

SECURITY CLASSIFICATION UNCLASSIFIED	
DOCUMENT SERIES Policy	
REPORT NUMBER KSS-PD-0009	
TITLE Whistle Blowing	
ISSUE NUMBER 02-A	AUTHOR(S) Miles Ashcroft
CHECKED BY All Board Members 26/10/20	ISSUED BY MWA
ISSUED DATE 11/11/20	



1.0 Purpose

The Company is committed to the highest standards of openness, probity, and accountability. An important aspect of accountability and transparency is a mechanism to enable staff and other members of the Company to voice concerns in a responsible and effective manner. It is a fundamental term of every contract of employment that an employee will faithfully serve his or her employer and not disclose confidential information about the employer's affairs. Nevertheless, where an individual discovers information which they believe shows serious malpractice or wrongdoing within the organisation then this information should be disclosed internally without fear of reprisal, and there should be arrangements to enable this to be done independently of line management (although in relatively minor instances the line manager would be the appropriate person to be told).

The European Directive on the Protection of Whistleblowers gives legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns. The Company has endorsed the provisions set out below to ensure that no members of staff should feel at a disadvantage in raising legitimate concerns.

It should be emphasised that this policy is intended to assist individuals who believe they have discovered malpractice or impropriety. It is not designed to question financial or business decisions taken by the Company nor should it be used to reconsider any matters which have already been addressed under harassment, complaint, disciplinary or other procedures.

2.0 Scope

The whistleblowing policy applies to (Personnel):

- i. All employees (whether temporary, fixed-term, or permanent).
- ii. Consultants.
- iii. Contractors.
- iv. Trainees.
- v. Seconded staff.
- vi. Home workers.
- vii. Casual workers.
- viii. Agency staff.
- ix. Volunteers.
- x. Interns.
- xi. Agents.
- xii. Sponsors.
- xiii. Any other person or persons associated with the Company (including third parties).
- xiv. Any subsidiaries or their employees.

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- xv. Officers.
- xvi. Trustees.
- xvii. Board, and/or Committee members at any level.

The policy applies no matter where the personnel are located (within or outside of Luxembourg).

In the context of this policy, third-party refers to any individual or organisation the company meets and works with. It refers to:

- i. Actual and potential clients.
- ii. Customers.
- iii. Suppliers.
- iv. Distributors.
- v. Business contacts.
- vi. Agents.
- vii. Advisers.
- viii. Government and public bodies (including their advisors, representatives and officials, politicians, and public parties).

3.0 Objectives

Personnel are able to raise concerns internally and at a high level and to disclose information which the individual believes shows malpractice or impropriety. The policy is intended to cover concerns which are in the public interest and may at least initially be investigated separately but might then lead to the invocation of other action e.g. disciplinary. Concerns could include:

- i. Financial malpractice or impropriety or fraud.
- ii. Failure to comply with a legal obligation or Statutes.
- iii. Dangers to Health & Safety or the environment.
- iv. Criminal activity.
- v. Improper conduct or unethical behaviour.
- vi. Attempts to conceal any concerns (i-iv).

3.1 Safeguards

3.1.1 Protection

Victimisation of a “whistleblower” is not acceptable and any such instances will be fully investigated and managed appropriately. The Company offers protection to those personnel who disclose such concerns provided the disclosure is made:

- i. In good faith.

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- ii. In the reasonable belief of the individual making the disclosure that it tends to show malpractice or impropriety.
- iii. The disclosure is made to an appropriate person.

It is important to note that no protection from internal disciplinary procedures is offered to those who choose not to follow the procedure/s provided. In an extreme case, malicious or wild allegations could give rise to legal action on the part of the persons complained about.

3.1.2 Confidentiality

The Company will treat all such disclosures consistently and fairly, and in a confidential manner. The identity of the individual making the allegation may be kept confidential so long as it does not hinder or frustrate any investigation. The investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the evidence required.

3.1.3 Anonymous Allegations

Personnel are encouraged to put their name to any disclosures they make. Concerns expressed anonymously are much less credible, but they may be considered at the discretion of the Company. In exercising discretion, the factors to be taken into account will include:

- i. The seriousness of the issues raised.
- ii. The credibility of the concern.
- iii. The likelihood of confirming the allegation from attributable sources.

3.1.4 Untrue Allegations

If an individual makes an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against that individual. In making a disclosure the individual should exercise due care to ensure the accuracy of the information. If, however, an individual makes malicious or vexatious allegations, and particularly if they persist with making them, disciplinary action may be taken against that individual.

4.0 Review of the Policy

This policy is subject to annual review of its suitability, adequacy, and effectiveness by the Board. Personnel should communicate all comments and concerns about this Policy to a member of the Audit & Risk Management Committee.

Issue Number	Old Section	New Section	Change	Author
01-A	-	All	First Issue	Ext Legal Counsel
02-A	All	All	Content transferred to standard Company format. Procedural information extracted and standalone procedure created.	MWA

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