

Whistleblowing Policy



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The term “Company” or “HIAL Group” applies to Highlands and Islands Airport Limited (HIAL) and any subsidiary companies concerned with its business including Dundee Airport Limited (DAL) and Airport Management Services Limited (AMSL).

HIAL Group Whistleblowing Policy

1. Introduction

The HIAL Group (HIAL) is committed to building a high performing organisation with the highest standards. The Public Interest Disclosure Act 1998 protects individuals who "blow the whistle" by reporting malpractice at work. This policy sets out HIAL's internal procedures for "Whistleblowing" in the context of the Act.

Whistleblowing is an early warning system; it enables people to be protected against victimisation or dismissal arising from raising genuine concerns about malpractice, provided certain conditions are satisfied. Employees are encouraged to use the procedures set out in this policy to raise concerns about serious malpractice in confidence. In this way, problems can be identified and dealt with quickly.

2. The Provisions of the Public Interest Disclosure Act

The Act gives protection from victimisation or dismissal to employees, trainees, contractors and agency staff, but not the self-employed. There are no minimum qualifying periods in relation to length of employment.

To be protected under the Act, disclosures must be made in good faith, which essentially means that the disclosure must be made honestly so that the concern can be addressed and in the public interest. However, where disclosure of the information is found to be in breach of the Official Secrets Act or another secrecy offence the whistleblower will lose the protection of the Act if they have been convicted of the offence or an employment tribunal is satisfied that they committed the offence. While employees of HIAL are not covered by the Official Secrets Act, divulging sensitive security and counter-terrorism information may be classed as "another secrecy offence" under the Provisions of the Act.

Whistleblowing might cover any misconduct or malpractice that involves:

- a. A crime or breach of rules or law** (including fraud and corruption e.g. using favoured contractors for reward);
- b. Improper or unethical conduct** (e.g. discrimination in recruitment or promotion where the whistleblower has good reason to preserve their anonymity);
- c. A possible maladministration** (e.g. bias in the public appointments process, misuse of HIAL's funds);
- d. Danger to health and safety** (e.g. known failings in the fire alarm system endangering the health and safety of any individual);
- e. Damage to the environment** (e.g. poor maintenance of water/heating systems allowing Legionnaire's disease bacteria to spread).

It also includes attempts to cover this up, or occasions where those who should be addressing the issue appear unconcerned or are themselves involved.

3. Internal Disclosures

A disclosure made in good faith to the employer will be protected if the whistleblower has a reasonable belief the information tends to show that malpractice has occurred, is occurring or is likely to occur. The same test applies where someone in a public body blows the whistle direct to the appropriate Scottish Government Department with responsibility for HIAL, or where a third party or person is responsible for the malpractice.

4. Regulatory Disclosures

The Act makes special provision for disclosures to "prescribed persons", in other words regulators such as the Health and Safety Executive, the Civil Aviation Authority, Her Majesty's Revenue and Customs or the Financial Services Authority. Such disclosures are protected where the whistleblower meets the tests for internal disclosures described above, and, additionally, reasonably believes that the information and any allegation in it are substantially true and relevant to that regulator.

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5. Wider Disclosures

Wider disclosures (e.g. to the police, media, MSPs, MPs, consumers and non-prescribed regulators) are protected if, in addition to the tests for regulatory disclosures described above, they are reasonable in all the circumstances and are not made for personal gain.

A wider disclosure must fall within one of four broad circumstances to trigger protection:

- a. The whistleblower reasonably believed that they would be victimised if they had raised the matter internally or with a prescribed regulator;
- b. There is no prescribed regulator and they reasonably believed the evidence was likely to be concealed or destroyed;
- c. The concern had already been raised with the employer or a prescribed regulator;
- d. The concern was of an exceptionally serious nature.

Additionally, for these public disclosures to be protected, the tribunal must be satisfied that the particular disclosure was reasonable, taking account of all the circumstances, including the identity of the person to whom it was made, the seriousness of the concerns, whether the risk or danger remains and where the disclosures breached a duty of confidence which the employer owed a third party.

Where the concern had been raised with the employer or a prescribed regulator, the employment tribunal will also consider the reasonableness of their response. Finally, if the concern had been raised with the employer, the tribunal will consider whether any whistleblowing procedure in the organisation was or should have been used.

6. When Whistleblowing Is Not Appropriate: Other Complaint Procedures

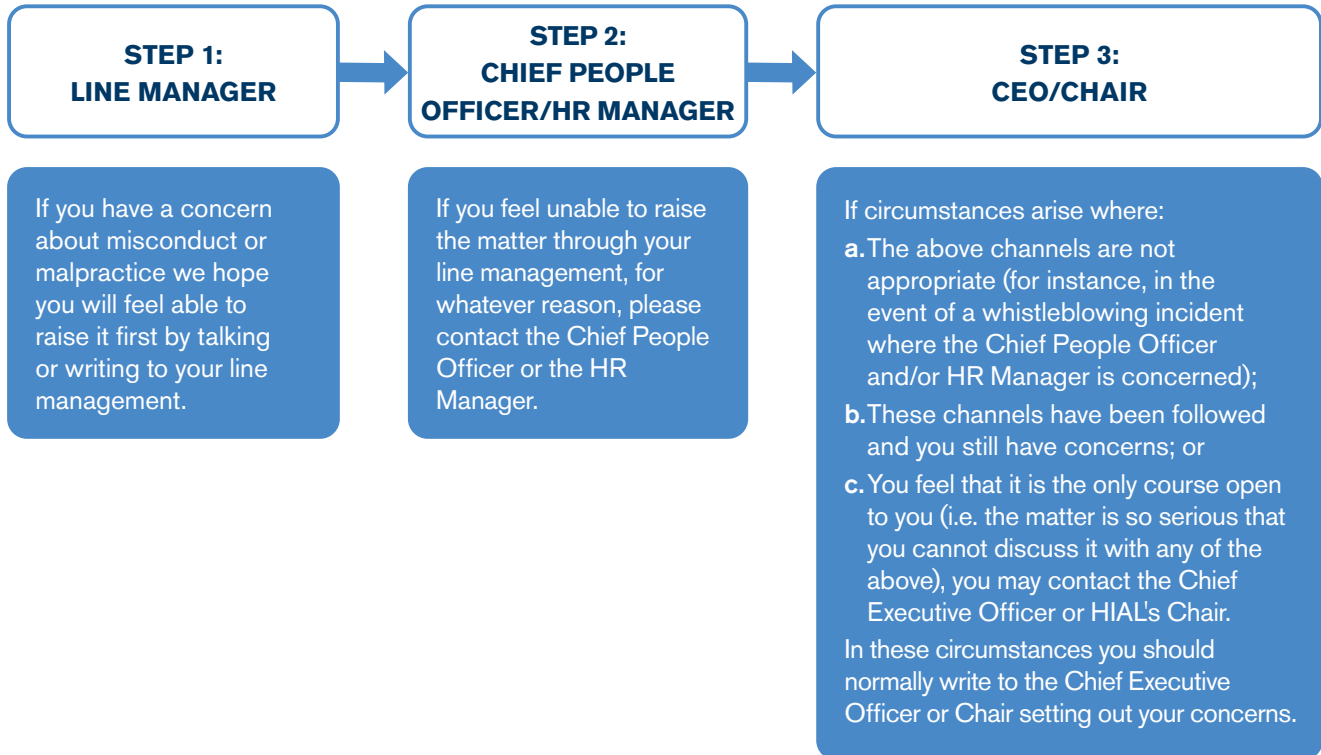
A disclosure in the public interest means it has to also affect others, for example other employees or the general public. A problem or grievance that is personal to only you is unlikely to count as being in the public interest.

If you have a concern which does not fall under the whistleblowing procedure, for example concern of a personal nature or about a management decision that you feel dissatisfied with, then the following options are open to you:

- a. raise the matter with your Line Manager (or another manager in the line management chain).
- b. raise the matter using the HIAL Grievance Procedure, which is available on the intranet.

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7. How to Raise a Whistleblowing Concern Internally



8. How We Will Handle the Matter

Once you have raised your concern, you will be told:

- Who is handling the matter (the Investigator);
- How you can contact them;
- Whether further assistance may be needed.

The Investigator may wish to speak to you about the allegations you have made. Any investigation should be conducted fairly, consistently, and as quickly as possible. The purpose of the investigation is to establish the relevant **facts** regarding the issue(s) raised. As part of the investigation, the Investigator may wish to speak to witnesses about the concerns/issues raised. The Investigator will establish the facts to the best of their ability and collate this information into a report. The Investigator is responsible for reaching a decision regarding whether or not the whistleblowing is upheld.

All whistleblowing Investigations are notified to the HIAL Board Audit Committee for information. In some situations, the Audit Committee may request the Investigator presents their report to the committee.

At the conclusion of the investigation and following discussion at the Audit Committee you will be advised of the outcome. You will not be provided with the full investigation report as it may not be possible to tell you the precise action taken where this would infringe a duty of confidence owed to someone else.

The Company will do its utmost to ensure that your confidentiality is protected and that you suffer no detriment as a result of whistleblowing. It is unacceptable to subject someone to a detriment because they have “blown the whistle” and the Company will take any allegations that an individual has been victimised as a result extremely seriously.

9. Independent Advice

If you are unsure whether to use this procedure, or you want independent advice at any stage, you may contact your trade union or the independent whistleblowing charity;

Protect www.protect-advice.org.uk

