

HEXATECH	COMPANY ADMINISTRATION	Issue No.: 1	Document Effective Date: 01 Mar 2017	Page 1 of 6
	<b>Protected Disclosure Procedure</b>	Revision No.: 0		Document Ref: AD-PRO-03

## 1 INTRODUCTION & SCOPE

- 1.1 Hexatech is committed to creating a workplace culture that encourages the making of protected disclosures and provides protection for disclosers.
- 1.2 This procedure will allow staff and workers to make disclosures without fear of penalization or threat of less favorable treatment, discrimination or disadvantage.
- 1.3 All disclosures of wrongdoing in the Company shall, as a matter of routine, be the subject of an appropriate assessment and / or investigation and the identity of the discloser shall be adequately protected.
- 1.4 Overall responsibility for this Procedure rests with the Board of Directors of the Company.
- 1.5 The day-to-day responsibility for this Procedure is delegated to the Factory Manager (FM).
- 1.6 Hexatech considers that the most appropriate way to deal with disclosures of information relating to wrongdoing is at local level within the Company, however, it does recognize that there may be circumstances where this is not appropriate.
- 1.7 This Procedure does not replace legal reporting and disclosure requirements under other legislation, e.g. child protection reporting obligations.
- 1.8 This Procedure does not replace the Company's normal day-to-day operational reporting or its existing policies and procedures relating to grievances, bullying, harassment, disciplinary, dignity at work and other complaints.

## 2 DISCLOSURE OF INFORMATION

- 2.1 This is different to simply making an allegation regarding a relevant wrongdoing, for example, claiming that an individual's health and safety has been endangered. Disclosing information involves providing some details and particulars.
- 2.2 Staff and workers are not required or entitled to investigate matters themselves to find proof of their suspicion and should not endeavor to do so. All staff and workers need to do, and should do, is disclose the information that they have, based on a reasonable belief that it discloses a wrongdoing and, where the information relates to individuals, that it is necessary to disclose that information.
- 2.3 The information must come to the attention of the staff or worker in connection with his / her employment.

## 3 REASONABLE BELIEF

- 3.1 A staff or worker must have a reasonable belief that the information disclosed shows, or tends to show, wrongdoing. The term "reasonable belief" does not mean that the belief has to be correct. Staff and workers are entitled to be mistaken in their belief, so long as their belief was based on reasonable grounds.
- 3.2 No staff and worker will be penalized simply for getting it wrong, so long as the worker had a reasonable belief that the information disclosed showed, or tended to show, wrongdoing.

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#### 4 PROTECTION AND SAFEGUARDS

- 4.1 This Procedure protects staff and workers from penalization for making a disclosure of information which the staff and worker reasonably believes or suspects is a relevant wrongdoing.
- 4.2 Penalization means any act or omission that affects a staff and worker to the staff and worker's detriment, and in particular includes:
- o Suspension, lay-off or dismissal;
  - o Demotion or loss of opportunity for promotion;
  - o Transfer of duties, change of location of place of work, reduction in wages or change in working hours;
  - o The imposition or administering of any discipline, reprimand or other penalty;
  - o Unfair treatment;
  - o Coercion, intimidation or harassment;
  - o Discrimination, disadvantage or unfair treatment;
  - o Injury, damage or loss, or
  - o Threat of reprisal.
- 4.3 Penalization by any person, including staff and workers, Company management, members of the Board of Directors will not be tolerated. Any person who threatens to penalize or penalizes a staff or worker for making a disclosure pursuant to this procedure will be subject to disciplinary action.
- 4.4 The protection from penalization applies even if the disclosure is not subsequently confirmed or upheld as well-founded.
- 4.5 If a staff or worker of the Company experiences penalization he / she should notify Company management and the matter will be assessed / investigated and appropriate action taken where necessary.

#### 5 CONFIDENTIALITY

- 5.1 Hexatech is committed to protecting the identity of the staff and worker making a protected disclosure and ensuring that protected disclosures are treated in confidence.
- 5.2 However, there are circumstances, where confidentiality cannot be maintained, for example, where the Discloser makes it clear that he/ she has no objection to his or her identity being disclosed and/or the identity of the Discloser is critical to an investigation of the matter raised.
- 5.3 If it is decided that confidentiality cannot be maintained in the context of an investigation, the Company will inform the Discloser in advance that his /her identity will be disclosed. The Discloser may request a review of this decision and a review will be carried out, where practicable.

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## 6 ANONYMOUS DISCLOSURES

- 6.1 Where the worker withholds their identity in making a disclosure it is more difficult to assess the disclosure and take appropriate action.
- 6.2 Hexatech will act upon the disclosure to the extent that this is possible, but may be restricted in their ability to investigate the matter in the absence of the knowledge of the identity of the discloser.
- 6.3 Important elements of the Procedure & Procedures will be difficult or impossible to apply unless the staff and worker's anonymity lifts. E.g. Keeping the discloser informed and protecting a discloser from penalization.

## 7 PROCEDURE FOR MAKING A PROTECTED DISCLOSURE

- 7.1 Who should the Discloser make the disclosure to?
- 7.1.1 In the first instance, disclosures should be made orally or in writing to the FM. Where the disclosure is made orally, the FM shall take a note recording the disclosure in consultation with the Discloser.
- 7.1.2 Where the disclosure involves the FM, the Discloser should make the disclosure in writing to the Chairperson of the Board of Directors.
- 7.1.3 A person to whom a disclosure is made must take reasonable steps to protect the identity of the Discloser.
- 7.1.4 A written disclosure should be made and recorded.
- 7.2 Assessment Meeting
- 7.2.1 The Recipient will arrange to meet with the Discloser within [10] working days of receipt of the disclosure to discuss it on a strictly confidential basis. The Recipient will need to clarify at this point if the disclosure is appropriate to the Procedure or is a personal employment complaint more appropriate to other Company procedures, if any.
- 7.2.2 The Discloser may be accompanied at this meeting by a work colleague from the Company. The meeting will be private and confidential and its purpose is twofold:
- (a) So that the Recipient is satisfied the disclosure made falls within the scope of this procedure and not some other internal procedure, and
  - (b) So that the Recipient can determine the appropriate course of action in response to the disclosure made.
- 7.2.3 If the Recipient is unclear whether the disclosure qualifies as a protected disclosure, it will be treated as such and pursuant to this Procedure until such time as it is deemed not to constitute a protected disclosure.

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7.2.4 The course of action, as determined by the recipient, will take one of the following forms:

- (a) Meetings between the Recipient and Discloser to clarify matters and/or agree an outcome, and/or
- (b) An investigation by the FM, or
- (c) An investigation by the Chairperson / a Sub-Committee of the Board of Directors, or
- (d) An investigation approved by the Board of Directors to be carried out by an independent third party.

7.2.5 It is the general intention of this Procedure that the recipient will communicate with the Discloser in writing within [10] working days of the Assessment Meeting taking place to formally acknowledge receipt of the disclosure made and to advise the outcome of the Assessment Meeting.

7.2.6 If it appears to the Recipient that the disclosure made falls to be more properly addressed under another process or within the scope of another internal Company procedure and procedure, the recipient will communicate this to the Discloser.

7.2.7 The Discloser may seek a review of the outcome of the Assessment Meeting. The review will be undertaken by a person who was not involved in the Assessment Meeting.

7.2.8 Disclosures may, in light of the nature and /or seriousness of the matters raised, be referred immediately to the appropriate authorities. For example, if the disclosure relates to criminal activity, the recipient will refer the matter immediately to the Police.

### 7.3 Investigation

7.3.1 Where an investigation is undertaken, the Discloser's involvement in that investigation will depend on the subject matter of the disclosure made and the detail provided by the Discloser.

7.3.2 The investigation will be conducted in a full, fair and objective manner with regard to the principals of natural justice and fair procedures. Its format and who assists and/or is involved in the investigation will be determined by the Investigator(s) by reference to the subject matter of the disclosure made. Where the information disclosed relates to alleged wrongdoing on the part of an individual, the principles of natural justice and fair procedures will be complied with vis-à-vis that individual, as appropriate.

7.3.3 The Investigator(s) may deem it necessary to meet with the Discloser in the course of the investigation and in such circumstances the Discloser may be accompanied by a work colleague from the Company.

7.3.4 In any event, the objective is that the investigation will be undertaken promptly and efficiently. Having regard to the duration and nature of the investigation, it may be appropriate to inform the Discloser in writing of the investigation's progress and likely timeframe for its conclusion. However, it is important to note that sometimes the need for confidentiality and legal considerations may prevent the Investigator(s) from giving specific details of an investigation.

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#### 7.4 Communication

7.4.1 It is important that the Discloser feels assured that a disclosure made under this Procedure is taken seriously and is kept informed of the steps which are being taken in response to the disclosure. In this regard, the Investigator(s) undertake to communicate with the Discloser as follows:

- (a) The Recipient will acknowledge receipt of the disclosure and arrange to meet with the Discloser as outlined above;
- (b) If an investigation takes place, the Investigator(s) will keep the Discloser informed of actions, where possible, in that regard including the outcome of any investigation. However, in this regard, it is important to note that sometimes the need for confidentiality and legal considerations may prevent the Investigator(s) from giving the Discloser specific details of an investigation.

#### 7.5 Disciplinary Action

7.5.1 Where a disclosure is made in accordance with this Procedure, but the information disclosed is not subsequently upheld by an investigation, no action will be taken against the Discloser who will be protected against any penalization.

7.5.2 However, a disclosure made in the absence of a reasonable belief may result in disciplinary action against the Discloser. In addition, disclosure of a wrongdoing does not necessarily confer any protection or immunity on a Discloser in relation to any involvement they may have had in that wrongdoing.

7.6 Records All records of disclosures will be securely maintained so as to comply with the requirements for confidentiality and data protection obligations.

### 8 MAKING A DISCLOSURE EXTERNALLY

8.1 The aim of this Procedure is to provide staff and workers with an avenue within the Company to make disclosures in relation to wrongdoing. The Board of Directors is confident that such issues can be appropriately dealt with "in house" and encourages staff and workers to report such disclosures internally. The Board acknowledges that there may be circumstances where a worker wishes to make a disclosure externally, and the legislation governing disclosures provides for a number of avenues in this regard.

8.2 It is important to note that while a staff or worker need only have a reasonable belief as to wrongdoing to make a disclosure internally, if the staff or worker is considering making an external disclosure he or she has different and potentially more onerous obligations depending to whom the disclosure is made.

8.2.1 Disclosure to a prescribed person prescribes certain external bodies and persons as appropriate recipients of disclosures of relevant wrongdoings falling within their prescribed remit. It should be noted that a staff or worker disclosing to a prescribed person must reasonably believe that the relevant wrongdoing falls within the scope of matters in respect of which the person is the prescribed recipient and that the information disclosed, and any allegation contained in it, are substantially true. This standard is different from that applying to internal disclosures.

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8.2.3 Disclosure to Legal Adviser where a staff or worker makes a disclosure in the course of obtaining legal advice from a barrister, solicitor, or official of an excepted body.

8.2.4 Disclosure to other persons outside the workplace by which certain criteria and conditions must be fulfilled in order for such a disclosure to be protected and staff and workers are advised to seek other advice/assistance if they are considering making a protected disclosure.

## **REVIEW AND AMENDMENTS**

This procedure may be reviewed and amendments made and employees will be informed accordingly.

Approved by:  
Managing Director  
Hexatech

Dated: 01 Mar 2017

End