

Whistle Blowing Policy

About this policy

RNIB is committed to the highest standards of openness, probity and accountability. In line with that commitment, RNIB recognises that an important aspect of accountability and transparency is a mechanism to enable employees to voice concerns about breaches or failures in a reasonable and effective manner.

This policy is intended to assist workers who believe they have discovered malpractice or impropriety and to protect workers from victimisation and reprisal should they 'blow the whistle'.

In order to retain the trust of those we are trying to help, RNIB aims to take all reasonable steps to ensure a culture of openness and a freedom to express views and concerns.

This policy and procedure provides a mechanism for workers to be able to freely communicate their concerns about illegal or unethical practices to management or trustees and know that their concerns will be taken seriously and investigated thoroughly.

Scope

This policy applies to all employees and officers of the organisation, as well as trustees, trainees, volunteers, agency staff and contractors. All of these 'workers' may be the subject of, or raise, concerns.

It is important to the business that any fraud, misconduct or wrongdoing by workers or officers of the organisation is reported and properly dealt with. The organisation therefore encourages all individuals to raise any concerns that they may have about the conduct of others in the business or the way in which the business is run.

Review

This policy is due for review every three years or following any legislative changes, whichever comes first. This policy expires on 30 June 2019.

The policy will be reviewed by the Business Support and Compliance Manager. The final draft of the policy will then go to the Executive Board, then the Board of Trustees, for approval.

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1. Policy

The Public Interest Disclosure Act 1998 amended the Employment Rights Act 1996 to provide protection for workers who raise legitimate concerns about specified matters. These are called "qualifying disclosures". A qualifying disclosure is one made in good faith by an individual who has a reasonable belief that:

- a criminal offence, including safeguarding concerns;
- a miscarriage of justice;
- an act creating risk to health and safety;
- an act causing damage to the environment;
- a breach of any other legal obligation; or
- concealment of any of the above;

is being, has been, or is likely to be, committed. It is not necessary for the individual to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient. The individual has no responsibility for investigating the matter – it is the organisation's responsibility to ensure that an investigation takes place.

To raise a concern, the whistle blower does not need to prove that any the above has been committed. They need to have reasonable grounds to believe that one or more of the above has been, is being, or is likely to be committed. The report must be made in good faith. A worker who makes such a protected disclosure has the right not to be dismissed, subjected to any other detriment, or victimised, because he/she has made a disclosure.

The items in the above list are all very serious matters. The Whistle Blowing procedure is only to be used in these circumstances. It is not intended as a route through which more routine issues should be raised e.g. Grievances; these should be initiated with HR. [See the HR Policies.]

Policy Statement

This policy provides a framework for how concerns at work can be raised by workers. Its intention is to ensure that all workers are aware of their responsibility to raise such concerns. RNIB recognises and encourages the contribution that issues raised by workers under this policy can have in improving services and will ensure that concerns raised are handled honestly, promptly and effectively.

Issues raised under the policy will, wherever possible be dealt with informally and in a way that produces speedy and effective outcomes which minimise the risk of any breach of confidentiality.

RNIB recognises that raising a concern (whistle blowing) can be a difficult experience for some workers. We therefore expect managers to treat concerns raised seriously and to deal with them promptly in line with the policy.

If you have done something wrong and raise it under the policy you will not necessarily have immunity for your own wrongdoing and the matter may be dealt with under the Disciplinary Policy. However, RNIB will take proper account of your coming forward or raising the issue.

If any allegation of misconduct arises from a whistle blowing concern all managers have a duty to thoroughly investigate the RNIB and, where appropriate, take action through formal procedures. Attempts to cover up any issue raised through the whistle blowing process will not be tolerated.

All workers have a duty and a personal responsibility to share any and all concerns of a safeguarding nature in relation to the suspected abuse of children and vulnerable adults. RNIB operates a zero tolerance approach in relation to the abuse of children and vulnerable adults and as such doing nothing about concerns is not acceptable.

A worker who victimises another worker who has raised a concern, or attempts to deter a person from raising a concern, may face disciplinary action, subject to an investigation. Similarly, if an employee raises a concern for personal gain or malice, they too may face disciplinary action.

It is recognised that a worker may want to raise a concern in confidence under this policy. If you ask for your identity to be protected, this will not be disclosed without your consent. If a situation arises where the issue/concern raised is not able to be resolved without revealing your identity (e.g. because your evidence is needed in disciplinary and/or legal proceedings) we will discuss with you how we can best support you as it may not always be feasible or possible to maintain confidentiality in disciplinary and/or legal proceedings.

Sometimes concerns are raised anonymously. This makes it more difficult to look into a matter properly, and impossible to give feedback. Workers are therefore encouraged to provide their name at the time of raising their concern.

Guiding Principles

RNIB will support whistle blowers and protect them from reprisals or victimisation. If a worker comes forward with a concern that is genuinely held, it will not adversely affect their job security, position or career. This approach will also apply if a concern is raised in good faith which later turns out not to have been justified.

Confidentiality will be respected in all cases.

RNIB will be fair to all parties involved and investigate carefully and thoroughly both sides of the issue.

If a worker tries to discourage another worker from coming forward to express a legitimate concern of a level of gravity that makes it suitable for whistle blowing, this may be treated as a disciplinary offence. Anyone who criticises or victimises a worker after voicing a legitimate concern may be treated in the same way.

Persons who deliberately abuse this process by raising allegations that they know are untrue may be subject to disciplinary action. Disciplinary or redundancy processes will not necessarily be halted because an employee subsequently blows the whistle.

Given the readiness of the organisation to allow its workers to blow the whistle to legitimate regulatory agencies, there is never any justification for taking a concern to the media. (See the talking to the media and media training policy).

2. Roles and responsibilities

Chief Executive

The Chief Executive has delegated responsibility for ensuring compliance with this policy to the Corporate Services Director.

RNIB Corporate Services Director

The RNIB Corporate Services Director has a responsibility to ensure that there are adequate systems and processes in place to enable timely investigation and resolution to disclosures of information.

Managers and Team Leaders

Managers and Team Leaders have a responsibility to ensure that all workers are aware of this policy should they wish to disclose information.

HR Business Partners

The HR Business Partners have a responsibility to ensure that the advice given to workers regarding this policy is accurate and in line with the content and spirit of the policy and values of RNIB.

All workers

All trustees, senior managers, employees, trainees, volunteers, home-workers, agency staff and contractors have a responsibility to report, or 'blow the whistle' on any 'qualifying disclosure' (as defined above) that has been or is likely to be committed.

3. Who to contact?

Internal whistle blowing

You should raise your concerns with your line manager in the first instance. If the nature of these concerns makes this difficult or the manager is absent, approaching a Director, the Chief Executive Officer or a Trustee may be justified if line manager/s may be involved in wrongdoing.

If the problem involves a very senior member of staff of the organisation, contact the Chairman or other Trustee Committee Chair.

If you do not feel comfortable about making a report directly to management, then you can contact the independent charity Public Concern at Work on 0207 404 6609 for advice.

External whistle blowing

RNIB encourages a culture and environment whereby all workers feel safe and supported to report any concerns, actual or suspected, to their line manager, director, the Chief Executive or to a Trustee. However, if you feel that these internal lines of reporting are not suitable, then please contact:

- in the case of a criminal offence, the Police.
- in the case of abuse of vulnerable people in a residential or care facility, the Local Authority Social Services Department or the Care Quality Commission, (England and Wales), Scottish Care Inspectorate.
- in the case of abuse of children or vulnerable people in an educational or care facility, Ofsted.
- the NHS Whistle blowing advice line for social care staff: 08000 724 725. The helpline is open on weekdays between 08.00 and 18.00 with an out-of-hours answering service available at weekends and on public holidays.
- in the case of any fraud, RNIB's External Auditors and/or the Police.

- HM Revenue & Customs;
- the Financial Services Authority;
- the Office of Fair Trading;
- the Health and Safety Executive; and
- the Environment Agency.

4. Further information

Chartered Institute of Personnel and Development (CIPD) Whistle Blowing Factsheet: <http://www.cipd.co.uk/hr-resources/factsheets/whistleblowing.aspx>

The Guardian article “Why an effective whistleblowing policy is important for charities” published 14 November 2012:
<http://www.theguardian.com/voluntary-sector-network/2012/nov/14/whistleblowing-important-charities>

Public Concern At Work (PACAW), the whistle blowing charity:
<http://www.pcaw.org.uk/>

5. Version control

The table below shows the history of the document and the changes that were made at each version:

Version Number	Date	Author & Job Title	Status & Level of Approval	Changes made
V 1.0	30 June 2016	Executive Governance Officer, Stephanie Jenner	Approved by Executive Board. Pending approval by Board of Trustees	Merge RNIB (V. 1 April 2012) and Action (v.2 Dec 2013) policies on whistle blowing into one document on new template.
V 2.0	13 April 2018	Business Support & Compliance Manager, Jayne Frampton		Updated with responsibility changes

Appendix 1 - Procedure

How do I raise a concern?

We urge individuals to raise any concerns at an early stage, and before problems become serious.

You should raise your concerns with your line manager in the first instance. If the nature of these concerns makes this difficult or the manager is absent, approaching a Director, the Chief Executive Officer or a Trustee may be justified if line manager/s may be involved in wrongdoing. If you do not feel comfortable about making a report directly to management, then you can contact the independent charity Public Concern at Work on 0207 404 6609 for advice.

HR has a duty to support workers' whistle-blowing and can be contacted for advice regarding whom to contact. Where a concern relates to a child or vulnerable adult in our care, we may have to involve external agencies that are responsible for either investigating or regulating services.

We accept that employees may feel concerned or worried about approaching any level of management to raise a concern. In this situation, you should arrange to see the Corporate Services Director to discuss your concerns.

Wherever possible a report should be made in writing with a clear statement that a concern is raised under the "Whistle Blowing" policy. Ideally this should set out the background and history of the concerns, giving relevant names, dates and places where possible, and the reasons why they are particularly concerned about the situation.

What if I don't want my identity disclosed?

Make your wishes known to the person to whom you are reporting your concerns. Your identity will not be disclosed unless it is essential to do so. If you are required to give evidence, you will be informed and we will discuss the action with you.

Persons wishing to raise an allegation on an anonymous basis are advised that their anonymity will tend to reduce its credibility. In dealing with anonymous allegations, RNIB will balance the seriousness of the issues raised, the credibility of the concern and likelihood of confirming the allegation from attributable sources.

What happens next?

The manager you raised your concerns with will arrange to meet with you within five working days of notification.

RNIB staff and Trustees receiving a report should take the matter to the Head of Human Resources. Records of reports and investigations will be kept for at least seven years.

If for practical reasons a meeting within 5 working days isn't possible, this time frame can be extended by mutual agreement by up to 10 days or longer. The meeting can take place away from the office if you prefer.

You will be advised as soon as possible after the meeting, what action, if any, is to be taken. It may not always be possible to reveal the full extent of the investigation or the action taken, where this relates to personal issues involving a third party.

If no action is taken, you will be informed of the reasons.

Wherever possible, the matter will be addressed within 30 days of you raising it.

Can I be accompanied?

Yes, you can be accompanied either by a work colleague or Trade Union representative. We ask that the matter should be discussed with as few people as possible and confidentiality retained.

Outcome

Once an investigation is complete, a decision will be made about future action. This may include disciplinary action, where appropriate.

If disciplinary action is taken, paperwork will be held on the appropriate personnel file in accordance with the Disciplinary Policy.

Without breaching other areas of confidentiality, wherever possible, any results of an investigation will be reported back to the individual who raised the concern.

Can I appeal if I am unhappy with the response to the concerns I have raised?

If you do not consider that your concerns have been adequately addressed, you should in the first instance notify the next level of Management or the Chief Executive as appropriate. Your appeal should be in writing, and should be raised within five working days of the

original decision. You must clearly state the grounds and reasons of your appeal. Where possible you will receive a response within 10 working days, unless further meetings or investigation is required.

Recording the information

A written record of your concerns together with a record of action taken in response will be retained on a central file. If your complaint is about a colleague, action taken against the colleague will be retained on their file without disclosing your details.

The information will be retained for as long as the personal files are kept.

Notes

Unavoidable variations to the timescales set out within this procedure which are due to exceptional circumstances will be notified to you.

It is preferable that a serious concern is raised responsibly rather than not at all. If you are uncertain about whom to approach with your concerns, you should seek advice from the Corporate Services Director.

Appendix 2 – Reporting Form

Name:*	Date:
Job Title:*	Location:*
<p>I want to make a disclosure that I believe is in the public interest in relation to:</p> <p>A criminal offence <input type="checkbox"/></p> <p>The breach of a legal obligation <input type="checkbox"/></p> <p>A miscarriage of justice <input type="checkbox"/></p> <p>A danger to the health and safety of any individual <input type="checkbox"/></p> <p>Damage to the environment <input type="checkbox"/></p> <p>Deliberate attempt to conceal any of the above <input type="checkbox"/></p>	
<p>Please provide as much detail as possible about the disclosure you are making.</p>	

*NB- If you do not wish to provide your details please leave blank.

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