Policies

Whistleblowing

Churchman Thornhill Finch is a limited company incorporated in England and Wales under Company No. 6053385

Registered Address: 3rd Floor, 14 Bowden Street, Kennington, London SE11 4DS

1. Introduction

This policy aims to enable and encourage staff to raise concerns within Churchman Thornhill Finch. It recognises a worker's legal rights to make a protected disclosure to certain prescribed persons or bodies under the Public Interest Disclosure Act 1998 and any subsequent legislation, as incorporated into the Employment Rights Act 1996.

Churchman Thornhill Finch (CTF) is committed to creating a safe, open, and transparent workplace culture, where employees are encouraged to raise concerns at the earliest opportunity. CTF recognises that employees are often the first to realise that there may be something seriously wrong within an organisation.

It is important to CTF that any fraud, misconduct or wrongdoing by workers or officers of the organisation is reported and properly dealt with. CTF is committed to tackle malpractice and wrongdoing. Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. If any cases of wrongdoing are upheld, they will be seriously dealt with.

CTF will ensure that all new employees, supervisors, and managers will receive induction on the policy and will provide refresher training to all members of staff so that they are aware of whistleblowing law and know how to use this policy.

1. Definitions and scope

This policy applies to all staff including temporary, work experience, trainees, and apprentices. Other individuals who work or have worked within the organisation, such as former staff, volunteers, the self-employed and contractors, are also encouraged to use it.

For the purpose of this policy, CTF recognises that whistleblowing is the passing on of information about wrongdoing at work. The whistleblower must reasonably believe that they are acting in the public interest.

The statutory categories for wrongdoing are:

- a criminal offence (such as insurance fraud or illegal tax evasion)
- a breach of any legal obligation
- a miscarriage of justice
- endangering an individual's health and safety
- damage to the environment
- deliberate concealment of information about any of the above.

It is not necessary for the member of staff to have proof that wrongdoing is being, has been, or is likely to be committed. A reasonable belief is sufficient to disclose the concern. The member of staff has no responsibility for investigating the wrongdoing. It is the organisation's responsibility to ensure that an investigation takes place.

A member of staff who makes such a protected disclosure has the right not to be dismissed, subjected to any other detriment, or victimised, because they have made a disclosure.

CTF recognises that any so-called 'gagging' or confidentiality clauses in settlement agreements or non-disclosure agreements with individuals do not prevent members of staff from making disclosures in the public interest and are void in such circumstances.

This policy is not for staff with concerns about their employment that affect only them – that type of concern is better suited to the grievance policy.

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2. Roles and Responsibilities

The Directors are responsible and accountable for this Whistleblowing Policy and Procedure. They will:

- demonstrate commitment to developing an open culture within the organisation, through actions and strategy
- receive and review annual reports on whistleblowing activity
- appoint designated officer/s.

All staff have a duty to report wrongdoing (whistleblow) under the circumstances set out in section 2 of this policy.

The Directors, Associates and Studio Admin team are responsible for:

- ensuring all staff are aware of this policy and procedure and their responsibilities
- investigating issues raised promptly and thoroughly
- fostering an open culture within their teams
- ensuring any whistleblower is not subject to detriment
- escalating issues and engaging the support of designated officer/s where required.

Designated officer/s (see below) have lead responsibility for the whistleblowing procedure and for dealing with issues raised. They will:

- oversee and review the whistleblowing policy and procedure
- providing advice and support to managers and employees
- ensure learning from whistleblowing cases is fed back to the wider organisation
- ensure managers are trained in dealing with issues
- investigating issues raised with them directly promptly and thoroughly
- informing all reported disclosures to the Directors and the actions being taken
- ensure the process is monitored and improved where required
- provide reports on whistleblowing activity on an annual basis to the senior management team.

4. Designated officers

The following people have been nominated and agreed by CTF as designated officers for concerns under this procedure Andrew Thornhill, David Finch, Simon Rice, Clare van Someren, Will Day, Maria Androulaki, Vikki Wyatt

These designated officers will act as an independent and impartial source of advice to staff at any stage of raising a concern, with access to anyone in the organisation.

All these people have been given special responsibility will give you information about where you can go for more support. They will:

- treat the concern confidentially unless otherwise agreed
- ensure the staff member receives timely support to progress their concern
- escalate to senior management any indications that the staff member is being subjected to detriment for raising their concern
- remind the organisation of the need to give the staff member timely feedback on how their concern is being dealt with
- ensure the staff member has access to personal support as it is recognised that raising such a concern may be stressful.

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5. Building Safety Act Fire-Risk Notification Duties

Building Safety Act 2022 – Duty to Notify the Principal Designer of Fire and Building Safety Concerns

Under the Building Safety Act 2022 and associated secondary legislation, all employees involved in the design, coordination or delivery of building projects have a responsibility to ensure that fire and structural safety risks are identified and communicated during all relevant stages of work.

Where a member of staff becomes aware of information indicating that building work may give rise to a fire or structural safety risk—including design decisions, material specifications, construction methods, or departures from approved plans—they must promptly report this concern.

Concerns of this nature should be raised in the same manner as other whistleblowing disclosures under this policy. In addition, where the concern relates to a project for which Churchman Thornhill Finch is appointed as Principal Designer, or where CTF has obligations to cooperate with the appointed Principal Designer, the designated officer or responsible Director will ensure the concern is formally notified to the Principal Designer without delay, as required by the Building Safety Act.

Examples of concerns that must be reported include, but are not limited to:

- information suggesting that fire risks may not have been adequately mitigated in the design;
- changes during the construction or design process that could compromise fire or structural safety;
- failure to follow approved plans or statutory building-safety procedures;
- omissions or errors that may affect the safety of the completed building;
- any situation where the “golden thread” of safety information may be compromised.

CTF will ensure that all such disclosures are investigated thoroughly and that any statutory notifications to the Principal Designer, Principal Contractor, or relevant regulatory bodies are made in accordance with legal requirements. Employees raising such concerns will receive the same protections as set out in this policy for all protected disclosures.

6. How to raise a concern

In many circumstances, the easiest way a member of staff can get their concern resolved will be to raise it formally or informally with their Director or Associate who should report it to the designated officer.

If this is not appropriate as the concern relates to the line manager, or if the member of staff does not feel able to raise it with them or if raising it with their line manager does not resolve matters, the member of staff can approach a designated officer directly. The designated officer will then confirm how the matter will be investigated.

Concerns should be raised in writing (including email). The letter should set out the background and history of the concerns, giving names, dates and places where possible, and the reason why the member of staff is making the disclosure. If the individual does not feel able to make the disclosure in writing, an interview will be arranged.

When any meetings are arranged with an individual who is making or has made a protected disclosure, they have a right to be accompanied by a designated officer. The meeting can be off site if requested.

The employee raising concerns does not have to prove the allegation, but they must demonstrate that there are sufficient grounds for concern.

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If the member of staff wants to raise the matter in confidence, they should please say at the outset so that appropriate arrangements can be made.

Confidentiality will be maintained as far as is possible. It is guaranteed at the point of making a protected disclosure and will be maintained throughout the investigation and hearings, other than when a disclosure of identity is needed due to cross examination of the staff member as a witness to any subsequent procedure or is required by law.

It is best to raise a concern openly, because that makes it easier for CTF to follow it up. CTF will not disclose the whistleblower's identity without their consent unless there are legal reasons that require them to do so. This might be, for example, where their information is about a child or vulnerable adult who is at risk, or where there is a possible criminal offence. If this is the case, CTF may have to tell the police or another official body, or if required to do so by a court. CTF will let the individual know if it has to do this and that this will identify them to another body.

Staff may, if they wish, disclose information anonymously. However, it should be noted that in such circumstances, CTF will not be able to contact staff to discuss their concern or ask them for further information, nor will they normally be able to give any feedback about any action it takes, although anonymous whistleblowers may seek feedback through a telephone appointment or by using an anonymised email address.

7. How CTF will respond

Any concern raised under this policy will be investigated thoroughly, promptly, and confidentially.

Any approach to a designated officer will be treated with the strictest confidence and the member of staff's identity will not be disclosed without their prior consent. All members of staff will be always treated with respect and the person raising the concern will be thanked.

There may be a meeting with the member of staff raising the concern to ensure CTF understands exactly the particular worry.

When any meetings are arranged with an employee who has made a protected disclosure, they have a right to be accompanied by a designated officer. The meeting can be off site if requested.

When an individual makes a disclosure, the organisation will process any personal data collected as part of the investigation in line with CTF's data protection policy which can be found on the G-drive ensuring the data is stored securely and only accessed by those individuals essential for dealing with the disclosure.

Within five working days of a concern being raised, the line manager or designated officer who received the disclosure will write to the member of staff setting out the following:

- Acknowledgement that the concern has been received, the date it has been received, whether the person who raised the concern has requested confidentiality, and a summary of the concern
- Indicating how the matter will be dealt with and by whom and how they can be contacted
- Telling the member of staff when an investigation has or is to be started and if further assistance will be needed from them.

The member of staff who raises the concern will be told how long to expect the investigation to take and will be kept up to date with its progress.

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The matters raised may be investigated internally. Where it has not been possible to resolve the matter quickly (usually within a few days) with the line manager, someone suitably independent (such as a designated officer) and properly trained will carry out an investigation.

The investigation will be objective and evidence-based and will produce a report that focuses on identifying and rectifying any issues and learning lessons to prevent problems recurring. The investigator may decide that the concern would be better looked at under another process, such as the grievance procedure or dignity at work procedure. If so, this will be discussed with the member of staff.

If misconduct is discovered as a result of any investigation under this policy, the disciplinary policy and procedure will be invoked in addition to any external measures.

On conclusion of any investigation, the member of staff will be told the outcome of the investigation and what CTF has done, or proposes to do, about it. Wherever possible, CTF will share the full investigation report with the member of staff who raised the concern (while respecting the confidentiality of others). If no action is to be taken, the reason for this will be explained.

If an individual is not satisfied with the response received and any subsequent action taken, they should put their concerns in writing to the Directors of CTF who will arrange any further investigation as he/she thinks appropriate.

6 Harassment and victimisation

CTF understands that raising a concern can be difficult for staff, especially if they fear reprisal from those responsible for the malpractice. CTF will not tolerate harassment and victimisation of anyone raising a concern, and there should be no impact on the continued employment and opportunities for future promotion or training of anyone raising a concern. Any such behaviour is a serious breach of our values as an organisation and, if upheld following investigation, could result in disciplinary action potentially leading to dismissal.

Nor will CTF tolerate any attempt to bully anyone into not raising any such concern. Any such behaviour is a breach of our values as an organisation and, if upheld following investigation, could result in disciplinary action potentially leading to dismissal.

This policy encourages members of staff to put their name to their concerns. Concerns expressed anonymously are harder to follow up and have an effective outcome.

If a member of staff makes an allegation in good faith, but the allegation is not confirmed by the investigation, no action will be taken against that member of staff. They will not be at risk of losing their job or suffering any form of reprisal as a result. Provided the member of staff is acting honestly, it does not matter if they are mistaken or if there is an innocent explanation for their concerns.

We will introduce this policy to everyone joining CTF during the induction process and remind the wider team of it regularly.

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Andrew Thornhill
Director



David Finch
Director



10 January 2025

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