

Dalata Hotel Group

ROI Protected Disclosure Policy

Purpose

Dalata Hotel Group Plc is committed to the highest standards of openness, probity and accountability and conducting our business with honesty and integrity. An important aspect of accountability and transparency is to put in place an effective mechanism to enable employees to voice concerns in a responsible and effective manner.

It is a fundamental term of every contract of employment that an employee will not disclose confidential information about the employer's affairs. Nevertheless, where an individual discovers information which they believe shows serious malpractice or "Relevant Wrongdoings" (as defined in the Protected Disclosures Act 2014 and detailed below) within the organisation, this information should be disclosed internally without fear of reprisal. This Confidential Protected Disclosure Policy & Procedure has been put in place to enable staff to raise such concerns confidentially and to ensure that there are 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 aims of this policy are to:

1. Encourage employees to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected;
2. Provide employees with guidance on how to raise those concerns; and
3. Reassure employees that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be genuinely mistaken.

Scope

This procedure covers all "employees" as defined by the Protected Disclosures Act 2014, which includes permanent and fixed-term employees, consultants, contractors, volunteers/interns, trainees, work experience students, interns, part – time, full – time, casual employees and temporary agency employees are not required to work for the Dalata Hotel Group Plc for a minimum amount of time before they can use this policy.

It should be emphasised that this Policy is intended to assist individuals who believe they have discovered malpractice or Relevant Wrongdoing(s). It is not designed to question financial or business decisions taken by the organisation nor should it be used to reconsider any matters, which have already been appropriately addressed under bullying/harassment, grievance, disciplinary or other applicable procedures. With the protected disclosure procedures in place, it is reasonable to expect employees to use them in the first instance, rather than raising their complaints outside the organisation.

What is Protected Disclosure?

"Protected Disclosure", often referred to as "Whistleblowing" is the disclosure of relevant information where there is a suspicion of wrongdoing and it tends to show one or more relevant wrongdoings is occurring, has occurred or is likely to occur.

This Policy is designed to enable employees to raise concerns internally and at a high level. This policy is intended to cover disclosures, which are in the public interest and may, at least initially, be investigated separately but might then lead to the invocation of other procedures, e.g., disciplinary.

Relevant Wrongdoing is defined (in accordance with the Protected Disclosures Act 2014) as one or more of the following:

- That an offence has been, is being or likely to be committed
- That a person has failed, is failing or is likely to fail to comply with any legal obligation, other than one arising under the employee's contract of employment or other contract whereby the employee undertakes to do or perform personally any work or service
- That a miscarriage of justice has occurred, is occurring or is likely to occur
- That the health or 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 an act or omission is oppressive, discriminatory or grossly negligent or constitutes gross mismanagement
- That information tending to show any matter falling within any of the preceding sub-paragraphs has been, is being or is likely to be concealed or destroyed

A person who makes a protected disclosure reasonably believes that the information that they disclosed and any allegation contained within it are substantially true. The employee makes the disclosure in good faith and does not make the disclosure for the purposes of personal gain. If any employee has genuine concerns related to suspected wrongdoing as set out above, he/she should report it under this Policy.

This Policy should not be used for complaints relating to the employee's own personal circumstances, such as the way they have been treated at work. In those cases, the employee should use the Grievance Procedure.

Employee Safeguards

Protection

A person should promptly make a Protected Disclosure if:

- a) They have a reasonable and honest belief that there is a material wrongdoing
- b) They are making the disclosure in good faith.
- c) It is not vexatious or made maliciously
- d) It is not made for personal gain

In deciding whether the disclosure is "reasonable", the investigation will consider all the circumstances. This will include the identity of the person to whom the employee made their disclosure, the seriousness of it, whether the risk or danger remains and whether the employee has complied with approved internal procedures.

For the avoidance of doubt, this Policy is designed to offer protection to those employees who disclose such concerns in good faith.

It is understandable that people are sometimes worried about possible repercussions of making a Protected Disclosure under this policy. Through this Policy the organisation aims to encourage openness and will support staff who raise genuine concerns in good faith under this Policy, even if they turn out to be mistaken. However, in making a Protected Disclosure the individual should exercise due care to ensure the accuracy of the information and that it is disclosed in the manner prescribed in the policy set out below.

The organisation will ensure that the employee will not be subject to any penalisation or detrimental treatment by the organisation, such as lay-off, transfer of duties, change of location of work, reduction in wages, change in working hours, harassment, discrimination, demotion, dismissal or some other form of unfair treatment as a result of raising a concern.

If the staff member believes he or she has suffered any such treatment, he/she should inform the HR Manager immediately. If the matter is not remedied, he/she should raise it formally under the Grievance Procedure.

employees may also, under the Protected Disclosures Act 2014, be entitled to legal immunity from any civil or criminal liability arising from making any Protected Disclosure.

Staff must not threaten or retaliate against a person raising a concern in any way. Anyone involved in such conduct will be subject to disciplinary action as detailed further below.

Abuse of the Policy

If an individual makes malicious or vexatious allegations, and particularly if he or she persists with making them, disciplinary action may be taken against that individual up to and including dismissal.

In an extreme case, malicious or wild allegations could give rise to legal action on the part of the persons complained about.

Disciplinary action may also be taken in situations where a member of staff discloses concerns or allegations of relevant wrongdoing publicly in breach of this policy, unless permitted pursuant to Section 10 of the Protected Disclosures Act 2014.

Confidentiality

The organisation will treat all such disclosures in a confidential and sensitive manner. The identity of the individual making the allegation may be kept confidential so long as this does not hinder or frustrate any investigation. However, 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.

Circumstances where it may be necessary to disclose the identity of the individual who makes a Protected Disclosure could include, for example, where:

- The person to whom the Protected Disclosure was made or referred reasonably believes that the person by whom the Protected Disclosure was made does not object to the disclosure of any such information

- The person to whom the Protected Disclosure was made or referred reasonably believes that disclosing any such information is necessary for
 - The effective investigation of the Relevant Wrongdoing concerned;
 - The prevention of serious risk to public health, public safety or the environment; or
 - The prevention of crime or prosecution of a criminal offence.
- The Protected Disclosure is otherwise necessary in the public interest or is required by law

If the situation arises where the organisation is not able to resolve or further investigate a potentially Relevant Wrongdoing without revealing the individual's identity, the organisation will discuss this with the individual in advance.

Anonymous Allegations

This policy does not encourage anonymous disclosures. Rather, this policy encourages individuals to put their name to any disclosures they make. Proper investigation may be more difficult, or even impossible, if the organisation cannot obtain further information from the person.

Anonymous disclosures may be considered at the discretion of the organisation. In exercising this discretion, the factors to be taken into account will include:

- The seriousness of the issues raised
- The credibility of the concern
- The likelihood of confirming the allegation from attributable sources
- The volume of the detail provided

A person who is concerned about a possible reprisal if his/her identity is revealed should raise this concern with the HR Manager.

Anonymity cannot be maintained if this would have an adverse effect on any serious criminal proceedings.

Procedure for making a Protected Disclosure

The best place to raise a concern is through your direct line manager or HR Manager. However, if the individual feels uncomfortable with speaking up locally, he/she can raise your concern using any of the following options:

1. Raising a concern where appropriate via your direct line manager or HR Manager
2. You can contact our confidential email address on speakup@dalatahotelgroup.com

In many cases, it will be appropriate for the employee to raise any concerns that may fall under this policy with a member of line management. The individual can make the Protected Disclosure in person or put the matter in writing. It may be possible to agree a way to resolve the concern quickly and effectively without further investigation.

However, where the matter is more serious, or the individual feels that the manager has not addressed his/her concern(s), or indeed that he/she might be personally or professionally conflicted, or the employee prefers not to raise it with management for any reason, the employee should contact the HR Manager, General Manager or Group HR Manager.

On receipt of a Protected Disclosure, the member of staff who receives and takes note of the complaint, must pass this information as soon as is reasonably possible, to the appropriate designated investigating officer as follows:

- Protected Disclosures of malpractice will be investigated by the appropriate General Manager unless the complaint is against the General Manager or is in any way related to the actions of the General Manager. In such cases, the Protected Disclosure should be passed to the Chief Operations Officer for referral
- In the case of a Protected Disclosure which is any way connected with but not against the General Manager the Chief Operations Officer will nominate an appropriate Senior Manager to act as the alternative investigating officer
- Protected Disclosures against the Chief Operations Officer or Chief Executive should be passed to the Chairman of the Audit Committee who will nominate an appropriate investigating officer
- The person raising a protected disclosure has the right to bypass the line management structure and take their Protected Disclosure direct to the Chairman of the Audit Committee. Hershel can be contacted via email on auditandriskcommitteechair@dalatahotelgroup.com.
- The Chairman of the Audit Committee has the right to refer the Protected Disclosure back to management if he or she feels that the management, without any conflict of interest, can more appropriately investigate the Protected Disclosure.

Initial Assessment

Due to the varied nature of these sorts of complaints, which may involve internal/external investigators it is not possible to lay down precise timescales for such investigations. The investigating officer should ensure that the investigations are undertaken as quickly as possible without affecting the quality and depth of those investigations.

Once the Protected Disclosure is made, the relevant investigating officer will carry out an initial assessment to consider the issues raised and, if appropriate, determine the scope of any investigation and the manner in which it will be undertaken. The investigating officer should as soon as practically possible, send a written acknowledgment of the Protected Disclosure to the person. The person will be informed of the outcome of that assessment. If it is clear that the concern falls more appropriately within the grievance, bullying/harassment or some other appropriate policy, the individual will be informed that it should progress in accordance with that policy.

The individual may be required to attend additional meetings in order to provide further information. If this is required the individual may be accompanied to such meetings by a fellow colleague who will be required to agree and adhere to the confidential nature of the process.

The organisation will aim to keep the individual informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent the organisation from giving the individual specific details of the investigation or any disciplinary (or other) action taken as a result.

The individual should treat any information about the investigation as confidential. Any breach of this confidentiality may result in disciplinary action, up to and including dismissal.

If there is evidence of criminal activity then the investigating officer should inform the relevant authorities

The organisation will ensure that any internal investigation does not hinder a formal investigation. All responses to the person raising a concern should be in writing and sent to their home address.

Investigation

The investigating officer should follow these steps:

- Full details and clarifications of the Protected Disclosure should be obtained – preferably dated and in writing
- The investigating officer should inform the member of staff against whom the complaint is made as soon as is practically possible. The member of staff will be informed of their right to be accompanied by a fellow colleague at any future interview or hearing held under this policy.
- The investigating officer should consider the involvement of the organisation auditors and the Garda Siochana at this stage and should consult with the Chief Operations Officer or the chairman of the Audit Committee as appropriate.
- The allegations should be fully investigated by the investigating officer with the assistance where appropriate, of other individuals or bodies. In some cases, the organisation may appoint an investigator (internal or external as may be required) with relevant specialist knowledge or experience of the subject matter. The investigator may make recommendations for change to enable the organisation to minimise the risk of future wrongdoing
- A judgment concerning the Protected Disclosure and validity of the Protected Disclosure will be made by the investigating officer. This judgment will be detailed in a written report containing the findings of the investigations and reasons for the judgment. The report will be passed to the Chief Operations Officer and Chief Executive as appropriate. In circumstances where the report involves a Protected Disclosure in connection with either of the foregoing, the report will be passed to the Chairman of the Audit Committee
- The Chief Operations Officer or Chief Executive will decide what action to take. If the complaint is shown to be justified, then they will invoke the disciplinary or other appropriate procedures
- Subject to the requirement of confidentiality, the person should be kept informed of the progress of the investigations and, if appropriate, of the final outcome
- If appropriate, a copy of the outcome will be passed to the organisation auditors to enable a review of the procedures
- Where the person is not satisfied that their concern is being or has been properly dealt with by the investigating officer, they have the right to raise it in confidence with the Chairman of the Audit Committee or one of the designated persons described above

Where the investigation finds the Protected Disclosure to be unsubstantiated and all internal procedures have been exhausted, but the person is not satisfied with the outcome of the investigation, the organisation recognises the lawful rights of employees to make disclosures to prescribed persons (such as the Health and Safety Authority inspectors) or, where justified, elsewhere.

The Protected Disclosures Act 2014 provides for external reporting of wrong-doing to appropriate authorities in circumstances where:

1. The employee reasonably believes that the information disclosed and any allegations contained are "substantially true"; and
2. The wrong-doing falls within matters in respect of which there is a "Prescribed Person" within the meaning of the Act.

Disciplinary Action

The organisation is strongly committed to this Policy and to protecting employees who make a Protected Disclosure under this Policy.

The organisation reserves the right to initiate disciplinary action in the event that:

- Disclosures are made other than with the reasonable belief that they tend to show one or more Relevant Wrongdoings (i.e., where the disclosure is dishonest, malicious or vexatious)
- An individual is victimised, bullied, harasses or penalised by a colleague for raising a genuine concern in good faith
- Any employee conceals or covers up a Relevant Wrongdoing

Employees are strictly prohibited from engaging in any behaviour or act which may cause detriment to those making a Protected Disclosure. Where any employee engages in such behaviour, this may be regarded as gross misconduct and may lead to disciplinary action up to and including dismissal or, in the case of non-employees, suspension or cessation of the relevant contract for services.

Communication, Monitoring and Review

This Policy and Procedure will be communicated to all employees and others that the organisation does business with.

This Policy and Procedure will be monitored for its effectiveness and will be reviewed by the organisation from time to time.

Dalata Hotel Group

Public Interest Disclosure Policy - NI

Purpose

Dalata Hotel Group Plc is committed to the highest standards of openness, probity and accountability and conducting our business with honesty and integrity. An important aspect of accountability and transparency is to put in place an effective mechanism to enable employees to voice concerns in a responsible and effective manner.

It is a fundamental term of every contract of employment that an employee will not disclose confidential information about the employer's affairs. Nevertheless, where an individual discovers information which they believe shows serious malpractice or "Relevant Wrongdoings" (as defined in Article 67B of the Public Interest Disclosure (Northern Ireland) Order 1998 and detailed below) within the organisation, this information should be disclosed internally without fear of reprisal. This Confidential Disclosure Policy & Procedure has been put in place to enable staff to raise such concerns confidentially and to ensure that there are 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 Public Interest Disclosure (Northern Ireland) Order 1998, which came into operation on 31 October 1999, enables employees who report wrongdoing (often referred to as 'whistleblowing') to complain to an Industrial Tribunal if they are dismissed or suffer any other form of detriment for doing so.

The aims of this Procedure are to:

1. Encourage employees to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected;
2. Provide employees with guidance as to how to raise those concerns; and
3. Reassure employees that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be genuinely mistaken.

Scope

This procedure covers all "employees" as defined by Article 3(3) of the Employment Rights (NI) Order 1996, which includes permanent and fixed-term employees, consultants, contractors, volunteers/interns, trainees, work experience students, interns, part – time, full – time, casual employees and temporary agency employees are not required to work for the Dalata Hotel Group Plc for a minimum amount of time before they can use this policy.

It should be emphasised that this Policy is intended to assist individuals who believe they have discovered malpractice or Relevant Wrongdoing(s). It is not designed to question financial or business decisions taken by the organisation nor should it be used to reconsider any matters, which have already been appropriately addressed under bullying/harassment, grievance, disciplinary or other applicable procedures. With the whistle blowing procedures in place, it is reasonable to expect employees to use them in the first instance, rather than raising their complaints outside the organisation.

What is Public Interest Disclosure?

"Public Interest Disclosure" is the disclosure of relevant information where there is a suspicion of wrongdoing and it tends to show one or more relevant wrongdoings is occurring, has occurred or is likely to occur. It is commonly also referred to as Whistleblowing.

This Policy is designed to enable employees to raise concerns internally and at a high level. This policy is intended to cover disclosures, which are in the public interest and may, at least initially, be investigated separately but might then lead to the invocation of other procedures, e.g., disciplinary

This Policy is designed to enable employees to raise concerns internally and at a high level. This policy is intended to cover disclosures, which are in the public interest and may, at least initially, be investigated separately but might then lead to the invocation of other procedures, e.g., disciplinary.

Relevant Wrongdoing is defined (in accordance with Article 67B of the Public Interest Disclosure (Northern Ireland) Order 1998) as one or more of the following:

- That a criminal offence has been, is being or likely to be committed
- That a person has failed, is failing or is likely to fail to comply with any legal obligation, to which he is subject
- That a miscarriage of justice has occurred, is occurring or is likely to occur
- That the health or 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 of the preceding sub-paragraphs has been, is being or is likely to be deliberately concealed

The employee should make the disclosure in good faith and should not make the disclosure for the purposes of personal gain. If any employee has genuine concerns related to suspected wrongdoing as set out above, he/she should report it under this Policy.

This Policy should not be used for complaints relating to the employee's own personal circumstances, such as the way they have been treated at work. In those cases, the employee should use the Grievance Procedure.

Employee Safeguards

Protection

A person should promptly make a Public Interest Disclosure if:

- a) They have a reasonable belief that there is a material wrongdoing
- b) They are making the disclosure in good faith
- c) It is not vexatious or made maliciously
- d) It is not made for personal gain

In deciding whether the disclosure is 'reasonable' the investigation will consider all the circumstances. This will include the identity of the person to whom the employee made their disclosure, the seriousness of it, whether the risk or danger remains and whether the employee has complied with approved internal procedures.

For the avoidance of doubt, this Policy is designed to offer protection to those employees who disclose such concerns in good faith.

It is understandable that people are sometimes worried about possible repercussions of making a Disclosure under this policy. Through this Policy the organisation aims to encourage openness and

will support staff who raise genuine concerns in good faith under this Policy, even if they turn out to be mistaken. However, in making a Disclosure the individual should exercise due care to ensure the accuracy of the information and that it is disclosed in the manner prescribed in the Procedure set out below.

For the sake of clarity, the disclosure will be protected under the Order if it is made:

- In good faith through internal procedures, or to another person whom the employee reasonably believes is solely or mainly responsible for the failure in question
- To a legal adviser in the course of obtaining legal advice
- To a person or body prescribed in the Public Interest Disclosure (Prescribed Person) (Amendment)

Order (Northern Ireland) 2010. Prescribed persons are responsible for investigating allegations that fall under their jurisdiction

The disclosure will also be protected if it is made other than described in the paragraph above, provided that the employee makes it in good faith, reasonably believes that the information and the allegation contained in it are substantially true, and does not act for personal gain. He/she must also meet one or other of the following conditions:

- The employee reasonably believed that he/she would be victimised if he/she raised the matter internally;
- The employee reasonably believed that the disclosure related to a criminal offence and was thus a 'qualifying disclosure';
- There was no prescribed person and the employee reasonably believed the evidence was likely to be concealed or destroyed;
- The concern had already been substantially raised within Dalata Hotel Group Plc or to a prescribed person.

The organisation will ensure that the employee will not be subject to any penalisation or detrimental treatment by the organisation, such as lay-off, transfer of duties, change of location of work, reduction in wages, change in working hours, harassment, discrimination, demotion, dismissal or some other form of unfair treatment. If the staff member believes he or she has suffered any such treatment, he/she should inform the HR Manager immediately. If the matter is not remedied, he/she should raise it formally under the Grievance Procedure.

Staff must not threaten or retaliate against a person raising a concern in any way. Anyone involved in such conduct will be subject to disciplinary action as detailed further below.

Abuse of the Procedure

If an individual makes malicious or vexatious allegations, and particularly if he or she persists with making them, disciplinary action may be taken against that individual, up to and including dismissal.

In an extreme case, malicious or wild allegations could give rise to legal action on the part of the persons complained about.

Disciplinary action may also be taken in situations where a member of staff discloses concerns or allegations of relevant wrongdoing publicly in breach of this procedure, unless permitted pursuant to the Public Interest Disclosures (Northern Ireland) Order 1998.

Confidentiality

The organisation will treat all such disclosures in a confidential and sensitive manner. The identity of the individual making the allegation may be kept confidential so long as this does not hinder or frustrate any investigation. However, 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.

Circumstances where it may be necessary to disclose the identity of the individual who makes a Disclosure could include, for example, where:

- The person to whom the Disclosure was made or referred reasonably believes that the person by whom the Disclosure was made does not object to the disclosure of any such information
- The person to whom the Disclosure was made or referred reasonably believes that disclosing any such information is necessary for
 - the effective investigation of the Relevant Wrongdoing concerned;
 - The prevention of serious risk to public health, public safety or the environment; or o the prevention of crime or prosecution of a criminal offence.
- The Disclosure is otherwise necessary in the public interest or is required by law

If the situation arises where the organisation is not able to resolve or further investigate a potentially relevant Wrongdoing without revealing the individual's identity, the organisation will discuss this with the individual in advance.

Anonymous Allegations

This policy does not encourage anonymous disclosures. Rather, this policy encourages individuals to put their name to any disclosures they make. Proper investigation may be more difficult, or even impossible, if the organisation cannot obtain further information from the person. In addition, it is more difficult to establish whether anonymous allegations are credible.

Anonymous disclosures may be considered at the discretion of the organisation. In exercising this discretion, the factors to be taken into account will include:

- The seriousness of the issues raised
- The credibility of the concern
- The likelihood of confirming the allegation from attributable sources
- The volume of the detail provided

A person who is concerned about a possible reprisal if his/her identity is revealed should raise this concern with the HR Manager.

Anonymity cannot be maintained if this would have an adverse effect on any serious criminal proceedings.

Procedure for making a Public Interest Disclosure

The best place to raise a concern is through your direct line manager or HR Manager. However, if the individual feels uncomfortable with speaking up locally, he/she can raise your concern using any of the following options:

1. Raising a concern where appropriate via your direct line manager or HR Manager
2. You can contact our confidential email address on speakup@dalatahotelgroup.com

In many cases, it will be appropriate for the employee to raise any concerns that may fall under this policy with a member of line management. The individual can make the Disclosure in person or put the matter in writing. It may be possible to agree a way to resolve the concern quickly and effectively without further investigation.

However, where the matter is more serious, or the individual feels that the manager has not addressed his/her concern(s), or indeed that he/she might be personally or professionally conflicted, or the employee prefers not to raise it with management for any reason, the employee should contact the HR Manager.

On receipt of a Disclosure, the member of staff who receives and takes note of the complaint, must pass this information as soon as is reasonably possible, to the appropriate designated investigating officer as follows:

- Disclosures of malpractice will be investigated by the appropriate General Manager unless the complaint is against the General Manager or is in any way related to the actions of the General Manager. In such cases, the Disclosure should be passed to the Chief Operations Officer for referral
- In the case of a Disclosure which is any way connected with but not against the General Manager the Chief Operations Officer will nominate an appropriate Senior Manager to act as the alternative investigating officer
- Disclosures against the Chief Operations Officer or Chief Executive should be passed to the Chairman of the Audit Committee who will nominate an appropriate investigating officer
- The person has the right to bypass the line management structure and take their Disclosure direct to the Chairman of the Audit Committee. He/she can be contacted via email on auditandriskcommitteechair@dalatahotelgroup.com.
- The Chairman of the Audit Committee has the right to refer the Disclosure back to management if he or she feels that the management, without any conflict of interest, can more appropriately investigate the Disclosure

Initial Assessment

Due to the varied nature of these sorts of complaints, which may involve internal/external investigators and/or the involvement of the Police Service of Northern Ireland, it is not possible to lay down precise timescales for such investigations. The investigating officer should ensure that the investigations are undertaken as quickly as possible without affecting the quality and depth of those investigations.

Once the disclosure is made, the relevant investigating officer will carry out an initial assessment to consider the issues raised and, if appropriate, determine the scope of any investigation and the manner in which it will be undertaken. The investigating officer should as soon as practically possible, send a written acknowledgement of the Disclosure to the person. The person will be informed of the outcome of that assessment. If it is clear that the concern falls more appropriately within the grievance, bullying/harassment or some other appropriate procedure, the individual will be informed that it should progress in accordance with that procedure.

The individual may be required to attend additional meetings in order to provide further information. If this is required the individual may be accompanied to such meetings by a fellow colleague or trade union representative who will be required to agree and adhere to the confidential nature of the process.

The organisation will aim to keep the individual informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent the organisation from giving the individual specific details of the investigation or any disciplinary (or other) action taken as a result.

The individual should treat any information about the investigation as confidential. Any breach of this confidentiality may result in disciplinary action, up to and including dismissal.

If there is evidence of criminal activity then the investigating officer should inform the Police Service of Northern Ireland. The organisation will ensure that any internal investigation does not hinder a formal Police Service of Northern Ireland investigation.

Investigation

The investigating officer should follow these steps:

- Full details and clarifications of the Disclosure should be obtained – preferably dated and in writing
- The investigating officer should inform the member of staff against whom the complaint is made as soon as is practically possible. The member of staff will be informed of their right to be accompanied by a trade union representative or fellow colleague at any future interview or hearing held under this procedure
- The investigating officer should consider the involvement of the organisation auditors and the Police Service of Northern Ireland at this stage and should consult with the Chief Operations Officer as appropriate
- The allegations should be fully investigated by the investigating officer with the assistance where appropriate, of other individuals or bodies. In some cases, the organisation may appoint an investigator (internal or external as may be required) with relevant specialist knowledge or experience of the subject matter. The investigator may make recommendations for change to enable the organisation to minimise the risk of future wrongdoing
- A judgment concerning the Disclosure and validity of the Disclosure will be made by the investigating officer. This judgment will be detailed in a written report containing the findings of the investigations and reasons for the judgment. The report will be passed to the Chief Operations Officer and Chief Executive as appropriate. In circumstances where the report involves a Disclosure in connection with either of the foregoing, the report will be passed to the Chairman of the Audit Committee
- The Chief Operations Officer or Chief Executive will decide what action to take. If the complaint is shown to be justified, then they will invoke the disciplinary or other appropriate procedures
- Subject to the requirement of confidentiality, the person should be kept informed of the progress of the investigations and, if appropriate, of the final outcome
- If appropriate, a copy of the outcome will be passed to the organisation auditors to enable a review of the procedures
- Where the person is not satisfied that their concern is being or has been properly dealt with by the investigating officer, they have the right to raise it in confidence with the Chairman of the Audit Committee or one of the designated persons described above

Where the investigation finds the Disclosure to be unsubstantiated and all internal procedures have been exhausted, but the person is not satisfied with the outcome of the investigation, the organisation recognises the lawful rights of employees to make disclosures to prescribed persons or body (such as the health and Safety Authority inspectors) or, where justified, elsewhere.

The Public Interest Disclosure (Prescribed Persons) (Amendment) Order (Northern Ireland) 2010 provides for external reporting of wrong-doing to appropriate authorities in circumstances where:

1. The employee reasonably believes that the information disclosed and any allegations contained are "substantially true"; and
2. The wrong-doing falls within matters in respect of which there is a "Prescribed Person" within the meaning of the Order.

Disciplinary Action

The organisation is strongly committed to this Policy and to protecting employees who make a Protected Disclosure under this Policy.

The organisation reserves the right to initiate disciplinary action in the event that:

- Disclosures are made other than with the reasonable belief that they tend to show one or more Relevant Wrongdoings i.e., where the disclosure is dishonest, malicious or vexatious
- An individual is victimised, bullied, harasses or penalised by a colleague for raising a genuine concern in good faith
- Any employee conceals or covers up a Relevant Wrongdoing

employees are strictly prohibited from engaging in any behaviour or act which may cause detriment to those making a Disclosure. Where any employee engages in such behaviour, this may be regarded as gross misconduct and may lead to disciplinary action up to and including dismissal or, in the case of non-employees, suspension or cessation of the relevant contract for services.

The organisation expects that a person should act in good faith when making a Disclosure. In circumstances where the organisation concludes that a person has knowingly made false allegations maliciously, in bad faith, or with a view to personal gain, that person may be subject to disciplinary action up to and including dismissal.

Communication, Monitoring and Review

This Policy and Procedure will be communicated to all employees and others that the organisation does business with.

This Policy and Procedure will be monitored for its effectiveness and will be reviewed by the organisation from time to time.

Dalata Hotel Group

Public Interest Disclosure Policy - GB

Purpose

Dalata Hotel Group Plc is committed to the highest standards of openness, probity and accountability and conducting our business with honesty and integrity. An important aspect of accountability and transparency is to put in place an effective mechanism to enable employees to voice concerns in a responsible and effective manner.

It is a fundamental term of every contract of employment that an employee will not disclose confidential information about the employer's affairs. Nevertheless, where an individual discovers information which they believe shows serious malpractice or "Relevant Wrongdoings" (as defined in Article 43B of the Public Interest Disclosure Act 1998 and detailed below) within the organisation, this information should be disclosed internally without fear of unfair treatment. This policy has been put in place to enable employees to raise such concerns confidentially and to ensure that there are 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 Public Interest Disclosure Act 1998, which came into operation on 2 July 1999, enables employees who report wrongdoing (often referred to as 'whistleblowing') to complain to an Employment Tribunal if they are dismissed or suffer any other form of detriment for doing so.

The aims of this Procedure are to:

1. Encourage employees to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected;
2. Provide employees with guidance as to how to raise those concerns; and
3. Reassure employees that they should be able to raise genuine concerns without fear of unfair treatment, even if they turn out to be genuinely mistaken.

This policy takes account of the Whistleblowing Arrangements Code as issued by the British Standards Institute and the guidance furnished by the United Kingdom's Whistleblowing Charity, Public Concern at Work. It also provisions for the amendments introduced by the Enterprise and Regulatory Reform Act 2013 which came into force on 25 June 2013.

Scope

This procedure covers all "employees" as defined by Section 43K of the Employment Rights Act 1996 and Section 20 of the Enterprise and Regulatory Reform Act 2013, which includes permanent and fixed-term employees, consultants, contractors, volunteers/interns, trainees, work experience students, interns, part – time, full – time, casual employees and temporary agency employees. Employees are not required to work for the Dalata Hotel Group Plc for a minimum amount of time before they can use this policy.

It should be emphasized that this Policy is intended to assist individuals who believe they have discovered malpractice or Relevant Wrongdoing(s). It is not designed to question financial or business decisions taken by the organisation nor should it be used to reconsider any matters, which have already been appropriately addressed under bullying/harassment, grievance, disciplinary or other applicable procedures. With the public interest disclosure procedures in place, it is reasonable to expect employees to use them in the first instance, rather than raising their complaints outside the organisation.

What is Public Interest Disclosure?

"Public Interest Disclosure" is the disclosure of relevant information where there is a suspicion of wrongdoing and it tends to show one or more relevant wrongdoings is occurring, has occurred or is likely to occur. It is commonly also referred to as Whistleblowing.

This Policy is designed to enable employees to raise concerns internally and at a high level. This policy is intended to cover disclosures, which are in the public interest and may, at least initially, be investigated separately but might then lead to the invocation of other procedures, e.g., disciplinary.

Relevant Wrongdoing is defined (in accordance with Article 43B of the Public Interest Disclosure Act 1998) as one or more of the following:

- That a criminal offence has been, is being or likely to be committed;
- That a person has failed, is failing or is likely to fail to comply with any legal obligation, to which he is subject;
- That a miscarriage of justice has occurred, is occurring or is likely to occur;
- That the health or 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; or
- That information tending to show any matter falling within any of the preceding sub- paragraphs has been, is being or is likely to be deliberately concealed.

A person raising a concern believes that the information that they disclosed and any allegation contained within it, are substantially true. Furthermore, the disclosure must be made in the public interest. The employee must not make the disclosure for the purposes of personal gain. If any employee has genuine concerns related to suspected wrongdoing as set out above, he/she should report it under this Policy.

This Policy should not be used for complaints relating to the employee's own personal circumstances, such as the way they have been treated at work. In those cases, the employee should use the Grievance Procedure.

Disclosures of a personal nature will not be protected. Therefore, a disclosure related to a breach by the employer of the employee's contract of employment, or breach of the terms of another contract whereby the employee undertakes to do or perform personally any work or services, will not be protected. Ultimately, it will be for the employee to show why the disclosure is in the public interest.

Employee Safeguards

Protection

A person should promptly make a Disclosure if:

- a) They have a reasonable and honest belief that there is a material wrongdoing
- b) It is not vexatious or made maliciously
- c) It is not made for personal gain

In deciding whether the disclosure is 'reasonable' the investigation will consider all the circumstances. This will include the identity of the person to whom the employee made their disclosure, the seriousness of it, whether the risk or danger remains and whether the employee has complied with approved internal procedures.

For the avoidance of doubt, this Policy is designed to offer protection to those employees who disclose such concerns made in the public interest.

It is understandable that people are sometimes worried about possible repercussions of making a Disclosure under this policy. Through this Policy the organisation aims to encourage openness and will support staff who raise genuine concerns, made in the public interest, under this Policy, even if they turn out to be mistaken. However, in making a Disclosure the individual should exercise due care to ensure the accuracy of the information and that it is disclosed in the manner prescribed in the Procedure set out below.

For the sake of clarity, the disclosure will be protected under the Order if it is made:

- In the public interest and through internal procedures, or to another person whom the employee reasonably believes is solely or mainly responsible for the failure in question
- To a legal adviser in the course of obtaining legal advice
- To a person or body prescribed in the Public Interest Disclosure (Prescribed Persons) Order 2014. Prescribed persons are responsible for investigating allegations that fall under their jurisdiction.

The disclosure will also be protected if it is made other than described in the paragraph above, provided that the employee makes it in the public interest, reasonably believes that the information and the allegation contained in it are substantially true, and does not act for personal gain. He/she must also meet one or other of the following conditions:

- The employee reasonably believed that he/she would be victimised if he/she raised the matter internally;
- The employee reasonably believed that the disclosure related to a criminal offence and was therefore a 'qualifying disclosure';
- There was no prescribed person and the employee reasonably believed the evidence was likely to be concealed or destroyed;
- The concern had already been substantially raised within Dalata Hotel Group Plc or to a prescribed person.

As described above, the law recognises that in some circumstances it may be appropriate for an employee to report his/her concerns to an external body. It will very rarely, if ever, be appropriate to alert the media. Dalata Hotel Group Plc strongly encourages employees to seek advice before reporting a concern to anyone external.

The organisation will ensure that the employee will not be subject to any penalisation or detrimental treatment by the organisation, such as lay-off, transfer of duties, change of location of work, reduction in wages, change in working hours, harassment, discrimination, demotion, dismissal or some other form of unfair treatment. If the staff member believes he or she has suffered any such treatment, he/she should inform the HR Manager immediately. If the matter is not remedied, he/she should raise it formally under the Grievance Procedure.

Employees may be held personally liable if they are found to have victimised their colleague because they have raised a concern. The person has the right not to be subjected to any detriment including but not limited to victimization, harassment or otherwise by any fellow employee or agent of the employer as a result of their disclosure. They have the right to bring a claim in an Employment Tribunal against such person subjecting them to the alleged detriment/ treatment.

Employee must not threaten or retaliate against a person making a disclosure in any way. Anyone involved in such conduct will be subject to disciplinary action as detailed further below.

Abuse of the Procedure

If an individual makes malicious or vexatious allegations, and particularly if he or she persists with making them, disciplinary action may be taken against that individual, up to and including dismissal.

In an extreme case, malicious or wild allegations could give rise to legal action on the part of the persons complained about.

Disciplinary action may also be taken in situations where a member of staff discloses concerns or allegations of relevant wrongdoing publicly in breach of this procedure, unless permitted pursuant to the Public Interest Disclosures Act 1998.

Confidentiality

The organisation will treat all such disclosures in a confidential and sensitive manner. The identity of the individual making the allegation may be kept confidential so long as this does not hinder or frustrate any investigation. However, 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.

Circumstances where it may be necessary to disclose the identity of the individual who makes a Disclosure could include, for example, where:

- The person to whom the Disclosure was made or referred reasonably believes that the person by whom the Disclosure was made does not object to the disclosure of any such information
- The person to whom the Disclosure was made or referred reasonably believes that disclosing any such information is necessary for
 - The effective investigation of the Relevant Wrongdoing concerned;
 - The prevention of serious risk to public health, public safety or the environment; or
 - The prevention of crime or prosecution of a criminal offence.
- The Disclosure is otherwise necessary in the public interest or is required by law

If the situation arises where the organisation is not able to resolve or further investigate a potentially Relevant Wrongdoing without revealing the individual's identity, the organisation will discuss this with the individual in advance.

Anonymous Allegations

This policy does not encourage anonymous disclosures. Rather, this policy encourages individuals to put their name to any disclosures they make. Proper investigation may be more difficult, or even impossible, if the organisation cannot obtain further information from the disclosure. In addition, it is more difficult to establish whether anonymous allegations are credible.

Anonymous disclosures may be considered at the discretion of the organisation. In exercising this discretion, the factors to be taken into account will include:

- The seriousness of the issues raised
- The credibility of the concern
- The likelihood of confirming the allegation from attributable sources
- The volume of the detail provided

A person who is concerned about a possible reprisal if his/her identity is revealed should raise this concern with the HR Manager.

Anonymity cannot be maintained if this would have an adverse effect on any serious criminal proceedings.

Procedure for making a Public Interest Disclosure

The best place to raise a concern is through your direct line manager or HR Manager. However, if the individual feels uncomfortable with speaking up locally, he/she can raise your concern using any of the following options:

1. Raising a concern where appropriate via your direct line manager, HR Manager or General Manager
2. You can contact our confidential email address on speakup@dalatahotelgroup.com

In many cases, it will be appropriate for the employee to raise any concerns that may fall under this policy with a member of line management. The individual can make the Disclosure in person or put the matter in writing. It may be possible to agree a way to resolve the concern quickly and effectively without further investigation.

However, where the matter is more serious, or the individual feels that the manager has not addressed his/her concern(s), or indeed that he/she might be personally or professionally conflicted, or the employee prefers not to raise it with management for any reason, the employee should contact the HR Manager.

On receipt of a disclosure, the member of staff who receives and takes note of the complaint, must pass this information as soon as is reasonably possible, to the appropriate designated investigating officer as follows:

- Disclosures of malpractice will be investigated by the appropriate General Manager unless the complaint is against the General Manager or is in any way related to the actions of the General Manager. In such cases, the Disclosure should be passed to the Chief Operations Officer for referral
- In the case of a Disclosure which is any way connected with but not against the General Manager the Chief Operations Officer will nominate a Senior Manager to act as the alternative investigating officer
- Disclosures against the Chief Operations Officer or Chief Executive should be passed to the Chairman of the Audit Committee who will nominate an appropriate investigating officer. The person has the right to bypass the line management structure and take their Disclosure direct to the Chairman of the Audit Committee. He/She can be contacted via email on auditandriskcommitteechair@dalatahotelgroup.com.
- The Chairman of the Audit Committee has the right to refer the Disclosure back to management if he or she feels that the management, without any conflict of interest, can more appropriately investigate the Disclosure

Due to the varied nature of these sorts of complaints, which may involve internal/external investigators and/or the involvement of the relevant police force in Great Britain, it is not possible to lay down precise timescales for such investigations. The investigating officer should ensure that the investigations are undertaken as quickly as possible without affecting the quality and depth of those investigations.

Once the disclosure is made, the relevant investigating officer will carry out an initial assessment to consider the issues raised and, if appropriate, determine the scope of any investigation and the manner in which it will be undertaken. The investigating officer should as soon as practically possible, send a written acknowledgement of the disclosure to the person raising the disclosure. The person will be informed of the outcome of that assessment. If it is clear that the concern falls more appropriately within the grievance, bullying/harassment or some other appropriate procedure, the individual will be informed that it should progress in accordance with that procedure.

The individual may be required to attend additional meetings in order to provide further information. If this is required the individual may be accompanied to such meetings by a fellow colleague who will be required to agree and adhere to the confidential nature of the process.

The organisation will aim to keep the individual informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent the organisation from giving the individual specific details of the investigation or any disciplinary (or other) action taken as a result.

The individual should treat any information about the investigation as confidential. Any breach of this confidentiality may result in disciplinary action, up to and including dismissal.

If there is evidence of criminal activity then the investigating officer should inform the relevant police force in Great Britain. The organisation will ensure that any internal investigation does not hinder a formal Police investigation.

Investigation

The investigating officer should follow these steps:

- Full details and clarifications of the Disclosure should be obtained – preferably dated and in writing
- The investigating officer should inform the member of staff against whom the complaint is made as soon as is practically possible. The member of staff will be informed of their right to be accompanied by a fellow colleague at any future interview or hearing held under this procedure
- The investigating officer should consider the involvement of the organisation auditors and the relevant Police Force in Great Britain at this stage and should consult with the Chief Operations Officer as appropriate
- The allegations should be fully investigated by the investigating officer with the assistance where appropriate, of other individuals or bodies. In some cases, the organisation may appoint an investigator (internal or external as may be required) with relevant specialist knowledge or experience of the subject matter. The investigator may make recommendations for change to enable the organisation to minimise the risk of future wrongdoing
- A judgment concerning the Disclosure and validity of the Disclosure will be made by the investigating officer. This judgment will be detailed in a written report containing the findings of the investigations and reasons for the judgment. The report will be passed to the Chief Operations Officer and Chief Executive as appropriate. In circumstances where the report involves a Disclosure in connection with either of the foregoing, the report will be passed to the Chairman of the Audit Committee
- The Chief Operations Officer or Chief Executive will decide what action to take. If the complaint is shown to be justified, then they will invoke the disciplinary or other appropriate procedures
- Subject to the requirement of confidentiality, the person should be kept informed of the progress of the investigations and, if appropriate, of the final outcome
- If appropriate, a copy of the outcome will be passed to the organisation auditors to enable a review of the procedures
- Where the person is not satisfied that their concern is being or has been properly dealt with by the investigating officer, they have the right to raise it in confidence with the Chairman of the Audit Committee or one of the designated persons described above.

Where the investigation finds the Disclosure to be unsubstantiated and all internal procedures have been exhausted, but the person is not satisfied with the outcome of the investigation, the organisation recognises the lawful rights of employees to make disclosures to prescribed persons or body (such as the Health and Safety Authority inspectors) or, where justified, elsewhere.

The Public Interest Disclosure (Prescribed Persons) Order 2014 provides for external reporting of wrongdoing to appropriate authorities in circumstances where:

1. The employee reasonably believes that the information disclosed and any allegations contained are "substantially true"; and
2. The wrong-doing falls within matters in respect of which there is a "Prescribed Person" within the meaning of the Order.

Disciplinary Action

The organisation is strongly committed to this Policy and to protecting employees who make a Disclosure under this Policy.

The organisation reserves the right to initiate disciplinary action in the event that:

- Disclosures are made other than with the reasonable belief that they tend to show one or more Relevant Wrongdoings i.e., where the disclosure is dishonest, malicious or vexatious
- An individual is victimised, bullied, harasses or penalised by a colleague for raising a genuine concern in the public interest
- Any employee conceals or covers up a Relevant Wrongdoing

Employees are strictly prohibited from engaging in any behaviour or act which may cause detriment to those making a Disclosure. Where any employee engages in such behaviour, this may be regarded as gross misconduct and may lead to disciplinary action up to and including dismissal or, in the case of non-employees, suspension or cessation of the relevant contract for services.

Moreover, the person will have the right to bring a claim in an Employment Tribunal against any employee who engages in this behaviour and may seek compensation against said employee personally.

The organisation expects that a person raising a concern should act in good faith when making a Disclosure. In circumstances where the organisation concludes that a person has knowingly made false allegations maliciously, in bad faith, or with a view to personal gain, that person may be subject to disciplinary action up to and including dismissal.

Communication, Monitoring and Review

This Policy and Procedure will be communicated to all employees and others that the organisation does business with.

This Policy and Procedure will be monitored for its effectiveness and will be reviewed by the organisation.