

Policy Name	Whistleblowing Policy
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What is Whistleblowing?

Whistleblowing encourages and enables employees to raise serious concerns about the organisation in the public interest, sometimes referred to as 'blowing the whistle' or 'making a disclosure'.

Employees are often the first to realise that there is something seriously wrong within an organisation. The information that employees provide could prevent wrongdoing, or even protect others from harm or death. However, they may not express their concerns as they may feel that speaking up would be disloyal to their colleagues or to the organisation.

Respect for All Commitments

RfA is committed to the highest possible standards of openness, probity, and accountability, and creating a supportive environment where people feel able to speak up.

RfA commits to treating all disclosures consistently and fairly, and to taking all reasonable steps to maintain the confidentiality of the whistle-blower where requested, although this may not always be possible e.g. where required by law to break that confidentiality.

In line with those commitments, we expect employees and others that we deal with who have serious concerns about any aspect of the organisation's work to come forward and voice those concerns.

Scope of this Policy

This applies to all employees (including those designated as casual hours, temporary, agency, authorised volunteers, or students), and contractors working for the organisation. It also covers suppliers and those providing services under a contract with the organisation. This policy also applies to students on placement and volunteers.

Aims

This policy aims to:

- Provide avenues to raise concerns in confidence and receive feedback on any action taken.
- Ensure that you receive a response to concerns, and they are aware of how to pursue them if you are not satisfied.
- Provide reassurance that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made a disclosure in good faith. Any instances of victimisation will be taken seriously by RfA and managed appropriately.
- Outline a timeline for responding to concerns raised.

What Type of Concerns are Covered?

The Public Interest Disclosure Act 1998 amended the Employment Rights Act 1996, and it provides protection for individuals who raise legitimate concerns about specified matters, outlined below.

These are called qualifying disclosures. A qualifying disclosure is one made in good faith by an individual who has a reasonable belief around:

- Conduct which is an offence or breach of law.
- Disclosure related to miscarriages of justice.
- Health and safety risks, including risks to the public as well as other employees.

- Damage to the environment.
- The unauthorised use of public funds.
- Possible fraud and corruption.
- Sexual or physical abuse of clients.
- Other unethical conduct, or
- Concealment of any of the above.

Other procedures are available to the employee e.g. the grievance procedure, which relates to complaints about your own employment. This policy does not replace other complaints procedures which are for public use.

It is not necessary for the whistle-blower to have proof that such an act is being, has been, or is likely to be committed. You do, however, need to hold a reasonable belief of such an action having been, being, or likely to be carried out.

Safeguards

RfA recognises that the decision to report a concern can be a difficult one to make. If what you are saying is true, you should have nothing to fear because you will be doing your duty to the organisation and to our clients.

If you make such a protected disclosure, you have the right not to be subjected to any detriment, victimised, or, for employees, to be dismissed. This is the case even were it to materialise that you were genuinely mistaken. RfA will not tolerate any harassment, victimisation, or detriment and will take appropriate action to protect you when you raise a concern in good faith.

Under the law, contractors, volunteers and sessional workers are not afforded the same legal protection that is afforded to employees. At RfA, however, we want to promote and encourage an open and honest environment in which concerns can be freely raised. We will therefore, in so far as possible, aim to treat all individuals making a disclosure in the spirit of the Public Interest Disclosure Act 1998.

Malicious Disclosures

If it is found that you have maliciously raised something which you know to be untrue, or that you are involved in the malpractice, wrongdoing, illegal acts, or omissions, your behaviour may be addressed through RfA disciplinary policy.

How to Raise Your Concern

You should raise your whistleblowing concern as soon as possible, to help RfA act quickly and to enable problems to be resolved or reported as soon as possible.

Disclosures can be made either verbally or in writing. Written disclosures are preferable as they can make it easier for RfA to act quickly and effectively.

In your disclosure, you should:

- Provide any relevant context and background, including relevant dates, venues, names etc.
- Clearly outline the reason that the situation causes you concern.
- State that you are raising concern under the whistleblowing policy.
- State whether you wish your identity to be kept confidential. RfA will take all reasonable steps to maintain the confidentiality of the whistle-blower where

requested. Depending on the circumstances of the case, this may not always be possible, e.g. if required by law to break that confidentiality. Where this is the case, the whistle-blower will be informed of this and the reasons why confidentiality was not possible.

This policy encourages you however to put your name to your concern whenever possible, please note that you:

- Must disclose the information in good faith.
- Must believe it to be substantially true.
- Must not act maliciously or make false allegations.
- Must not seek any personal gain.

RfA will consider anonymous disclosures, but please be aware that anonymous whistle-blowers will not ordinarily be able to receive feedback, and any action taken to look into an anonymous disclosure may be limited.

Who Should I Raise it with?

As a first step, you should normally raise concerns with your immediate line manager or senior manager.

Where you feel your direct line manager may be involved in the alleged malpractice, wrongdoing, illegal acts, or omissions in some way, you should raise your concern with their line manager.

Where you feel that this person may be involved in the alleged malpractice, wrongdoing, illegal acts, or omissions in some way, you should raise your concern with a member of the senior management team or chair of the board.

Financial allegations require that the COO shall be notified of all financial or accounting irregularities or suspected irregularities.

What Happens After I Make a Disclosure?

Your disclosure, written or verbal, will be acknowledged within 3 working days.

Disclosures will be investigated by a RfA manager to whom you raised your concern. RfA managers must inform the chair of the board and seek support if needed before taking action.

The investigating person will arrange to meet you as soon as possible, either in person or virtually, away from the workplace if necessary. This meeting will enable you to outline your concern, as detailed in section 8 above.

You will be told as soon as possible following the meeting what action will be taken to address the concern you have raised. If no action is to be taken, the reasons for this decision will be explained to you. The action taken in response to a disclosure will depend on the nature of the concern.

Typically, the concern raised may result in one or more of the following:

- No action required.
- Action to be taken under another RfA policy or procedure.
- An internal investigation.
- A referral to the police or to another relevant statutory body.

- A referral to the charity commissioner.
- An independent enquiry.

Raising a Concern Externally

We strongly encourage you to exhaust RfA's internal processes as set out above in the first instance.

In exceptional or urgent circumstances, however, or where, having made a disclosure, you are unhappy with the outcome, you have a legal right to make a disclosure to prescribed bodies.

These include but are not limited to:

- The Charity Commission
- The Police
- The Local Authority Designated Officer
- HM Revenue & Customs
- Health and Safety Executive
- Financial Services Authority
- Office of Fair Trading
- Environment Agency
- Fundraising regulator.

Similar to the rights and obligations of an employee, RfA reserves the right to make a referral to any of the above agencies without your consent.

Making a Disclosure to the Press

Disclosures to the press will not be normally considered reasonable and may constitute misconduct. As such, the matter might be treated as a disciplinary matter in accordance with RfA policy and procedure.

For Independent Advice

If, at any stage in the procedure, you are unsure about what to do and would like independent advice, you can discuss your concern with someone at Protect. This body is an independent charity staffed by lawyers, which offers confidential free legal and practical advice on how people can raise concerns about malpractice at work. They can also provide advice about what legal protection may be available to you.

Their contact details are:

<https://protect-advice.org.uk>
Helpline: 020 3117 2520

Acknowledgements

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