

FORTH PORTS LIMITED

WHISTLEBLOWING – THIRD PARTIES

1. INTRODUCTION

The Company is committed to conducting its business with integrity and honesty. Third parties are therefore encouraged to report any suspected wrongdoing by the Company or its employees that falls short of these business principles as soon as possible, in the knowledge that their concerns will be taken seriously, investigated as appropriate and that their confidentiality will be respected.

The Public Interest Disclosure Act 1998, as amended by the Enterprise and Regulatory Reform Act 2013, protects third parties who report wrongdoing which is a qualifying disclosure.

The Company would expect that in most cases raising concerns internally is the most appropriate action for you to take.

A qualifying disclosure is such that the individual reasonably believes that the information tends to show malpractice and for all disclosures reasonably believes the disclosure to be in the public interest.

This Policy will be issued by Procurement to all contractors and suppliers.

PUBLIC INTEREST DISCLOSURE

Qualifying public interest disclosures are those where the worker/third party reasonably believes one or more of the following matters is either happening, has taken place, or is likely to happen in the future: a criminal offence; failure to comply with a legal obligation; a miscarriage of justice; a danger to the health and safety of an individual; damage to the environment; and any deliberate attempt to conceal any of the above.

PURPOSE AND SCOPE

1.1 If it should become clear that the procedure has not been invoked in good faith, for example for malicious reasons, to cause disruption within the Company, to pursue a personal grudge or for personal gain, this may result in the matter being passed to your Employer or your Contract for Services being terminated.

1.2 Only applies in cases where you genuinely believe that one of the following sets of circumstances is occurring, and disclosure is in the public interest, has occurred or may occur within the organisation:-

- 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 requirement
- that a miscarriage of justice has occurred, is occurring or is likely to occur
- that the health and safety of any 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 the preceding paragraphs has been, is being or is likely to be deliberately concealed.

Please note that you will not be protected from the consequences of making such a disclosure, as detailed above, if, by doing so, a criminal offence is committed by you e.g. breach of the Official Secrets Act.

2. PROCEDURE

How to Raise your Concern Internally

- 2.1 If you are concerned about any form of malpractice you should normally first raise the issue with the supervisor or manager to whom you normally report within the Company. There is no special procedure for doing this – you can tell that person about the problem or put it in writing if you prefer, noting that you are using the Whistleblowing Policy.
- 2.2 If you are self-employed or you feel you cannot tell your immediate superior or you feel your Line Manager/immediate superior has not addressed your concern or you prefer not to raise it with them, for whatever reason, please write to:

Pamela Smyth
Group General Counsel & Company Secretary
1 Prince of Wales Dock
Edinburgh
EH6 7DX
Tel No: 0131 555 8731

3. HOW THE COMPANY WILL RESPOND

- 3.1 After you have raised your concern the Company will decide how to respond in a responsible and appropriate manner under this Policy. Usually this will involve making internal enquiries first, but it may be necessary to carry out an investigation at a later stage which may be formal or informal depending on the nature of the concern raised. Such enquiries will be carried out with the minimum delay. Your identity will be kept confidential unless you expressly agree otherwise. Appropriate steps will be taken to ensure that your working environment or working relationship are not prejudiced by the fact of your disclosure.
- 3.2 As far as possible, the Company will keep you informed of the decision taken and the outcome of any enquiries and investigations carried out. However, the Company will not be able to inform you of any matters which would infringe the duty of confidentiality owed to others.
- 3.3 All matters raised will be fully recorded with confidentiality being preserved unless expressly agreed otherwise.

4. RAISING YOUR CONCERN EXTERNALLY (EXCEPTIONAL CASES)

- 4.1 However, if you feel that despite the best efforts of the Company that disclosure has been unsuccessful, or there are exceptional circumstances which make disclosure to the Company impractical, and you honestly and reasonably believe the information and any allegations are true, you should consider raising the matter with the appropriate regulator. We would strongly encourage you to seek advice before reporting a concern to anyone external e.g. Protect, which is a charity which provides confidential whistleblowing advice.
- 4.2 If you reasonably believe that the relevant failure (i.e. one of the set of circumstances listed above) relates wholly or mainly to the conduct of a person other than your employer or any other matter for which a person other than the Company has legal responsibility, then you should make that disclosure to that other person.