disclosure, the worker reasonably believes that he or she will be subject to detriment by his or her employer if that worker makes a Disclosure to his or her employer or to a prescribed person;
- that in the case where no person is prescribed in relation to the relevant circumstances, the worker reasonably believes that it is likely that the evidence relating to the relevant failure would be concealed or destroyed if he or she made the Disclosure to the employer; or
- that the worker has previously made a Disclosure of substantially the same information to the employer or a prescribed person. Further details are contained within the Act.

### **Disclosure of Exceptionally Serious Breaches**

The final type of protected Disclosure is one which covers situations where the subject matter is serious enough to merit by-passing one of the other procedures. The relevant criteria set out above must be met together with the matter which must be exceptionally serious. It does not mean that people will be protected where they act unreasonably, for example, by going straight to the press where there would clearly have been other less damaging ways to resolve the matter.

This would be particularly true where there was a whistle-blowing policy which encourages the worker to raise the matter with the employer or another responsible body first.

### **How to make a report:**

By reporting, via surface mail, to the following address:

The TRG Group,  
Westerfield Business Centre  
Westerfield  
Ipswich IP6 9AB.

or by telephone to 01473 288018.

Whether reporting by telephone or by post all reports are handled confidentially, to the extent permitted by law and consistent with TRG's requirement to investigate and address the reported conduct.

### **What will happen next?**

Your report will initially be reviewed by both TRG's appointed representative and a senior member of The TRG Group who will determine the appropriate initial action.

However, if your report relates to a member of the senior TRG management team then the appointed representative will receive and review the report.

The appointed representative is:

Birketts LLP,  
24-26 Museum Street,  
Ipswich,  
Suffolk IP1 1HZ

Tel: 01473 232300.

### **Confidentiality**

While every report is treated with the utmost confidence it is important you should be aware that in order to conduct an appropriate investigation into matters raised by you, it may be necessary for us to advise others of the substance of your report. As such, your identity may become apparent and you should consider this before submitting your report.

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