

Whistleblowing Policy



Summary

This policy is designed to allow colleagues to raise concerns or provide information that they believe shows malpractice. It is intended that such disclosures are in the public interest and this policy is not intended to deal with individual grievances or harassment claims which are covered under the Grievance Policy and Harassment and Bullying in the Workplace Policy.

Policy statement

The Public Interest Disclosure Act 1998 (PIDA) protects 'workers', which includes colleagues, self-employed contractors, agency workers and students on work experience placements. There is no service qualification needed to acquire the rights conferred by PIDA. Although the word 'colleague' is used throughout this policy for simplicity it should be noted that it incorporates the broader definition of 'worker' as mentioned above.

ABP is committed to ensuring that the highest ethical standards are adopted in all of its business practices, including those issues, which are specifically covered by PIDA. The ABP General Code of Conduct provides guidance on some of the ethical standards and behaviours that ABP expects of its colleagues.

All colleagues are issued with the ABP General Code of Conduct as part of their terms and conditions of employment. Additionally, all colleagues have been given the ABP Fraud Policy and the ABP Anti-Corruption and Anti-Bribery Policy.

This policy is not contractual and ABP may amend it from time to time to ensure it remains relevant and effective and to comply with relevant legislation. Marine legislation permits anonymous reporting of unsafe practices to the MCA (Maritime Coastguard Agency) or reports may be made to the 'Confidential Hazardous Incidents Reporting Programme (CHIRP). This policy will apply in tandem with these regulations.

Colleagues are encouraged to raise internally their concerns about any issue covered specifically by PIDA.



Whistleblowing Policy (cont'd)

The protection given to individuals under the terms of PIDA only applies where:

- The matter is one of the specific issues covered by the scope of PIDA
- The individual uses the correct channels to raise his/her concerns.

It is therefore important that the issues covered within PIDA are clearly understood and that the way in which issues should be raised is well defined.

The issues covered by PIDA are:

- That a criminal offence has been committed is being committed or is likely to be committed
- That a person has failed is failing or is likely to fail to comply with any legal obligation to which they are subject
- That a miscarriage of justice has occurred is occurring or is likely to occur
- That the health and safety of an individual has been is being or is likely to be endangered
- That the environment has been is being or is likely to be damaged
- That information tending to show any matter falling within any one of preceding bullet-points has been is being or is likely to be deliberately concealed.

Examples of categories of activity covered by PIDA include the following:

- Suspected fraud or corruption involving third parties (e.g. customers, suppliers or contractors)
- Breaches of health and safety or environmental legislation
- Breaches of procedure in relation to the letting of contracts
- Breaches of competition law.

While colleagues do have the right under PIDA to contact specified external organisations to report their concerns in any of the areas listed above, it would normally be helpful both to the individual and to ABP for the colleague to report their concern through an effective internal ABP procedure or use the externally-run confidential telephone whistleblowing service. ABP has therefore established the procedure described below. Details of the specified external organisations are available from Group Human Resources.

ABP has a number of current policies and procedures that relate to standards of behaviour at work, covering discipline, grievances etc. Colleagues should use these procedures, as appropriate, to deal with personal matters regarding their employment, because they are outside the scope of PIDA.



Whistleblowing Policy (cont'd)

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Any ABP colleague, who has a concern about activity which may be covered by PIDA, should first raise their concern with their Line Manager. In view of the sensitivity regarding matters related to competition law such matters must be reported by telephone only directly to the General Counsel.

If it is not possible for the colleague to report their concerns to their Line Manager (e.g. due to the sensitivity of the issue or because the colleague believes their Line Manager may be involved), or if the matter is raised but the colleague is not satisfied with the outcome, they should raise the matter directly with the relevant Senior Manager at their work location (e.g. Regional Director, Port Manager, Head of Department or equivalent).

For serious matters, or where the colleague does not feel it is possible to report the matter locally, one of the designated senior managers should be approached as detailed in Appendix A

Concerns should, where possible, be expressed in writing (with the exception of possible breaches of competition law). The colleague should give as much information as possible, including the background and history of the issue, the names of those involved, the dates and locations of any incidents and the reason for raising the concern.

If the colleague does not want to report the issue direct to ABP they may use the external confidential telephone reporting service (currently Navex Global) as detailed below and in Appendix A. This service is available 24 hours a day, seven days a week.

Colleagues are not required to prove the truth of any statement that they make and/or concerns that they raise, but they will be expected to demonstrate to the person contacted that they have reasonable grounds for their concerns and that the concerns are raised in the public interest.

This policy should not be used for complaints relating to a colleague's own personal circumstances, such as how they have been treated at work. In those cases, the Grievance procedure (or Bullying & Harassment Policy as appropriate) should be used.

If there is uncertainty about whether something is within the scope of this policy, please seek advice from the appropriate contact – details are shown in Appendix A to this policy.



Whistleblowing Policy (cont'd)

Confidential telephone whistleblowing service – 0808 196 5792

ABP provides this service to give colleagues an additional means of reporting possible wrongdoing.

A colleague can give their name to the provider (currently Navex Global) and the provider will not disclose it to ABP. Alternatively, the colleague can remain anonymous and the provider will give the colleague a reference number should they want to call for feedback on ABP's response. Alternatively, reports can be made confidentially online via Navex Global – www.abports.ethicspoint.com

Confidentiality

Wherever possible, confidentiality will be maintained in the investigation and resolution of concerns that are raised under this procedure. ABP will, if the colleague wishes, seek to protect the identity of a colleague raising a concern unless or until there is a good reason why their identity should be disclosed.

There will be circumstances when it will be necessary for ABP to disclose to others, statements that may have been made by a colleague (e.g. during an inquiry or if the Disciplinary Procedure is enacted against another colleague). In such circumstances, the colleague will still not be identified as the originator of the allegations being investigated.

ABP's response

ABP will support any colleague who raises concerns under the prescribed procedure. Some matters may be resolved by agreed action without the need for an investigation. Where this is not possible, an internal investigation will normally be conducted. The matter may also be referred to the Police or to external auditors.

If it is decided the matter does not fall within the scope of this policy and procedure (e.g. if the concern relates to alleged discrimination), it will be referred for consideration under the relevant ABP policy and procedure.



Whistleblowing Policy (cont'd)

In certain cases, it may be necessary to suspend colleagues who are under investigation. A suspension should be as short as possible and will be on full pay. If the investigation shows there is a case to answer, the disciplinary procedure will be applied.

When a colleague raises a concern through the internal procedure, ABP will normally respond within ten working days, giving details of how it proposes to deal with the concern. If the concern is raised through the external whistleblowing service, then ABP will provide a response within four weeks.

If it is considered that the concern raised by the colleague is in effect a “grievance”, the colleague may agree to pursue the matter under the Grievance Procedure.

The colleague will also be advised of the outcome of the investigation. If the colleague is not satisfied with the outcome, ABP recognises the colleague may have the right to raise their concern with prescribed persons or elsewhere.

A list of prescribed persons who can handle concerns externally is available from Human Resources or from The Stationery Office (TSO) – it is called Statutory Instrument 1999 No. 11049.

The Public Interest Disclosure (Prescribed Persons) Order 1999 provides the defined list of prescribed persons, which includes the Information Commissioner, the Environment Agency and the Health and Safety Executive. The full list is defined in Statutory Instrument 1999 No. 11049, which is available from HMSO or Group Human Resources.

External Disclosures

In the vast majority of cases, we expect that Internal Disclosure through an appropriate channel (see above) would be the right initial approach for any concern.

The law recognises that in some circumstances it may be appropriate to report concerns to an external body such as a regulator. It will rarely if ever be appropriate to alert the media. We strongly encourage colleagues to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Public Concern at Work, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern. Their contact details are:

Public Concern at Work: Telephone Whistleblowing Advice Line – 020 7404 6609 /
General Enquiries – 020 3117 2520

Email: whistle@pcaw.org.uk



Whistleblowing Policy (cont'd)

Protection for disclosures

Where a colleague raises a concern in accordance with this procedure and reasonably believes that the information disclosed is true, ABP will ensure the colleague is protected from victimisation and reprisals. Colleagues and workers have the right not to be subjected to a detriment by a co-worker (or another of the employer's agents) for making a protected disclosure.

Allegations in the public interest but not confirmed by an investigation will result in no action.

Allegations made frivolously or maliciously (i.e. those which are made without foundation) or allegations made for personal gain may result in disciplinary action against the colleague who has made them.

Complaints of Victimisation

If a colleague believes that they have been victimised or subjected to a detriment for disclosing information under this policy, they may submit a written complaint to their Line Manager. The Line Manager must investigate the complaint and invite the colleague to a meeting to discuss it. Following the meeting, the Line Manager will aim to provide a substantive response within ten working days.

If the colleague is not satisfied with the outcome of the investigation or if their own Line Manager is alleged to be involved in victimisation, the colleague may appeal to the Line Manager's superior in writing. The Line Manager's superior must investigate the complaint and invite the colleague to a meeting to discuss it. Following the meeting, the designated manager will aim to provide a substantive response within ten working days.

Finally, if the colleague is still not satisfied, they may appeal to one of the designated managers listed in Appendix A, as appropriate. The designated manager will invite the colleague to a meeting to discuss it. Following the meeting, the designated manager will aim to provide a substantive response within ten working days.

At the three meetings mentioned above the colleague may make a reasonable request to be accompanied to the meeting by a fellow worker or a trade union official. It is for the colleague to secure the agreement of the companion to accompany them to the meeting



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and to supply them with details of the case. Please refer to the Right of Accompaniment Policy for further information.

If it is proved that a colleague has been victimised or subjected to detriment, appropriate disciplinary action will be taken against the perpetrator in accordance with the Disciplinary Procedure.

Applicability

The Whistleblowing Policy applies to all ABP colleagues.

Responsibility

The Chief HR Officer is responsible for the identification and development of appropriate HR Policy required by ABP's Group HR Strategy. The Senior Group ER & HR Policy Specialist has the responsibility for ensuring the maintenance, regular review and updating of this policy. ABP can vary this policy. Such revisions, amendments or alterations to the policy can only be implemented following consideration and approval by the Chief HR Officer.



Appendix A

Public Interest Disclosure Act 1998 – Contacts

Name and Job Title	Area of Responsibility	Telephone Number
Alan Tinline Group Head of Health, Safety & Environment	Health, Safety & Environmental	01473 696931 / 07775 571987
Marina Wyatt Chief Financial Officer	Finance and Accounting	020 7406 7809 / 07725 683200
Alison Rumsey Chief Human Resources Officer	Human Resources	020 7406 7824 / 07710 959768
Harm Van Weezel Chief Information Officer	Data and Cyber Security	07725 639547
Mike McCartain Group Director, Safety, Engineering & Marine	Safety, Compliance & Security	07880 181193
Angela Morgan General Counsel & Company Secretary	Competition and Company Law, Data Protection (and any miscellaneous issue not covered above)	020 7406 7852 / 07720 149533

If you do not wish to report your concerns internally to ABP, then call Navex Global the independent confidential telephone service on 0808 196 5792 or online at www.abports.ethicspoint.com. This service is available 24 hours a day, seven days a week. Navex Global will ensure your anonymity is maintained.