

ABP Whistleblowing Policy

Purpose

This policy is designed to allow employees to raise concerns or provide information that they believe shows malpractice. It is intended that such disclosures are in the public interest and this policy is not intended to deal with individual grievances or harassment claims which are covered under the Grievance Policy and Bullying and Harassment Policy.

Scope

This Policy applies to everyone that works for or on behalf of ABP (including any group company of ABP).

Policy Statement

The Public Interest Disclosure Act 1998 (PIDA) protects 'workers', which includes employees, self-employed contractors, agency workers and students on work experience placements. There is no service qualification needed to acquire the rights conferred by PIDA. Although the word 'employee' is used throughout this policy for simplicity it should be noted that it incorporates the broader definition of 'worker' as mentioned above.

ABP is committed to ensuring that the highest ethical standards are adopted in all of its business practices, including those issues, which are specifically covered by PIDA. The ABP General Code of Conduct provides guidance on some of the ethical standards and behaviours that ABP expects of its employees.

All employees are issued with the ABP General Code of Conduct as part of their terms and conditions of employment. Additionally, all employees have been given the ABP Fraud Policy and the ABP Anti-Corruption and Anti-Bribery Policy.

This policy is not contractual and ABP may amend it from time to time to ensure it remains relevant and effective and to comply with relevant legislation. Marine legislation permits anonymous reporting of unsafe practices to the MCA (Maritime Coastguard Agency) or reports may be made to the 'Confidential Hazardous Incidents Reporting Programme (CHIRP). This policy will apply in tandem with these regulations.

Employees are encouraged to raise internally their concerns about any issue covered specifically by PIDA.

The protection given to individuals under the terms of PIDA only applies where:

1. The matter is one of the specific issues covered by the scope of PIDA
2. The individual uses the correct channels to raise their concerns.

It is therefore important that the issues covered within PIDA are clearly understood and that the way in which issues should be raised is well defined.

The issues covered by PIDA are:

- 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 obligation to which they are subject
- That a miscarriage of justice has occurred is occurring or is likely to occur
- That the health and safety of an 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 preceding bullet-points has been is being or is likely to be deliberately concealed.

Examples of categories of activity covered by PIDA include the following:

- Suspected fraud or corruption involving third parties (e.g. customers, suppliers or contractors)
- Breaches of health and safety or environmental legislation

- Breaches of procedure in relation to the letting of contracts
- Breaches of competition law.

While employees do have the right under PIDA to contact specified external organisations to report their concerns in any of the areas listed above, it would normally be helpful both to the individual and to ABP for the employee to report their concern through an effective internal ABP procedure or use the externally run confidential telephone whistleblowing service. ABP has therefore established the procedure described below. Details of the specified external organisations are available from Group Human Resources.

ABP has a number of current policies and procedures that relate to standards of behaviour at work, covering discipline, grievances etc. Employees should use these procedures, as appropriate, to deal with personal matters regarding their employment, because they are outside the scope of PIDA.

Responsibilities

All Line Managers are responsible for ensuring those reporting to them are made aware of and understand this Policy and that time is made available for individuals to attend any training provided on this Policy.

The Head of Employee Relations and Policy has the responsibility for ensuring the maintenance, regular review and updating of this policy. ABP can vary this policy. Such revisions, amendments or alterations to the policy can only be implemented following consideration and approval by the Chief Human Resources Officer.

Policy Details

Any ABP employee, who has a concern about activity which may be covered by PIDA, should first raise their concern with their Line Manager. In view of the sensitivity regarding matters related to competition law such matters must be reported by telephone only directly to the General Counsel.

If it is not possible for the employee to report their concerns to their Line Manager (e.g. due to the sensitivity of the issue or because the employee believes their Line Manager may be involved), or if the matter is raised but the employee is not satisfied with the outcome, they should raise the matter directly with the relevant Senior Manager at their work location (e.g. Regional Director, Port Manager, Head of Department or equivalent).

For serious matters, or where the employee does not feel it is possible to report the matter locally, one of the designated senior managers internally at ABP should be approached – contact details are contained in Appendix A attached.

Concerns should, where possible, be expressed in writing (with the exception of possible breaches of competition law). The employee should give as much information as possible, including the background and history of the issue, the names of those involved, the dates and locations of any incidents and the reason for raising the concern.

If the employee does not want to report the issue direct to ABP they may use the external confidential reporting service (currently provided by Navex Global) as detailed further below and in Appendix A. This service is available 24 hours a day, seven days a week.

Employees are not required to prove the truth of any statement that they make and/or concerns that they raise, but they will be expected to demonstrate to the person contacted that they have reasonable grounds for their concerns and that the concerns are raised in the public interest.

This policy should not be used for complaints relating to an employee's own personal circumstances, such as how they have been treated at work. In those cases, the Grievance procedure (or Bullying & Harassment Policy as appropriate) should be used.

If there is uncertainty about whether something is within the scope of this policy, please seek advice from the appropriate internal contact – details are shown in Appendix A to this policy.

Confidential telephone whistleblowing service – 0808 196 5792

ABP provides this service to give employees an additional means of reporting possible wrongdoing.

An employee can give their name to the provider (currently Navex Global) and the provider will not disclose it to ABP. Alternatively, the employee can remain anonymous, and the provider will give the employee a reference number should they want to call for feedback on ABP's response. Alternatively, reports can be made confidentially online via Navex Global – www.abports.ethicspoint.com

Confidentiality

Wherever possible, confidentiality will be maintained in the investigation and resolution of concerns that are raised under this procedure. ABP will, if the employee wishes, seek to protect the identity of an employee raising a concern unless or until there is a good reason why their identity should be disclosed.

There will be circumstances when it will be necessary for ABP to disclose to others, statements that may have been made by an employee (e.g. during an inquiry or if the Disciplinary Procedure is enacted against another employee). In such circumstances, the employee will still not be identified as the originator of the allegations being investigated.

ABP's Response

ABP will support any employee who raises concerns under the prescribed procedure. Some matters may be resolved by agreed action without the need for an investigation. Where this is not possible, an internal investigation will normally be conducted. The matter may also be referred to the Police or to external auditors.

If it is decided the matter does not fall within the scope of this policy and procedure (e.g. if the concern relates to alleged discrimination), it will be referred for consideration under the relevant ABP policy and procedure.

In certain cases, it may be necessary to suspend employees who are under investigation. A suspension should be as short as possible and will be on full pay. If the investigation shows there is a case to answer, the disciplinary procedure will be applied.

When an employee raises a concern through the internal procedure, ABP will normally respond within ten working days, giving details of how it proposes to deal with the concern. If the concern is raised through the external whistleblowing service, then ABP will provide a response within four weeks.

If it is considered that the concern raised by the employee is in effect a "grievance", the employee may agree to pursue the matter under the Grievance Procedure.

The employee will also be advised of the outcome of the investigation. If the employee is not satisfied with the outcome, ABP recognises the employee may have the right to raise their concern with prescribed persons or elsewhere.

A list of prescribed persons who can handle concerns externally is available from Human Resources or from The Stationery Office (TSO) – it is called Statutory Instrument 1999 No. 11049.

The Public Interest Disclosure (Prescribed Persons) Order 1999 provides the defined list of prescribed persons, which includes the Information Commissioner, the Environment Agency and the Health and Safety Executive. The full list is defined in Statutory Instrument 1999 No. 11049, which is available from HMSO or Group Human Resources.

External Disclosures

In the vast majority of cases, we expect that Internal Disclosure through an appropriate channel (see above) would be the right initial approach for any concern.

The law recognises that in some circumstances it may be appropriate to report concerns to an external body such as a regulator. It will rarely if ever be appropriate to alert the media. We strongly encourage employees to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Public Concern at

Work, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern. Their contact details are:

Public Concern at Work: Telephone Whistleblowing Advice Line – 020 7404 6609 / General Enquiries – 020 3117 2520

Email: whistle@pcaw.org.uk

Protection for Disclosures

Where an employee raises a concern in accordance with this procedure and reasonably believes that the information disclosed is true, ABP will ensure the employee is protected from victimisation and reprisals. Employees and workers have the right not to be subjected to a detriment by a co-worker (or another of the employer's agents) for making a protected disclosure.

Allegations in the public interest but not confirmed by an investigation will result in no action.

Allegations made frivolously or maliciously (i.e. those which are made without foundation), or allegations made for personal gain may result in disciplinary action against the employee who has made them.

Complaints of Victimisation

If an employee believes that they have been victimised or subjected to a detriment for disclosing information under this policy, they may submit a written complaint to their Line Manager. The Line Manager must investigate the complaint and invite the employee to a meeting to discuss it. Following the meeting, the Line Manager will aim to provide a substantive response within ten working days.

If the employee is not satisfied with the outcome of the investigation or if their own Line Manager is alleged to be involved in victimisation, the employee may appeal to the Line Manager's superior in writing. The Line Manager's superior must investigate the complaint and invite the employee to a meeting to discuss it. Following the meeting, the designated manager will aim to provide a substantive response within ten working days.

Finally, if the employee is still not satisfied, they may appeal to one of the designated managers listed in Appendix A, as appropriate. The designated manager will invite the employee to a meeting to discuss it. Following the meeting, the designated manager will aim to provide a substantive response within ten working days.

At the three meetings mentioned above the employee may make a reasonable request to be accompanied to the meeting by a fellow worker or a trade union official. It is for the employee to secure the agreement of the companion to accompany them to the meeting and to supply them with details of the case. Please refer to the Right of Accompaniment Policy for further information.

If it is proved that an employee has been victimised or subjected to detriment, appropriate disciplinary action will be taken against the perpetrator in accordance with the Disciplinary Procedure.

Breaches / Disciplinary Action

Any employee who breaches this Policy may face disciplinary action, which could result in dismissal for gross misconduct. Any non-employee who breaches this Policy may have their contract terminated with immediate effect.

How to Raise a Concern

Everyone at ABP has a responsibility to raise any genuine concerns about breaches of this policy. You can raise your concern by:

- Speaking to your Line Manager;
- Contacting the General Counsel & Company Secretary; or

- Calling the confidential and independent Whistleblowing Hotline Number which is 0808 196 5792 or visiting www.abports.ethicspoint.com. Your concern will be treated in the strictest of confidence and everything possible will be done to protect your identity.

ABP will support anyone who raises genuine concerns in good faith under this Policy, even if they turn out to be mistaken.

Further Information

If you have any questions about this Policy, please contact your manager, or regional/functional HR team.

This Policy does not form part of any employee's contract of employment, and we may amend it at any time.

Policy Control Table

Policy Control	
Name of Policy	Whistleblowing
Date approved by ABP Board	-
Last Review Date	December 2022
Revision History	July 2024
New Review Date	July 2026
Related Policies, Procedures, Guidance etc	Fraud Policy, Grievance Policy, Bullying and Harassment Policy
Relevant Legislation	Employment Rights Act 1996, Bribery Act 2010, Public Interest Disclosure Act 1998 (PIDA)
Policy Owner	Chief Human Resources Officer
Lead Contact / Author	Head of Employee Relations and Policy
Version and date issued	Version 2, Date Issued July 2024

Appendix A

Public Interest Disclosure Act 1998 – Internal Contacts at ABP

Name and Job Title	Area of Responsibility	Telephone Number
Roger Pearce, Group Head of Health, Safety & Environment	Health, Safety & Environmental	07708 396805
Mani Atwal, Chief Financial Officer	Finance and Accounting	07379 450395
Alison Rumsey, Chief Human Resources Officer	Human Resources	020 7406 7824 / 07710 959768
Sean Kelly, Group IT Director	Data and Cyber Security	07887 655 045
Paul Bristowe, Chief of Staff	Safety, Marine, Security, Communications and Government Affairs	07966 141727
Angela Morgan, General Counsel & Company Secretary	Competition and Company Law, Data Protection (and any miscellaneous issue not covered above)	020 7406 7852 / 07720 149533

If you do not wish to report your concerns internally to ABP, then you can contact Navex Global - the independent confidential whistleblowing service on 0808 196 5792 or online at www.abports.ethicspoint.com. This service is available 24 hours a day, seven days a week. Navex Global will ensure your anonymity is maintained.