

# Bluefield Solar Income Fund (BSIF)

## Whistleblowing Policy & Procedures

Issued: November 2022

Whistleblowing Officer: Kevin O'Connor (Investment Advisor compliance officer)

## **Public Interest Disclosure Act 1998**

Whistle-blowing is the disclosure by an employee (or trainee, agency staff or contractor) to an employer or an external body, about malpractice in the work place. The Public Interest Disclosures Act 1998 (“PIDA”) affords protection to those employees from victimisation and dismissal, when raising concerns of public interest.

The intended effect of PIDA was to reassure workers that it is safe and acceptable for them to raise concerns about malpractice in the workplace. The background to the Act lies in a number of major disasters of the past decade. In almost all cases workers had been aware of the malpractice but had either been too scared or had raised the alarm in the wrong way or to the wrong person. PIDA is designed to ensure that firms respond by acting on the message rather than against the messenger.

We take breaches of law and we are providing this guidance to employees and have set up internal and external procedures to encourage staff with concerns to “blow the whistle”.

It should be noted that not all disclosures made by an employee are protected by PIDA. Those that are include:

- A criminal offence
- A breach of a legal obligation
- A miscarriage of justice
- A danger to the health and safety of an individual
- Damage to the environment
- Deliberate covering up of information tending to show any of the above.

These are defined as “qualifying disclosures” in accordance with the Act.

Such qualifying disclosures are only protected if the disclosure is made in good faith and the employee reasonably believes that one or more of the offences or breaches listed above has been, is being or is likely to be committed. The belief may turn out not be correct or it may be discovered subsequently that the employee was wrong. The important point is that the employee must be able to show that she or he held the belief and that it was a reasonable belief in the circumstances at the time of disclosure.

It is immaterial whether the relevant failure took place overseas, or where the law applying to the relevant failure was not of the United Kingdom.

PIDA together with FCA Rules and Guidance encourage employees that wherever possible disclosures should be made by following internal procedures as set out herein.

## **Internal Procedures**

- On becoming aware that there has been, there is, or there is likely to be an offence or breach as listed on page 1, it must be reported to Kevin O'Connor, the compliance officer of Bluefield Partners LLP, the investment advisor, who has been appointed as Whistleblowing Officer for BSIF.
- The Whistleblowing Officer must immediately report an employee's disclosure made to him to the Chairman.

We will take all situations of offences or breaches very seriously. All disclosures will be investigated fully and appropriate action will be taken. We will also give consideration to the ways in which procedures could be improved and strengthened in order to prevent the reoccurrence of such offences or breaches.

We will aim to ensure that concerns are dealt with both adequately and efficiently. However, if an employee believes that no action has been taken when a genuine complaint or disclosure is made, or in exceptional circumstances, an external disclosure may be made. It should be noted that neither PIDA nor the FCA define what would constitute an exceptional circumstance.

## **External Procedures**

Where an employee feels that insufficient action has been taken in response to his or her disclosure (or an exceptional circumstance arises), under PIDA a disclosure may be made externally. However, remember that it will only be protected if it is made in good faith and covers areas detailed on page 1. Only in exceptional circumstances should a disclosure be made externally without first following the internal procedures for disclosures.

As the regulator of the business of the investment advisor, the FCA is the appropriate external body to contact in those circumstances. The FCA can be contacted as follows:

- call: +44 (0)20 7066 9200 during office hours or leave a message
- email: [whistle@fca.org.uk](mailto:whistle@fca.org.uk)
- write to: Intelligence Department (Ref PIDA), Financial Conduct Authority, 25 The North Colonnade, London E14 5HS

The FCA will give priority to live concerns or matters of recent history. The FCA will also emphasise that employees should first ordinarily follow internal procedures.

## **Victimisation**

Under PIDA employees making a protected disclosure in good faith are protected against victimisation. Any other employee seeking to victimise an employee for their disclosure will face disciplinary action. The FCA strongly views detrimental actions against employees who have made a proper disclosure very seriously. They also have the power to take disciplinary action against the individual or us.

The Act protects the employees in a number of ways. Under PIDA workers are given the right not to be subjected to any detriment by their employers on the grounds that they made a protected disclosure and can make a complaint to an employment tribunal if they suffer detriment as a result of making a protected disclosure. Further, if an employee is dismissed because of making a protected disclosure that will be treated as unfair dismissal.

However, individuals who make a protected disclosure and subsequently make the issue public through other channels (i.e., the media, etc.) are not protected by the legislation.

## **False or Malicious Allegations**

It is important to note that any employee making false or malicious allegations will not be awarded the protection under PIDA. Any employee found to be making such allegations may be subject to our disciplinary action, which can result in dismissal of the employee.

## **Advice**

We are not able to give legal advice to employees on PIDA. Any employee seeking advice should contact Public Concern at Work, an independent charity. Their contact details are:

Public Concern at Work

CAN Mezzanine

7-14 Great Dover Street London SE1 4YR

Tel: 020 7404 6609 Email: [whistle@pcaw.co.uk](mailto:whistle@pcaw.co.uk)

Website: [www.pcaw.co.uk](http://www.pcaw.co.uk)

**Further Guidance**

If you require any further guidance please do not hesitate to speak to the Whistleblowing Officer.