

Policy Title:	Whistleblowing Policy
Document Owner:	Director of Internal Audit & Risk Management
Owning Division:	Group Services
Owning Department:	Internal Audit & Risk Management
Classification	KCOM Internal use only
Divisions and Departments affected by this Policy	<ul style="list-style-type: none"> All KCOM Group businesses
Date Policy Takes Effect:	22 March 2010
Policy Approved By	Audit Committee
Details of Last Change:	<ul style="list-style-type: none"> Policy owner changed. Policy wording updated to include additional clarity and new ability to flag concerns via the Intranet. List of designated officers revised.

Definitions of Terms Used:	
“Group”	means KCOM Group PLC, its holding companies, its subsidiaries and any subsidiaries of its holding companies from time to time
“Disclosure”	means the disclosure of information by an Individual which relates to some danger, fraud or other illegal or unethical conduct in the workplace
“Employee”	means any employee of the Group and includes employees at all levels and grades, contractors, trainees, agency staff or volunteers.

Contents:	
1	POLICY STATEMENT 2
2	SCOPE OF POLICY 2
3	REASON FOR POLICY 2
4	LEGISLATIVE FRAMEWORK..... 3
5	RESPONSIBILITIES 3
6	HOW TO RAISE A CONCERN 3
7	CONFIDENTIALITY & ANONYMITY 4
8	HOW KCOM WILL RESPOND 4
9	TAKING THINGS FURTHER 5

10	SANCTIONS.....	5
11	RELATED POLICIES.....	6
12	CONTACTS.....	6
13	REVIEW ARRANGEMENTS.....	6
14	APPENDIX ONE – DESIGNATED OFFICERS	7

1 POLICY STATEMENT

From time-to-time Employees may become aware of dangerous, illegal or improper activities through their work. The aim of this Policy is to set out a procedure through which Employees can report their concerns without fear of reprisal.

UK Law specifically protects Employees who “blow the whistle” on dangerous, illegal or improper activities and this Policy incorporates this legislation.

KCOM Group policy is to maintain an open and honest working environment in which Employees are encouraged to voice concerns in good faith without fear of dismissal or any other sanctions. Those concerns will be investigated, in accordance with this Policy, in a timely and sensitive manner.

2 SCOPE OF POLICY

Concerns which fall under the definition of “whistleblowing” may relate to:

- Criminal activity – such as drug taking, theft or fraud;
- Failure to comply with a legal obligation – such as failure to pay the minimum wage;
- A miscarriage of justice – such as an employee falsely alleging wrongdoing by another employee;
- Deliberate breach of a KCOM Group Policy;
- Danger to the health and safety of any person;
- Damage to the environment;
- Unethical or improper conduct; or
- Attempts to conceal any of the above.

The Whistleblowing Policy should be used when an Employee becomes aware of an irregularity that affects others, such as customers, members of the public, the business or another third party.

There are existing procedures in place to enable Employees to lodge a grievance relating to their own employment. For further information please see the Grievance Policy and Harassment Policy.

3 REASON FOR POLICY

This Policy is intended to assist Employees who believe that they have discovered malpractice or dishonesty in the Group’s activities including those specific concerns listed above.

The aim of the Policy is to:

- Reassure Employees that there is a safe alternative to silence;
- Promote the Whistleblower as a witness not a complainant;
- Encourage managers to be open to concerns;
- Help KCOM Group PLC to deliver sound management;
- Promote effective compliance and self-regulation; and
- To support the Group’s anti-fraud risk management strategies.

4 LEGISLATIVE FRAMEWORK

The Employment Rights Act 1996, as amended by the Public Interest Disclosure Act 1998, governs the making of a Disclosure concerning workplace activities. It is intended to protect Employees who blow the whistle on bad practice from being subjected to dismissal or any detriment as a result.

This protection is dependent on the whistleblower abiding by the following rules:

- The whistleblower must disclose information in good faith;
- The whistleblower must believe it to be substantially true;
- The whistleblower must not act maliciously or make false allegations; and
- The whistleblower must not seek any personal gain.

5 RESPONSIBILITIES

All Employees across the KCOM Group PLC are responsible for abiding by this Policy.

- The **Board** are ultimately responsible for ensuring that a policy is in place to enable genuine concerns to be raised by Employees and thoroughly investigated without reprisals or sanctions.
- The **Designated Officers** are responsible for over-seeing the whistleblowing process and for appointing a competent and independent Investigating Officer. Further details on the responsibilities of the Designated Officers are contained in Section 8 of this Policy.
- The **Investigating Officer** is responsible for performing the investigation in accordance with this Policy and reporting back on the findings. Further details on the responsibilities of the Investigating Officer are contained in Section 8 of this Policy.
- The **Director of Internal Audit & Risk Management** is responsible for maintaining a record of concerns raised and the actions taken. This information will be reported to the Executive Management Board to ensure that all concerns are satisfactorily addressed and are treated consistently. Records will be maintained in a form which does not endanger the confidentiality of the whistleblower.
- **Line Managers** are responsible for being aware of the Policy and its content, for recognising when concerns are being raised by Employees which should be addressed by the Policy and for escalating all such concerns in accordance with the Policy. Line Managers are also responsible for ensuring that they treat all concerns confidentially.
- All **Employees** are responsible for raising genuine concerns of wrongdoing.

6 HOW TO RAISE A CONCERN

6.1 Who to Contact

Concerns can be raised with:

- Your Line Manager;
- One of the Designated Officers noted in Appendix One; or
- A member of the Board.

Alternatively you can raise a concern through the Intranet on <http://intranet/index.asp?page=10755>. This facility sends the concern straight to the Director of Internal Audit & Risk Management, who is one of the Designated Officers.

If your concern relates to one of the people listed above then please refer your concern to another individual on the list. Your concern will be treated confidentially regardless of who it relates to.

If you wish to speak to someone external to the Group prior to making your Disclosure, please contact Public Concern at Work which is an independent charity providing free confidential advice on

whistleblowing. Public Concern at Work can be contacted by ringing 0207 404 6609. Further information can be found at <http://www.pcaaw.co.uk/>.

This Policy also does not preclude you from contacting external authorities such as the Health & Safety Executive, the Commission for Racial Equality, Ofcom or other similar public bodies. You may also seek advice from your Trade Union.

6.2 How a Concern Should be Raised

Concerns are better raised in writing. You are invited to set out the background and history of the concern, giving names, dates and places where possible and the reason why you are particularly concerned about the situation.

If you do not feel able to put your concern in writing, you can telephone any of the individuals noted above instead.

6.3 How Much Evidence is Needed

If you raise a concern you will not be expected to produce unquestionable evidence to support the case – this is the responsibility of the Group once it has been alerted to the potential problem. All that is required is that you have a genuine concern and raise it in good faith. It does not matter whether the concern proves to be unfounded or real as long as you raise it in good faith.

7 CONFIDENTIALITY & ANONYMITY

7.1 Confidentiality

The Group recognises that you may not wish to be identified during the course of an investigation. In such cases, the Group will do everything reasonably and lawfully possible to protect your identity.

If it proves impossible to resolve the matter without revealing your identity, then the Investigating Officer will discuss with you whether and, if appropriate, how an investigation is to proceed. In certain circumstances it may subsequently not be possible to maintain complete confidentiality (for example, if legal proceedings take place) but the Group will do everything reasonably possible to support and protect you.

7.2 Anonymity

Employees may wish to raise concerns anonymously. It should be noted that concerns raised anonymously may be more difficult to investigate as there may not be enough information provided to perform an investigation. You are therefore encouraged to include your name and contact details when you raise your concern.

If you do not wish to provide your name then please provide as much information as possible regarding your concern and every effort will be made to investigate the concern thoroughly.

8 HOW KCOM WILL RESPOND

In each case the person to whom you refer your concern will refer it on to one of the Designated Officers if he or she believes that it will be adequately and independently dealt with without any conflict of interest arising.

The **Designated Officers** are responsible for:

- Ensuring that all matters reported to them are treated confidentially;
- Notifying an independent Executive Director in case of subsequent complaint regarding the process followed;
- Receiving and recording the concerns reported by you;
- Sending a written acknowledgment to your home address of the information you have disclosed;

- Asking you whether you wish for your identity to be disclosed and reassure you about protection from possible reprisals or victimisation;
- Notifying the concerns to Internal Audit and confirming the appointment of an appropriate Investigating Officer to perform the investigation. The Investigating Officer will normally be a member of Internal Audit and may be the same person as the Designated Officer;
- Ensuring that your concerns are properly investigated; and
- Offering to keep you informed about the progress and outcome of the investigation, where possible.

If the concerns relate to criminal activity then the Designated Officer is also responsible for reporting the matter to the Police at the appropriate time and the Group will assist wherever possible with any Police investigation.

The **Investigating Officer** is responsible for:

- Ensuring that they handle all information confidentially;
- Where appropriate, arranging an initial interview with you to discuss your concerns further. This interview will be summarised in writing and you will be given the opportunity to review and approve the summary;
- Where appropriate, notifying the subject of the allegations that a Disclosure has been made and notifying them of their right to be represented at any interview. The subject of the allegations will only be notified if this is not detrimental to the investigation and the notification is allowed by law¹;
- Taking whatever action is necessary to investigate the concerns in a professional, independent and unbiased manner; and
- Making a judgement regarding the allegations and producing a written report which will then be passed to the Designated Officer and to the relevant senior management for action to be taken where necessary.

Due to the varied nature of investigations it is not possible to set out timescales but all investigations will be carried out as quickly as possible.

9 TAKING THINGS FURTHER

If, following completion of any investigation, you are not satisfied with the outcome; you can refer the matter to a member of the Board.

Alternatively you can seek advice from Public Concern at Work, the independent charity providing free confidential advice on whistleblowing. Public Concern at Work can be contacted by ringing 0207 404 6609. Further information can be found at <http://www.pcaw.co.uk/>.

10 SANCTIONS

The Group recognises that the decision to report a concern can be a difficult one, not least because of the fear of reprisal from those responsible for the malpractice. The Group will not tolerate harassment or victimisation of any kind and will take action in line with the disciplinary and / or harassment procedure to protect you when you raise a concern in good faith.

If an Employee is already the subject of disciplinary or redundancy procedures then those procedures will not usually be put on hold as a result of that Employee blowing the whistle.

Formal disciplinary action may be taken against any person who breaches the Whistleblowing Policy by failing to maintain confidentiality.

UK law does not provide any protection if an Employee commits a criminal offence by disclosing information.

¹ Under Section 333 of the Proceeds of Crime Act 2002, a person commits a criminal offence if they tip a person off that a complaint has been made against them that involves money laundering.

Formal disciplinary action will be taken against anyone who misuses this Policy and maliciously makes false allegations which he or she knows not to be true.

11 RELATED POLICIES

- Grievance Policy
- Harassment Policy

If there is any overlap between the Whistleblowing Policy and another policy or procedure, the Designated Officer will have the discretion to determine which procedure will apply. Any queries should be directed to the Designated Officer or Gemma Reucroft, Employee Relations & Policy Manager.

12 CONTACTS

Any queries on the content of this policy should be addressed to the Director of Internal Audit & Risk Management, kathy.smith@kcom.com, or in her absence to any of the other Designated Officers.

13 REVIEW ARRANGEMENTS

This policy will be reviewed annually. All proposed revisions to this Policy must be reviewed and approved by the Audit Committee.

14 APPENDIX ONE – DESIGNATED OFFICERS

The following people have been nominated by the Group as Designated Officers for the purposes of this Policy.

Name	Location	Telephone	Mobile	Email
Kathy Smith	Melbourne House, Wakefield	01924 882501	07725 794715	kathy.smith@kcom.com
Matthew Pearson	Carr Lane, Hull	01482 602296	07775 823804	matthew.pearson@kcom.com
Gemma Reucroft	Melbourne House, Wakefield	01924 882913	07725 794489	gemma.reucroft@kcom.com
Phil Slingsby	Salvesen Way, Hull	01482 603172	07764 241376	phil.slingsby@kcom.com
Chris Whitaker	Melbourne House, Wakefield	01924 882786	07879 487460	chris.whitaker@kcom.com
Teresa Hitchcock²	DLA Piper, Sheffield	0114 283 3302	07971 142254	teresa.hitchcock@dlapiper.com

² Teresa Hitchcock is a solicitor and is independent from the KCOM Group. She is an external Designated Officer and concerns can be reported to her if an Employee does not feel comfortable reporting a matter to an internal Designated Officer.