



# Whistleblowing Policy

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## Whistleblowing Policy

### 1. Introduction

RBLI is committed to the highest possible standards of honesty, integrity, openness, probity, and accountability. In line with that commitment, employees, members of the public and other interested parties are encouraged to voice concerns, and we expect all staff to maintain high standards as laid out in RBLI's Code of Ethics & Professional Conduct Policy. However, all organisations face the risk of things going wrong from time to time, or unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential to prevent such situations occurring or to address them when they do occur.

RBLI also recognizes that our employees are valuable ears and eyes. As an organisation committed to continuous improvement, we encourage our members of staff to speak so we can address potential problems as soon as possible and be proactive in our management of risks to the organisation.

### 2. Context

The Public Interest Disclosure Act 1998, which amends the Employment Rights Act 1996, provides statutory protection, with defined parameters, to employees and workers whom make disclosures of information, which they reasonably believe tends to show that one or more of the types of malpractice has taken place, is happening or is likely to take place within the authority employing them.

The Act has rules for making a protected disclosure as follows:

- There must be a disclosure of information;
  - The person must reasonably believe that a specified malpractice is or was occurring or may occur;
  - The information must be disclosed with a reasonable belief that the disclosure is in the public interest;
- and
- Other conditions may need to be met which depend on the identity of the person to whom the disclosure is made.

### 3. Purpose

This policy is intended to encourage and enable staff to raise serious concerns within RBLI to ensure we continue to maintain our reputation for integrity and accuracy and for avoiding occurrences of fraudulent or inappropriate activity. This policy has been designed in line with the UK Government's *Whistleblowing Guidance for Employers and Code of Practice (March 2015)*. This policy has the full support of all senior management, up to and including the Chief Executive and the board of trustees.

This policy does not form part of any employee's contract of employment and it may be amended at any time.

#### 4. Scope

This policy applies to individuals working at all levels of RBLI, including senior managers, officers, directors, employees, consultants, contractors, trainees, homeworkers, part-time and fixed-term workers, casual and agency staff and volunteers (collectively referred to as staff in this policy).

#### 5. Related Documents

This policy should be read in conjunction with the following documents:

- Anti-bribery Policy
- Anti-fraud & Corruption Policy
- Code of Ethics & Professional Conduct Policy
- Conflicts of Interest Policy
- Gifts & Hospitality Policy
- Grievance Policy
- Dignity at Work Policy

#### 6. Definitions

##### Whistleblowing

Whistleblowing is the term used when an employee or worker passes on information concerning wrongdoing; this can include disclosing past, present or likely future wrongdoing. This can sometimes be referred to as 'making a disclosure'.

To be covered by whistleblowing law a worker must believe two things:

1. That they are disclosing information because they are acting in the public interest. This means that personal grievances and complaints are not usually covered by whistleblowing law.
2. That the disclosure of wrongdoing relates to a suspected past, present, or likely wrongdoing or dangers which may be about something that:
  - Is a criminal offence or a failure to comply with an obligation set out in law
  - Endangers someone's health and safety
  - Is against RBLI values and policies
  - Falls below established standards or practices
  - Results in waste or loss to RBLI
  - Amounts to improper conduct
  - Causes damage to the environment
  - Is the deliberate concealing of information about any of the above

### **Whistleblower**

A whistleblower is a person who raises a genuine concern, which they reasonably believe tends to show that one or more of the above has been occurring, is occurring or is likely to occur.

### **Differences between whistleblowing and personal grievances**

For the avoidance of doubt, whistleblowing is when someone discloses information because they are acting in the public interest. Grievances, however, are raised when the individual has a personal concern that affects them e.g. issues over pay or working relationships. If staff raise a personal concern, or complaint that does not fall into one of the categories listed above and is not in the public interest, this is **NOT** covered under whistleblowing law. If this is the case, staff should use RBLI's Grievance Policy / Dignity at Work Policy as appropriate or have a discussion with HR who will support and guide them in the most appropriate way to deal with the concerns.

## **7. Aims of the Policy**

This policy is intended to:

- Encourage staff 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
- Provide staff with guidance on how to raise concerns and receive feedback on action taken
- Inform staff on how to take the matter further if they are dissatisfied with the response
- Demonstrate RBLI's commitment to investigate concerns
- Reassure staff that they should be able to raise genuine concerns that they reasonably believe shows one of the types of malpractice has taken place, is happening or is likely to happen, without fear of reprisals and victimisation for whistle blowing, even if they turn out to be mistaken

## **8. Safeguards**

RBLI recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice and possible repercussions. RBLI aim to encourage openness and will support staff who raise genuine concerns under this policy, even if they turn out to be mistaken. The following safeguards are a key part of this policy:

### **Detrimental treatment**

Staff must not suffer any detrimental treatment because of raising a concern under this policy. Detrimental treatment includes dismissal, disciplinary action, victimisation, threats, or other unfavourable treatment connected with raising a genuine concern which they reasonably believe tends to show that one or more of the above has been occurring, is occurring or is likely to occur. If staff believe that they have suffered any such treatment, they should inform their line manager or if not appropriate another member of management. If this matter is not remedied, it may be appropriate to raise a formal grievance under RBLI's Grievance Procedure. This does not mean however that if a member of staff is already the subject of

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disciplinary or redundancy procedures, that those procedures will automatically be halted because of their whistleblowing.

Staff must not threaten or retaliate against whistleblowers in any way. If it is proven that staff are involved in such conduct, they will be subject to disciplinary action.

### **Confidentiality**

RBLI hope that staff will feel able to voice whistleblowing concerns openly under this policy. However, if an individual wants to raise a concern confidentially, we will make every reasonable effort to protect their identity. If it is necessary for anyone investigating the concern to know the individual's identity, we will discuss this with them. Staff must appreciate that the investigation process may reveal the source of the information and a statement may be required as part of the evidence. Due to the nature of some disclosures, by law, we may need to disclose an individual's identity to external authorities such as the police.

### **Anonymous Allegations**

Allegations / concerns can be made anonymously; however, we do not encourage this. This is likely to make proper investigation more difficult or impossible. It is also more difficult to establish whether any allegations are credible. Making a disclosure anonymously makes it more difficult for the individual to qualify for protections as a whistleblower as there would be no documentary evidence linking the person to the disclosure. In addition, it is obviously not possible to provide feedback in such circumstances.

Whistleblowers who are concerned about possible reprisals if their identity is revealed should come forward to the Human Resources Department and appropriate measures can be taken to preserve confidentiality. If staff are in any doubt, they can seek advice from Public Concern at Work, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are 0207 404 6609 or [www.pcaw.co.uk](http://www.pcaw.co.uk)

### **Untrue Allegations**

If staff knowingly make false and malicious allegations against the organisation or another individual then the whistleblower may be subject to disciplinary action, up to and including dismissal as per RBLI's Disciplinary and Appeal Policy.

It is important to note that if an investigation concludes that the disclosure was untrue it does not automatically mean that it was raised maliciously.

## **9. Disclosure Procedures**

### **Raising a concern**

In the first instance, we hope that staff feel able to raise any concerns with their line manager.

If the line manager is involved or the member of staff feels that their line manager has not addressed their concern, the member of staff should approach the next level of management. Access to management in these circumstances should be confidential. The whistleblower can raise the concern with anyone from the

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relevant divisional management team, including a member of the Senior Management Team, if that is the most appropriate course of action.

Whistleblowers do not have to provide evidence for RBLI to investigate the concerns raised.

Whistleblowers should be aware that if they commit an illegal act whilst disclosing concerns that they may not be covered for protection by the Public Interest Disclosure Act.

Concerns should be raised in writing in the first instance; however, we accept that within RBLI some of our staff may need additional support to do this. Therefore, if this is difficult for the whistleblower to do, they should seek the support of someone they trust who is **not** involved in the potential situation, for example:

- Your line manager (if they are not involved)
- A member of the Human Resources team

### **How the concern will be dealt with**

The action taken by RBLI will depend on the nature of the concern. The matters raised may:

- Be investigated internally
- Be referred to the Police (if the issue is found to involve theft or other illegal practices)
- Be referred to an external auditor

Initial enquiries will be made to decide the scope of any investigation. Concerns or allegations which fall within the scope of other, existing, procedures (e.g. discrimination issues) will normally be referred for consideration under those procedures.

Where appropriate, RBLI will arrange a meeting with the whistleblower within 48 hours. The purpose of this meeting will be to gather all the information needed to fully understand the situation. Notes of this meeting will be taken and agreed by all parties.

In some cases, RBLI may appoint an investigator or team of investigators including staff with relevant experience of investigations or specialist knowledge of the subject matter. The investigator(s) may make recommendations for change to enable us to minimise the risk of future wrongdoing.

Some concerns may be resolved by agreed action without the need for investigation. Some concerns or allegations which fall within the scope of other specific procedures will be referred to appropriate managers.

All issues raised will be dealt with sensitively, swiftly, and appropriately and all disclosures will be treated consistently and fairly. All reasonable step will be taken to maintain the confidentiality of the whistleblower. The only exception to this is where there is a legal requirement to disclose the details.

When any meeting is arranged, staff have the right, if they so wish, to be accompanied by a trade union representative or a colleague who, if appropriate, is not involved in the area of work to which the concern relates (i.e. from another area of the business or Division). The companion must respect the confidentiality of the disclosure and any subsequent investigation.

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RBLI will take steps to minimise any difficulties which staff may experience because of raising a concern. Managers will support staff during the period with mentoring and advice. If staff are required to give evidence in criminal or disciplinary proceedings, RBLI will advise them about the procedure and provide support and guidance where appropriate. In addition, RBLI will provide mediation and dispute resolution to rebuild working relationship if deemed necessary.

RBLI accepts that staff need to be assured that the matter has been properly addressed. Where relevant and if deemed appropriate, the individual raising the concern will be kept informed of progress and any action which is taken. Subject to legal constraints, staff will receive information about the outcomes of any investigations.

### **10. External Disclosures**

The aim of this policy is to provide an internal mechanism for reporting, investigating, and remedying any wrongdoing in the workplace. In most cases staff should not find it necessary to alert anyone externally.

The law recognises that in some circumstances it may be appropriate for staff to report their concerns to an external body such as a regulator. It will very rarely be appropriate to alert the media. RBLI strongly encourage whistleblowers 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 0207 404 6609 or [www.pcaw.co.uk](http://www.pcaw.co.uk).

Whistleblowing concerns usually relate to the conduct of staff, but they may sometimes relate to the actions of a third party, such as a customer, supplier or service provider. In some circumstances the law will protect whistleblowers if they raise the matter with the third party directly. However, RBLI encourage you to report such concerns internally first. The whistleblower should contact their line manager or another appropriate member of management.

### **11. If the whistleblower is not satisfied**

Whilst we cannot always guarantee the outcome the whistleblower is seeking, RBLI will try to deal with the concern fairly and in an appropriate way. By using this policy staff can help us to achieve this.

If whistleblowers are not happy with the way in which their concern has been handled, they can raise it with the Chief Executive. Contact details can be obtained from HR.

### **12. Training and Dissemination**

RBLI is committed to creating an open and transparent environment for its staff. All line managers will receive guidance and support to ensure that whistleblowing issues are resolved in line with company policy and in a way that will cause least damage to the organisation.

This policy will be disseminated to all staff so that they are aware of the correct procedure for raising concerns at RBLI and their rights in relation to this.

### **13. Monitoring**

The Head of Corporate Governance will keep a central record of whistleblowing disclosures received, in terms of the nature of disclosure only and without personal details, so that trend analysis can be undertaken, reported, and acted upon.

The Head of Corporate Governance will also monitor compliance against this policy on an annual basis.