



KBG SECURITY SOLUTIONS LIMITED

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INTEGRATED MANAGEMENT SYSTEM

WHISTLE BLOWING POLICY AND PROCEDURE

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WHISTLE BLOWING POLICY AND PROCEDURE

LEGISLATION PURPOSE

The Public Interest Disclosure Act (1998) provides a responsible worker with the right not to suffer detriment if speaking out about crime, fraud, dangers to health and safety or risks to the environment. Such workers are encouraged to sort things out first and foremost internally and so regulate the situation in which it is necessary to raise concerns externally.

A sensible security-based procedure provides valuable protection for both the CLIENT and employees, boosting public confidence in the ORGANISATION and leads to a shared sense of responsibility among all staff for identifying impropriety.

INTRODUCTION

This procedure enables any member of staff to inform management about any concerns they may have about serious malpractice, fraud or corruption. These concerns can be initially raised in a safe and confidential environment and the information taken seriously. This procedure also includes stages whereby the member of staff can receive advice about possible consequences before any formal Investigation commences. The procedure also balances the right of any individual to speak freely but also protect staff against false and malicious accusations.

This procedure is compatible with other security procedures and cannot be used for raising grievances about a personal employment situation.

DEFINITION OF TERMS

Whistleblowing has been defined as the disclosure of information by an employee of confidential information relating to some danger, fraud or other illegal or unethical conduct connected with the workplace. In this procedure, the employee making such a disclosure (termed the Discloser hereafter) must reasonably believe the information indicates one of the following has or is likely to occur:

a criminal offence

a failure to comply with a legal obligation

a miscarriage of justice

a breach of health and safety regulations

damage to the environment

unethical conduct or serious breaches of professional standards

the concealing of information falling within any of the preceding categories.



Furthermore, the Discloser has statutory protection in law against being treated detrimentally in the workplace, provided the disclosure is compatible with the above definition, and the Discloser:

is acting in good faith

believes the allegation to be substantially true

is not acting for personal gain

The disclosure should be made in the first instance to the organisation (see procedure) and not to any external person or organisation unless the Discloser can justify this is reasonable in the circumstances, e.g., disclosing information to a legal adviser to seek legal advice.

Raising unfounded malicious allegations or disclosing information externally, so bringing the organisation into disrepute, will be considered an abuse of this process and will be treated as a disciplinary offence.

KBG Security Solutions Limited is committed to protecting the confidentiality of any discloser who raises a concern in good faith and will take all reasonable steps to protect them from victimisation, harassment or retaliation.

If a discloser believes it is not appropriate to raise the concern internally or fears retaliation, they may raise their concern with a prescribed external body listed by the UK Government under the Public Interest Disclosure Act 1998 (e.g. HSE, SIA, ICO, or other appropriate regulator).

THE PROCEDURE

1. Informal Stage

The Discloser should informally discuss their allegation with the ORGANISATION, (if the allegation is against the organisation, the discloser should discuss the allegation with the Managing Director, at this stage and at stages 2, 3 and 4). This is a confidential discussion and the only record of the meeting will be a contemporary note made by the organisation. The Discloser will be invited to read and initial this note. The Organisation will keep this note on file for twelve months. The organisation will advise on whether the allegation complies with the definition of Whistleblowing and seek to ascertain the reason for the disclosure. Advice will be given on the procedure and implications should the Discloser wish to take the allegation further.

2. Formal Stage

Should the Discloser wish to pursue the matter, they must provide the organisation with a signed statement of their allegation. The organisation will issue an acknowledgement. The organisation will, within ten working days, formally discuss the matter in confidence with the Principal, Chairman or other appropriate person. The discloser will be named at this confidential meeting.



The result of this meeting will be:

(a) No further action required or (b) Organisation Investigation will take place and the Investigating Officer decided.

The Discloser will be informed by the Clerk in writing of the result of this meeting.

3. Organisation Investigation

If an Investigation is required, the organisation will formally request the Investigating Officer to commence this procedure. Unless required as part of the Investigation, the Discloser will not be named. The Investigation Report will be given to the officer who will re-convene the meeting from stage 2 to discuss the Report.

The result of the meeting will be: (a) No further action required or (b) Organisation Disciplinary Hearing to be convened and the chair of the Disciplinary Hearing decided.

The Discloser will be informed by the organisation in writing the result of this meeting. There will be no further formal communication with the Discloser.

4. Disciplinary Hearing

If a Disciplinary Hearing is required, the officer will formally request HR to commence this procedure. Dependent on the result of this Hearing, appropriate action will be taken.

Procedure for Disclosure of Information

STEP	ACTION	RESPONSIBLE PARTY	OUTCOME / NOTES
1	Informal, confidential discussion between Discloser and Officer.	Discloser & Officer	Officer explains procedure and consequences of taking it further. Officer makes a confidential, contemporary record, to be kept securely for 12 months.
2	No further action taken (if applicable).	Officer	Matter closed unless Discloser chooses to proceed formally.
3	Discloser submits a signed formal disclosure to the Officer.	Discloser	Officer acknowledges receipt of disclosure in writing.
4	Officer formally discusses the matter within 10 working days with the Managing Director, Chairman, or other appropriate person.	Officer	Confidential internal meeting held.
5	Officer writes to the Discloser informing them of the outcome of the formal discussion.	Officer	Possible outcomes: (a) No further action, or (b) Organisation Investigation Procedure is initiated.



STEP	ACTION	RESPONSIBLE PARTY	OUTCOME / NOTES
6	Organisation Investigation formally begins.	Officer & Investigating Officer	Investigation conducted.
7	Investigation Report submitted to Officer.	Investigating Officer	Officer reconvenes previous meeting (from Step 4) to review the report.
8	Officer sends final written notification to the Discloser with the result of the investigation.	Officer	Possible outcomes: (a) No further action, or (b) Organisation Disciplinary Hearing is convened.
9	Disciplinary Hearing is convened if necessary.	HR / Appointed Chair	Officer formally requests HR to initiate hearing.
10	Appropriate action taken based on the conclusion of the Disciplinary Hearing.	Organisation (HR / Panel)	End of formal procedure.

WHISTLEBLOWING DEFINITION

Disclosure by employee (or professional) of confidential information relating to some danger, fraud, or other illegal or unethical conduct connected with the workplace, be it of the employer or fellow employees (Lord Borrie QC 1996)

PUBLIC INTEREST DISCLOSURE ACT (PIDA)

The Public Interest Disclosure Act (PIDA) received Royal Assent on 2 July 1998 and came into force in 1999. It is designed to protect whistle-blowers from detriment and unfair dismissal. It gives workers the right to seek redress at Employment Tribunals and to claim compensation where they have suffered due to whistleblowing. Victimised whistle-blowers may be entitled to substantial compensation (which may be unlimited).

PURPOSE OF LEGISLATION

Encourage employees (and quasi-employees) to raise concerns internally initially and to regulate strictly the situation in which they may raise their concerns externally. Provide statutory protection for disclosure by a worker of information categorised as a Qualifying Disclosure provided it is a Protected Disclosure made in accordance with statutory requirements. Confidentiality clauses attempting to prevent a disclosure in accordance with PIDA will be void.

WORKER

Employee or quasi-employee (home-worker, agency worker, KBG Security Solutions Limited servant, self-employed, work experience or contract worker).



QUALIFYING DISCLOSURE

Disclosure of information believed to indicate:

Criminal offence

Miscarriage of justice

Damage to environment

Breach of Health & Safety regulations

Failure to comply with legal obligations

Concealing information falling within preceding categories

PROTECTED DISCLOSURE

Qualifying Disclosure becomes protected if worker acting in good faith follows one of six specified routes of disclosure:

to employer via the responsible person in accordance with the employer's procedure

to a legal adviser in the course of obtaining legal advice

to a prescribed person named by the Secretary of State such as the SIA or the HSE

to a Minister of the Crown

in other cases where worker makes disclosure in good faith, reasonably believes allegation is substantially true, not acting for personal gain and meets one of the following conditions:

believes they will be treated detrimentally if disclosure made to employer

there is no prescribed person and has reasonable belief evidence will be destroyed

where same disclosure has already been made to employer or prescribed person

exceptionally serious breaches to justify bypassing other procedures but worker must show:

they are acting in good faith

believes allegation is substantially true

not acting for personal gain

disclosure is of very serious nature

it is reasonable in the circumstances to make the disclosure

WHISTLEBLOWING PROCEDURE



Allow staff appropriate internal and external avenues in which to raise concerns about malpractice.

Sensible procedures should boost public confidence in organisation and have positive effects in promoting a culture of openness and a shared sense of responsibility among managers and staff for identifying impropriety. They should:

provide valuable protection

make less vulnerable to complaints of victimisation by whistle-blower

able to take action against workers making external disclosures without reasonable grounds

boost public confidence

promote culture of openness

generate shared responsibility for identifying malpractice

Workers encouraged to sort things out first and foremost with employer but will be protected from dismissal or detriment if in the last resort they take legitimate concerns to an outside body.

Staff Awareness and Training

All employees will be made aware of this policy during induction and through regular internal training. This ensures all staff understand how to raise concerns safely and their rights under the Public Interest Disclosure Act 1998.

CONCERNS MUST NOT BE

Malicious, speculative, politically driven, personal battles, further own interest.

CONCERNS MUST BE

About public interest, law breaking, miscarriage of justice, breach of H&S, environmental protection, attempts to conceal misconduct.