

Confidential Reporting (Whistle Blowing) Policy

Introduction

This policy applies to all in the employment of Isle of Man Post Office (the "Post Office") whether full-time, part-time, temporary, casual or agency workers. Reference to 'Employee' within this document encompasses all of the above, and must be someone who has a contract of employment.

1. Policy

The Isle of Man Post Office is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, employees with serious concerns about any aspect of the Post Office's work are encouraged to voice them through appropriate channels. In so doing, it is recognised that, in certain cases, they may have to proceed on a confidential basis.

Employees are often the first to realise that there may be something seriously wrong within their organisation. However, they may not wish to speak up about concerns because they may feel disloyal towards colleagues and employers if they did so. Employees may also feel concerned that they may be subject to victimisation or harassment if they speak out, or may feel it is easier to ignore their concerns if they only have inkling or suspicion something may be wrong.

It is the intention of this policy to make it clear that employees can speak out without fear of victimisation, discrimination or disadvantage. This confidential reporting policy is intended to encourage and enable employees to exhaust all available avenues within the Post Office to raise serious concerns and seek resolution without fear or reprisal and to discourage employees from ignoring problems.

It is vitally important that employees raise issues of concern so that they can be fully investigated. Isle of Man Post Office expects employees to use this procedure, and to feel confident that, if they are genuinely concerned about the matter they raise, their concerns will be handled with sensitivity and professionalism.

This policy is intended to cover any major concerns the employee may have that fall outside the scope of existing internal procedures, such as personal grievances including harassment, violence, aggression or discrimination, for example.

An example of issues which should be raised under this policy, and the list is by no means exhaustive, are where there is a suspicion or direct evidence that the following have been, are being or are likely to be committed by a fellow employee(s)

- a criminal offence
- fraud, bribery or corruption
- a breach of the Isle of Man Post Office Code of Conduct
- undue favour shown, either on a contractual matter, or to a job applicant
- bad working practice

- disregard for legislation, particularly in relation to health and safety in the workplace
- damage of the environment
- serious breach of Isle of Man Post Office Financial Regulations
- concealment of any of the above

For any issues not listed here, it will be for the employee to use their judgement as to whether to take action under this policy. If in any doubt, employees are advised to follow the terms of this policy and make a disclosure, should their report relate to issues outside its scope, then they will be advised accordingly.

As a general guide, employees should report their concerns if they consider it would be in the public interest for intervention to stop the malpractice and, if appropriate, for sanctions to be applied.

Although employees are not expected to prove the truth of an allegation, they will need to demonstrate to the person contacted, that there are sufficient grounds for their concern.

An employee may discuss their concern with a work colleague, who may also have knowledge of the matters they wish to raise, and both may consider raising a joint disclosure.

The earlier an employee expresses their concerns, the easier it will be to take action and to minimise any negative impact on the Isle of Man Post Office.

Consultation

This policy has been subject to consultation with appropriate trade unions and has their full support.

2. Assurance

Isle of Man Post Office recognises that the decision to report a concern is not an easy one to make, not least because of the fear of reprisal from those reported for the malpractice. The Post Office will not tolerate harassment or victimisation from employees and will take appropriate action, including the application of disciplinary procedures, to protect an employee who raises a concern in good faith. If concerns cannot be confirmed by an investigation, no action will be taken against an employee except where they raise a matter they know to be false.

In the event of a person maliciously making a false allegation this will be a disciplinary offence. It will be the responsibility of the organisation to ensure that appropriate action is taken against any person who places an employee or their family under any duress arising from any disclosure made in good faith.

If an employee makes a disclosure in confidence, under this policy, and asks for their identity to be protected, efforts will be made to do so. Employees must appreciate though, that due to the nature of the investigation process it may be vital to proceedings that they would be required to make a statement to be included in evidence. If the matter does progress to this stage, and the evidence is required in a disciplinary hearing or a police investigation, then the employee will be advised accordingly.

In accordance with the Employment Act 2006, an employee cannot be dismissed or selected for redundancy as a result of making a disclosure. In addition, an employer cannot withhold a pay rise, object to a promotion or not provide relevant training and support. This does not mean that if an employee is already the subject of disciplinary or redundancy procedures, that those procedures will be halted as a result of confidential reporting.

Furthermore, an employee has protection under the law, namely the Employment Act 2006, and in certain circumstances an employee can further a complaint with an Employment Tribunal if an employee is treated unfairly at work as a result of a serious disclosure made in good faith.

3. How to Raise Concerns

Anyone making a disclosure should in the first instance make a report to the Designated Officer (a list of designated officers can be found in section 10 of this policy). Disclosures should be made promptly so that investigation may proceed and any action taken expeditiously. All qualifying disclosures will be treated seriously and will be promptly investigated. If an employee wishes to make an anonymous disclosure, it will be much more difficult to investigate the matter. Employees are encouraged to disclose their name whenever possible. Concerns expressed anonymously, are much less persuasive, but will be considered at the discretion of Isle of Man Post Office. In exercising this discretion, the factors to be taken into account would include –

- the seriousness of the issues raised
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources

Concerns are best raised in writing, though they can also be expressed verbally through a telephone call. As much information as possible should be given, which should include –

- the background to the concern;
- names of individuals involved;
- details of dates and places where the malpractice occurred
- the reasons why the employee is making the disclosure, i.e. ground for suspicions

4. How the Isle of Man Post Office Will Respond to a Disclosure

Where concerns are raised, whether in writing or otherwise, an initial confidential interview will be arranged to discuss the matter. At this stage an employee will be asked if they wish their identity to be disclosed during the investigation. Employees will be reassured about protection from possible reprisals or victimisation. The employee will also be asked whether or not they wish to make a formal statement. In either case, a brief summary of the interview will be recorded, which will be agreed by both the employee and the interviewing officer and a copy given to the employee for their records.

All proceedings will be of a confidential nature. In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required, this will be taken before any substantive investigation is conducted. The overriding principle, which Isle of Man Post Office will have in mind, is the public interest.

If, in exceptional circumstances, the concern involves the Chief Executive, then this report will be made to the Minister or Chairman responsible, who will decide how the investigation will proceed. This may include an external investigation.

Where appropriate, the matters raised may –

- be investigated by management, or through the disciplinary process

- be referred for specialist advice
- be referred to the police
- be referred to the Public Auditor
- form the subject of an independent inquiry

Except in the case of anonymous disclosures, the Designated Officer will write to the employee within ten working days of a concern being raised to: -

- acknowledge that the disclosure has been received
- indicate how the matter will be dealt with
- give an estimate of how long it will take to give a final response
- advise whether any initial enquiries have been made
- advise whether further investigations will take place and if not, why not

The amount of contact between the Designated Officer that the disclosure has been reported to and the employee will depend on the nature of the matter raised, the potential difficulties involved and how clear the information provided is. If necessary, the Designated Officer will ask for further information from the employee.

When any meeting is arranged, the employee has the right, if they so wish, to be accompanied by a trade union/professional association representative or a friend. The meeting can take place at employee's place of work, at their home, or elsewhere if requested. The Designated Officer may require a note taker at the meeting and may be accompanied accordingly.

The Designated Officer will take steps to help an employee, as much as possible, to minimise any difficulties which they may experience as a result of raising a concern. For example, if an employee is required to give evidence in criminal or disciplinary proceedings, they will arrange for employees to receive advice about such procedures.

The Designated Officer will produce a written report that –

- outlines the complaint
- details the investigation process
- gives the outcome of the investigation
- details recommendations where appropriate

Whilst an employee may not be given a copy of the full investigation report, the Isle of Man Post Office does respect an employees input and will ensure that they are kept as fully informed as possible, so that they can be satisfied that the matter is being properly addressed. Therefore, subject to any legal or other constraints, the employee that made the disclosure will be informed about the investigation and its outcome.

When conclusions have been finalised, any necessary action will be taken. This could include either reporting the matter to an appropriate external government department or regulatory agency and/or taking internal disciplinary action against relevant members of staff. If no action is to be taken, the reasons for this will be explained to the employee.

Isle of Man Post Office reserves the right to arrange for another Designated Officer to conduct the investigation other than the Designated Officer with whom the employee raised the matter.

5. Appeal

If an employee wishes to appeal against the decision, they must do so in writing within five working days of the Designated Officer's decision. On receipt of an appeal, a more senior manager (who may not be the person to whom an employee addressed their appeal) shall make arrangements to hear the appeal at an appeal meeting. At that meeting the employee may again, if they wish, be accompanied by either a trade union official or a fellow employee of their choice. The employee should take all reasonable steps to attend the appeal meeting. Following the meeting, the employee will be informed in writing of the final decision of the appeal.

If, on conclusion of the above stages, an employee reasonably believes that appropriate action has still not been taken, they may then report the matter to the proper authority in good faith. The Employment Act (2006) sets out a number of prescribed bodies or persons to which qualifying disclosures may be made. However, the Post Office always encourages all employees to raise their concerns directly in the first instance, rather than externally. This enables issues to be dealt with promptly and speedily.

6. Responsible Persons

Each head of department has overall responsibility for the maintenance and operation of this policy within their respective departments, and will maintain a record of concerns raised and their outcome (but in a form which does not breach the confidentiality agreement covered by this policy).

7. Review

This policy will be subject to periodic review in consultation with the appropriate trade unions. A summary of concerns raised under this policy will be prepared and shared with the trade unions for the purpose of that review.

8. Statutory Rights

This policy does not affect employee's statutory rights.

Attention is drawn to the provisions of Part IV of the Employment Act 2006 which will afford statutory protection to a worker who makes a protected disclosure. This protection took effect from 30th September 2007.

For any disclosure to qualify for statutory protection it must be made to those persons or bodies prescribed either in the Act or included on the list in the Public Interest Disclosure (Prescribed Persons) Order 2014, S1261 as amended by Regulation 1 of S1.2007/3494, http://www.legislation.gov.uk/uksi/2014/2418/pdfs/uksi_20142418_en.pdf as appropriate. Your attention is also drawn to the DTI guidance booklet on the statutory right entitled "A Brief Guide to Whistleblowing" which can be found on their website, <http://www.gov.im/media/623801/whistleblowingaguide.pdf> or obtained from the DTI offices at Hamilton House, Peel Road, Douglas.

All procedures arising from this policy will be subject to the provisions of the Data Protection Act 2002.

9. Statutory Obligations

Legislation does not offer employees general protection in all circumstances. For example employees will not be protected if they commit an offence by making the disclosure in breach of any obligations they may have under the Official Secrets Act 1911 (an Act of Parliament which has effect on the Isle of Man).

10. Designated Officers

Board member
Chief Executive
Human Resources Manager
Risk Manager

For information regarding this policy, please contact the Human Resources department who can be contacted as follows:

Human Resources Manager

Phone 698447

Email hr@iompost.com

or if you prefer to write to either person the address is Post Office Headquarters, Spring Valley Industrial Estate, Douglas, Isle of Man, IM2 1AA