

Sewell Wallis

Raising Issues: Grievance, Bullying & Harassment
Policy, Whistleblowing

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Introduction

Sewell Wallis seeks to conduct its business honestly and with integrity at all times. The aim of this policy is to ensure that our team are confident that they can raise any matters of genuine concern, in the knowledge that they will be taken seriously and that the matters will be investigated appropriately and regarded as confidential (where appropriate).

We believe we have a duty to take appropriate measures to identify such situations and attempt to remedy them. By encouraging a culture of openness and accountability within the organisation, we believe we can help prevent such situations occurring. We expect everyone to maintain high standards in accordance with policies and practices and to report any wrongdoing that falls short of these fundamental principles. It is the responsibility of a staff workers to raise any concerns that they might have about malpractice within the workplace.

Within this policy are 3 distinct sections

1. Grievance
2. Bullying & Harassment
3. Whistleblowing

Please read each section to ensure any issues are dealt with under the most appropriate policy.

The policy, and the procedures within it, are for guidance only and do not form part of your contract of employment. Any steps under the procedures should be taken promptly unless there is a good reason for delay. This policy applies to all employees regardless of length of service.

A) Grievance

1.General Principles

1.1 It is our policy to ensure that all employees have access to a procedure to help resolve any grievances relating to their employment quickly and fairly.

1.2 We may vary this procedure as appropriate to a particular case. The procedure may also be discontinued if it becomes impracticable for either party to continue with it. In any case we will inform you in writing of the final outcome of your grievance.

1.3 Written grievances will be placed on your personnel file along with a record of any decisions taken; any appeal notice; the outcome of any appeal; and any notes or other documents compiled during the grievance process.

1.4 If you have difficulty at any stage of the grievance procedure because of a disability, you should ask your line manager for assistance.

2.Raising Grievances Informally

Most grievances can be resolved quickly and informally through discussion with your manager. If you feel unable to speak to your manager, for example, because the complaint concerns him or her, then you should speak informally to an equivalent or more senior manager.

3. Written Grievances

3.1. If it is not possible to resolve a grievance informally, you should raise the matter formally and without unreasonable delay with a manager who is not the subject of the grievance.

3.2. You should put your grievance in writing and set out the nature of your grievance.

3.3. The written grievance should indicate that you are invoking this grievance procedure and contain a brief description of the reasons for your complaint, including any relevant facts, dates, and names of individuals involved. In some situations, we may need to ask you to clarify the subject matter of your grievance in advance of the meeting or provide further information.

4. Meetings and Investigations

4.1. You will be invited to a grievance meeting, which will normally take place no more than two weeks after we have received your written grievance. We may carry out such investigations as we consider appropriate prior to the meeting. This may involve interviewing you and any witnesses if appropriate and reviewing any relevant documents.

4.2. You must co-operate fully and promptly in any investigation. This may include informing us of the names of any relevant witnesses and disclosing any relevant documents to us and attending interviews as part of our investigation.

4.3. You may bring a companion to any of the meetings under this procedure (see paragraph 6 below).

4.4. You must take all reasonable steps to attend any meetings. If you or your companion cannot attend at the time specified for a meeting, you should inform us immediately and we will make reasonable efforts to agree an alternative time.

4.5. The purpose of the initial grievance meeting is to enable you to explain your grievance and to discuss it with us. If you have a companion, they may address the hearing to put and sum up the case on your behalf, respond on your behalf to any views expressed at the meeting and confer with you during the hearing. The companion may not, however, answer questions on your behalf or address the hearing if you do not wish it or prevent us from explaining our case.

4.6. After the initial grievance meeting, we may carry out such further investigations and/or hold such further grievance meetings as we consider appropriate.

4.7. We will inform you of our decision and of your right of appeal within one week of the final grievance meeting. We may hold a meeting to give you this information but in all cases it will be confirmed in writing. The decision will set out where appropriate, any action that we intend to take to resolve the grievance.

5. Appeal

5.1. Should you wish to appeal you should do so in writing to a Director, stating your full grounds of appeal, within one week of the date on which the decision was sent or given to you.

5.2. We will hold an appeal meeting, normally no more than two weeks after we receive your appeal. The appeal should be dealt with impartially and, where practicable, this will be held by someone senior to the person who conducted the grievance meeting(s) or an external professional. You may bring a companion to the appeal meeting.

5.3. Our final decision will be notified to you within two weeks of the appeal meeting. We may hold a meeting to give you this information but in all cases it will be confirmed in writing. This is the end of the procedure and there is no further right to appeal.

6. Right to be Accompanied

6.1. You may bring a companion to any meetings held under this procedure. The companion may be either a trade union official or a fellow employee. You must tell the person holding the meeting who your chosen companion is, in good time before the meeting. Employees are allowed reasonable time off from duties without loss of pay to act as a companion.

6.2. In some circumstances your choice of companion may not be allowed: for example, anyone who may have a conflict of interest, or whose presence may prejudice the meeting. We may also ask you to choose someone else if the meeting would have to be delayed for over five working days because your companion is unavailable.

6.3. We may, at our discretion, allow you to bring a companion who is not an employee or union official (for example, a member of your family) where this will help overcome a particular difficulty caused by a disability, or where you have difficulty understanding English.

7. Grievances About Disciplinary Action

7.1. This grievance procedure should not be used to complain about disciplinary action that we are taking or have taken against you. If you are dissatisfied with any disciplinary action, you should submit an appeal under the disciplinary procedure or performance management procedure, as appropriate.

Where an employee raises a grievance whilst a disciplinary matter is on-going, we may review your complaint as part of the disciplinary procedure, where the issues are linked. Alternatively, we may suspend the disciplinary matter whilst we address the grievance.

- If we receive your grievance before the disciplinary appeal hearing takes place, we may deal with your grievance at the appeal meeting.
- In any other case, we will follow this grievance procedure.

7.2. However, if you believe that disciplinary action has been or is being taken against you for a reason which does not relate to your conduct or capability, or for a reason which is discriminatory on grounds related to sex, sexual orientation, race, age, disability, maternity/pregnancy, civil partnership/marriage, gender reassignment, or religion/belief you should submit a grievance in writing to a Director and it will be dealt with as follows:

B) Bullying and Harassment

1. Policy Statement

1.1. This policy covers harassment or bullying which occurs both in and out of the workplace, such as on business trips or at events or work-related social functions. It covers bullying and harassment by staff and also by third parties such as clients, candidates, suppliers or visitors to our premises.

1.2. Staff must treat colleagues and others with dignity and respect and should always consider whether their words or conduct could be offensive. Even unintentional harassment or bullying is unacceptable.

1.3 Please read the company's Equality, Diversity and Inclusion policy.

1.4. We will take allegations of harassment or bullying seriously and address them promptly and confidentially where possible. Harassment or bullying by an employee will normally be treated as gross misconduct under our Disciplinary Procedure.

2. What the Law Says

2.1. The Equality Act 2010 prohibits harassment related to sex, sexual orientation, race, age, disability, gender reassignment, or religion/belief.

2.2. The Protection from Harassment Act 1997 also makes it unlawful to pursue a course of conduct which you know or ought to know would be harassment, which includes causing someone alarm or distress.

2.3. Under the Health and Safety at Work Act 1974 staff are entitled to a safe place and system of work.

2.4. Individual members of staff may in some cases be legally liable for harassment of colleagues or third parties including clients and may be ordered to pay compensation by a court or employment tribunal.

3. Who is Covered by the Policy?

This policy covers all individuals working for us or at any of our offices irrespective of their status, level or grade. It therefore includes all employees, managers, directors, officers, consultants, contractors, trainees, homeworkers, casual and agency staff (collectively referred to as staff in this policy).

4. What is Harassment?

Under the Equality Act 2010, there are 3 types of harassment:

1. sexual harassment – unwanted behaviour of a sexual nature
2. harassment related to certain 'protected characteristics'. – age, disability, gender reassignment, race, religion or belief, sex and sexual orientation. There is no protection for marriage/civil partnership or pregnancy/maternity – this would be classed as discrimination.

3. less favourable treatment as a result of harassment eg a poor rating in an appraisal following rejection of sexual advances by their manager, being overlooked for promotion etc.

To be classed as harassment, the unwanted behaviour must have either violated the person's dignity or created an intimidating, hostile, degrading, humiliating or offensive environment for the person.

Less favourable treatment as a result of harassment - this type of harassment is when someone experiences less favourable treatment because of how they respond to being harassed.

For example, an employee receives several sexual advances from their manager, but rejects them. A few weeks later at the employee's yearly performance review, the manager gives them a poor performance score, even though they are regularly praised by others for their hard work. This could count as harassment if the employee's poor performance score is because they rejected the manager's advances.

5. What is Bullying?

5.1. Bullying is offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined or threatened. Power does not always mean being in a position of authority but can include both personal strength and the power to coerce through fear or intimidation.

5.2. Bullying can take the form of physical, verbal and non-verbal conduct. Bullying may include, by way of example:

- shouting at, being sarcastic towards, ridiculing or demeaning others;
- physical or psychological threats;
- overbearing and intimidating levels of supervision;
- inappropriate and/or derogatory remarks about someone's performance;
- abuse of authority or power by those in positions of seniority; or
- deliberately excluding someone from meetings or communications without good reason.

5.3. Legitimate, reasonable and constructive criticism of a worker's performance or behaviour, or reasonable instructions given to workers in the course of their employment, will not amount to bullying on their own.

6. Informal Steps

6.1. If you are being bullied or harassed, you should initially consider raising the problem informally with the person responsible, if you feel able. You should explain clearly to them that their behaviour is not welcome or makes you uncomfortable. If this is too difficult or embarrassing, you should speak to your line manager who can provide confidential advice and assistance in resolving the issue formally or informally.

6.2. If you are not certain whether an incident or series of incidents amount to bullying or harassment, you should initially contact your line manager informally for confidential advice.

6.3. If informal steps have not been successful or are not possible or appropriate, you should follow the formal procedure set out below.

7. Raising a Formal Complaint

7.1. If you wish to make a formal complaint about bullying or harassment, you should submit it in writing to your line manager, whose role is to achieve a solution wherever possible and to respect the confidentiality of all concerned. If the matter concerns your line manager, you should refer it to a Director.

7.2. Your written complaint should set out full details of the conduct in question, including the name of the harasser or bully, the nature of the harassment or bullying, the date(s) and time(s) at which it occurred, the names of any witnesses and any action that has been taken so far to attempt to stop it from occurring.

7.3. As a general principle, the decision whether to progress a complaint is up to you. However, we have a duty to protect all staff and may pursue the matter independently if, in all the circumstances, we consider it appropriate to do so.

8. Formal Investigations

8.1. We will investigate complaints in a timely and confidential manner. Individuals not involved in the complaint or the investigation should not be told about it. The investigation will be conducted by someone with appropriate experience and no prior involvement in the complaint. The investigation should be thorough, impartial and objective, and carried out with sensitivity and due respect for the rights of all parties concerned.

8.2. We will arrange a meeting with you, usually within one week of receiving your complaint, so that you can give your account of events. You have the right to be accompanied by a colleague or a trade union representative of your choice, who must respect the confidentiality of the investigation. You will be given a provisional timetable for the investigation. The investigator will arrange further meetings with you as appropriate throughout the investigation.

8.3. Where your complaint is about an employee, we may consider suspending them on full pay or making other temporary changes to working arrangements pending the outcome of the investigation, if circumstances require. The investigator will also meet with the alleged harasser or bully hear their account of events. They have a right to be told the details of the allegations against them, so that they can respond. Whilst an employee who is accused of bullying/harassment does not have the legal right to be accompanied during the investigation, we may use management discretion to offer support.

8.4. Where your complaint is about someone other than an employee, such as a contractor, client, supplier, or visitor, we will consider what action may be appropriate to protect you and anyone involved pending the outcome of the investigation, bearing in mind the reasonable needs of the business and the rights of that person. Where appropriate, we will attempt to discuss the matter with the third party.

8.5. We will also seriously consider any request that you make for changes to your own working arrangements during the investigation. For example, you may ask for changes to

your duties or working hours so as to avoid or minimise contact with the alleged harasser or bully.

8.6. It may be necessary to interview witnesses to any of the incidents mentioned in your complaint. If so, the importance of confidentiality will be emphasised to them.

8.7. At the end of the investigation, the investigator will submit a report to a senior manager nominated to consider the complaint. The senior manager will arrange a meeting with you, usually within a week of receiving the report, in order to discuss the outcome and what action, if any, should be taken. You have the right to bring a colleague or a trade union representative to the meeting. A copy of the report and the senior manager's findings will be given to you and to the alleged harasser.

9. Action Following the Investigation

9.1. If the senior manager considers that harassment or bullying has occurred, prompt action will be taken to address it.

9.2. Where the harasser or bully is an employee the matter will be dealt with as a case of possible misconduct or gross misconduct under our Disciplinary Procedure.

9.3. Where the harasser or bully is a third party, appropriate action might include putting up signs setting out acceptable and unacceptable behaviour; speaking or writing to the person and/or their superior about their behaviour; or, in very serious cases, banning them from the premises or terminating a contract with them.

9.4. Whether or not your complaint is upheld, we will consider how best to manage the ongoing working relationship between you and the alleged harasser or bully. It may be appropriate to arrange some form of mediation and/or counselling, or to change the duties, working location or reporting lines of one or both parties.

9.5. Any staff member who deliberately provides false information or otherwise acts in bad faith as part of an investigation may be subject to action under our Disciplinary Procedure.

10. Appeals

10.1. If you are not satisfied with the outcome you may appeal in writing to a Director, stating your full grounds of appeal, within one week of the date on which the decision was sent or given to you.

10.2. We will hold an appeal meeting, normally within one week of receiving your written appeal. This will be dealt with impartially by a Director or an external professional who has not previously been involved in the case (although they may ask anyone previously involved to be present). You may bring a colleague or trade union representative to the meeting.

10.3. We will confirm our final decision in writing, usually within one week of the appeal hearing. This is the end of the procedure and there is no further appeal.

11. Protection and Support for Those Involved

11.1. Staff who make complaints or who participate in good faith in any investigation conducted under this policy must not suffer any form of retaliation or victimisation as a result.

11.2. If you believe you have suffered any such treatment you should inform your line manager. If the matter is not remedied, you should raise it formally using our Grievance Procedure or this procedure if appropriate.

11.3. Anyone found to have retaliated against or victimised someone for making a complaint or assisting in good faith with an investigation under this procedure will be subject to disciplinary action under our Disciplinary Procedure.

12. Confidentiality and Data Protection

12.1. Confidentiality is an important part of the procedures provided under this policy. Everyone involved in the operation of the policy, whether making a complaint or involved in any investigation, is responsible for observing the high level of confidentiality that is required. Details of the investigation and the names of the person making the complaint and the person accused must only be disclosed on a "need to know" basis.

12.2. Information about a complaint by or about an employee may be placed on the employee's personnel file, along with a record of the outcome and of any notes or other documents compiled during the process.

12.3. Breach of confidentiality may give rise to disciplinary action under our Disciplinary Procedure.

13. Who is Responsible for this Policy?

13.1. The Board of Directors has overall responsibility for the effective operation of this policy but has delegated day-to-day responsibility for overseeing its implementation to the Managing Director.

13.2. All managers have a specific responsibility to operate within the boundaries of this policy, ensure that all staff understand the standards of behaviour expected of them and to take action when behaviour falls below its requirements.

13.3. Staff should disclose any instances of harassment or bullying of which they become aware to their line manager.

13.4. Questions about this policy and requests for training or information on dealing with bullying or harassment should be directed to your line manager.

14. Monitoring and Review of the Policy

14.1. This policy will be reviewed regularly by the Board of Directors

14.2. Following a formal investigation under this policy, the senior manager and investigator involved should consider whether this policy has been effective in addressing the issues and report any problems or suggestions for improvement to the Managing Director.

C) Whistleblowing

1. Legislative Framework

1.1. Whistleblowing is the disclosure of information by an employee or worker which relates to suspected wrongdoing or dangers at work. This may include:

- A criminal offence, for example fraud
- Someone's health and safety is in danger
- Risk or actual damage to the environment
- A miscarriage of justice
- The company is breaking the law, for example does not have the right insurance
- You believe someone is covering up wrongdoing

1.2. A whistleblower is a person who raises a genuine concern in good faith relating to any of the above. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of our activities you should report it under this policy.

1.3. This policy is distinct from our Grievance Procedure and our Anti-Harassment and Bullying Procedure. If you have a complaint relating to your personal circumstances in the workplace then you should use the Grievance Procedure.

1.4. We value any concerns reported in good faith under this procedure. If you are uncertain whether the matters concerning you are within the scope of this policy (for example, if you are suspicious but uncertain as to whether the law has been broken, or whether a person is acting outside the scope of their authority), we encourage you to report the concerns to the Designated Whistleblowing Officer (DWO) in accordance with the procedure set out in paragraph 4.

2. Personnel Responsible for Implementation of Policy

2.1. The board of directors has overall responsibility for Sewell Wallis's policy on whistleblowing but has delegated day-to-day responsibility for overseeing and implementing it to the designated whistleblowing officer (DWO) (see paragraph 4.1). Responsibility for monitoring and reviewing the operation of the policy and any recommendations for change within the organisation resulting from investigations into complaints under the policy lies with the board of directors.

2.2. Managers have a specific responsibility to facilitate the operation of this policy and to ensure that employees feel able to raise concerns without fear of reprisals in accordance with the procedure set down below.

2.3. All employees are responsible for the success of this policy and should ensure that they take steps to disclose any wrongdoing or malpractice of which they become aware. If you have any questions about the content or application of this policy, you should contact the DWO to request training or further information.

3. Who is Covered by the Policy?

This policy applies to all individuals working for Sewell Wallis at all levels and grades, whether they are senior managers, directors, employees, contractors, trainees, home workers or agency staff (collectively known as workers in this policy).

4. To Whom Should a Disclosure be Made?

4.1. We recognise that you may not feel comfortable discussing concerns with your direct line manager. For the purposes of this procedure you are asked, in the first instance, to raise concerns about any form of malpractice falling within the categories outlined in paragraph 1.1 with the DWO. The DWO reports directly to the board of directors. In the absence of the

DWO the managing director may nominate another officer to carry out the DWO's duties under this policy.

4.2. If the disclosure is extremely serious or in any way involves the DWO, you should report it directly to Claire Ashton – Administration Manager

4.3. We will always endeavour to handle investigations promptly and fairly, but if you have made a disclosure under the procedure outlined in paragraph 5 and you are not satisfied with the investigation or its conclusion, you should write directly to Claire Ashton detailing your concerns.

4.4. We envisage that disclosures will be most likely to relate to the actions of our workers, officers or directors but they may also relate to the actions of a third party, such as a client. It may be appropriate for you to raise your concerns directly with the third party where you believe that the malpractice identified relates solely or mainly to their conduct or a matter which is their legal responsibility. However, we would ask that you consult the DWO before speaking to the third party.

4.5. The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any workplace wrongdoing. It is therefore hoped that it will not be necessary for workers to alert external organisations. However, in very serious circumstances, or following an internal report which has not been addressed, we recognise that it may be appropriate for you to report your concerns to an external body, such as a regulator. The government has prescribed a list of appropriate bodies for such external reporting: for example, the Recruitment & Employment Confederation. A full list is available from an independent charity called Public Concern at Work, who can be contacted by telephone on 020 7404 6609 and by e-mail at www.pcaw.demon.co.uk.

5. How Should a Disclosure be Made?

5.1. You can raise your concerns with the DWO orally or in writing. You must state that you are using the Whistleblowing Policy and specify whether you wish your identity to be kept confidential. The DWO will ask you to formalise your concerns in writing either before or after the first meeting. The DWO will acknowledge receipt of your formal written disclosure and keep a record of further action taken.

5.2. You are entitled to be accompanied by a workplace colleague or union representative at any meeting with the DWO (or, if the DWO is unavailable, an individual acting in the DWO's place) under this procedure. Your companion will be asked to respect the confidentiality of your disclosure and any subsequent investigation.

5.3. We recognise that disclosures made under this policy may involve highly confidential and sensitive matters and that you may prefer to make an anonymous disclosure. However, we regret that we cannot guarantee to investigate all anonymous allegations. Proper investigation may prove impossible if the investigator cannot obtain further information from you, give you feedback, or ascertain whether your disclosure was made in good faith. It is preferable for whistleblowers to reveal their identity to the DWO and measures can be taken to preserve confidentiality if appropriate (see paragraph 7 on confidentiality).

6. Investigation of Disclosure

6.1. We are committed to investigating disclosures fully, fairly, quickly and confidentially where circumstances permit. Following your submission of a formal written disclosure, the

DWO (or another individual acting in their place) will acknowledge receipt within five working days and make appropriate arrangements for investigation.

6.2. The length and scope of the investigation will depend on the subject matter of the disclosure. In most instances, the DWO will carry out an initial assessment of the disclosure to determine whether there are grounds for a more detailed investigation to take place or whether the disclosure is, for example, based on erroneous information. In any event a report will be produced and copies will be provided to the Board and, where appropriate, you will also receive a copy. If you are dissatisfied with the investigation or its conclusion then you should refer to paragraph 4.3.

6.3. If a longer investigation is considered necessary, we will usually appoint an investigator or investigative team including personnel with experience of operating workplace procedures or specialist knowledge of the subject matter of the disclosure. For example, if the disclosure concerns financial malpractice, the financial controller may be asked to investigate. Separate personnel will be asked to make a judgment on the report submitted by the investigator (or investigative team). Recommendations for change will also be invited from the investigative team to enable us to minimise the risk of the recurrence of any malpractice or impropriety which has been uncovered. The board will then be responsible for reviewing and implementing these recommendations.

6.4. So far as the DWO considers it appropriate and practicable, you will be kept informed of the progress of the investigation. However, the need for confidentiality may prevent us giving you specific details of the investigation or actions taken. It is not normally appropriate to set a specific timeframe for completion of investigations in advance, as the diverse nature of disclosures contemplated makes this unworkable. We will, however, aim to deal with all disclosures in a timely manner and with due regard to the rights of all individuals involved.

6.5. We recognise that there may be matters that cannot be dealt with internally and in respect of which external authorities will need to be notified and become involved either during or after our investigation. We will endeavour to inform you if a referral to an external authority is about to or has taken place, although we may need to make such a referral without your knowledge or consent if we consider it appropriate.

7. Confidentiality

Every effort will be made to keep the identity of an individual who makes a disclosure under this policy confidential, at least until any formal investigation is under way. In order not to jeopardise the investigation into the alleged malpractice, you will also be expected to keep the fact that you have raised a concern, the nature of the concern and the identity of those involved confidential. There may, however, be circumstances in which, because of the nature of the investigation or disclosure, it will be necessary to disclose your identity. This may occur in connection with associated disciplinary or legal investigations or proceedings. If in our view such circumstances exist, we will make efforts to inform you that your identity is likely to be disclosed. If it is necessary for you to participate in an investigation, the fact that you made the original disclosure will, so far as is reasonably practicable, be kept confidential and all reasonable steps will be taken to protect you from any victimisation or detriment as a result of having made a disclosure. It is likely, however, that your role as the whistleblower could still become apparent to third parties during the course of an investigation.

8. Protection and Support for Whistleblowers

8.1. No member of staff who raises genuinely-held concerns in good faith under this procedure will be dismissed or subjected to any detriment as a result of such action.

Detriment includes unwarranted disciplinary action and victimisation. If you believe that you are being subjected to a detriment within the workplace as a result of raising concerns under this procedure, you should inform the DWO immediately. Employees who victimise or retaliate against those who have raised concerns under this policy will be subject to disciplinary action.

8.2. If an investigation under this procedure concludes that a disclosure has been made maliciously, vexatiously, in bad faith or with a view to personal gain, the whistleblower will be subject to disciplinary action. Those choosing to make disclosures without following this procedure or anonymously may not receive the protection outlined in paragraph 8.1.

8. Corrective Action and Compliance

As part of the investigation into disclosures made under this policy, recommendations for change will be invited from the investigative team to enable Sewell Wallis to minimise the risk of the recurrence of any malpractice or impropriety which has been uncovered. The Board of Directors will be responsible for reviewing and implementing these recommendations in the future and for reporting on any changes required to the main board.

10. Monitoring and Review of Policy

10.1. This policy reflects the law and Sewell Wallis's practice as at the date of issue. The DWO in conjunction with The Board of Directors will be responsible for reviewing the policy regularly.

10.2. The DWO has responsibility for ensuring that any personnel who may be involved with administration or investigations carried out under this policy receive appropriate training to assist them with these duties.