# 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 RNIB and its subsidiaries, and 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 28 February 2023.

The policy will be reviewed by the Head of Compliance Risk and Assurance. The final draft of the policy will then go to the Chief Financial Officer, and where there are substantive changes to the Executive Leadership Team (ELT) and Audit and Risk Committee, before being approved by Board of Trustees.

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## 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 breach of any legal obligation;
* a miscarriage of justice;
* an act creating risk to health and safety;
* an act causing damage to the environment; 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, or be 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 relevant managers have a duty to thoroughly investigate 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 to the Head of Safeguarding. 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, other than in limited circumstances that would be considered with you on a case by case basis. 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. RNIB will always ensure that there is a legal basis for any disclosure.

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).

## Roles and responsibilities

### Chief Executive

The Chief Executive has delegated responsibility for ensuring compliance with this policy to the Chief Financial Officer (CFO). In the absence of the CFO, the Chief Executive may delegate this responsibility to a suitable alternative at the Executive level.

### RNIB Chief Financial Officer

The RNIB Chief Financial Officer (CFO) has a responsibility to ensure that there are adequate systems and processes in place to enable timely investigation and resolution to disclosures of information.

### Head of Compliance, Risk and Assurance

The Head of Compliance, Risk and Assurance has responsibility for the implementation of this policy on a day to day basis, and reports to the CFO in this respect.

### 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.

## Who to contact?

### Internal whistle blowing

You should raise your concerns with your line manager in the first instance. Your line manager will make the Head of Compliance, Risk and Assurance aware of the concerns. The Head of Compliance, Risk and Assurance will ensure that the CFO is also informed. If the nature of these concerns makes reporting to your line manager difficult, or your manager is absent, you can report the concerns to the Head of Compliance, Risk and Assurance direct (see contact details in Appendix 3). In the case of the Head of Compliance, Risk and Assurance not being available, or the nature of the concerns making it difficult to report them to the Head of Compliance, Risk and Assurance, the concerns can be reported to the CFO (see contact details in Appendix 3) or another member of the Executive Leadership Team (ELT).

Contact details for reporting options are provided in Appendix 3.

If you do not feel comfortable about making a report directly to management, the independent charity Protect (<https://protect-advice.org.uk/>), formerly called Public Concern at Work, can provide advice on reporting concerns and is available on 020 3117 2520.

Do not confront an individual concerned or try to investigate a matter yourself. Correct procedures must be followed to maintain the integrity of evidence.

### 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, the Head of Compliance, Risk and Assurance, the CFO or another member of the Executive Leadership Team (ELT). 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) or the 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 (Speak Up) in relation to social care staff: 08000 724 725. The helpline is open on weekdays between 08.00 and 18.00 and their website provides a Contact Us webform (<https://speakup.direct/contact-us/>).
* in the case of any fraud, RNIB’s External Auditors and/or the Police.
* HM Revenue & Customs;
* the Financial Conduct Authority;
* the Office of Fair Trading;
* the Health and Safety Executive; and
* the Environment Agency.

## Further information

This policy is issued in conjunction / alignment with the Fraud, Theft and Bribery Policy, Safeguarding Policy and Disciplinary Policy, as well as in conjunction / alignment with other policies within RNIB as applicable, including RNIB’s documented process for Serious Incident Reporting that covers reporting serious incidents to the Charity Commission.

For further information about the topics covered in this policy, please see:

* Chartered Institute of Personnel and Development (CIPD) Whistle Blowing Factsheets: <https://www.cipd.co.uk/knowledge/fundamentals/emp-law/whistleblowing>
* The independent charity Protect (<https://protect-advice.org.uk/>), formerly called Public Concern at Work

For further information or if any questions please contact the Head of Compliance, Risk and Assurance.

## Version control

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| --- | --- | --- | --- | --- |
| Version Number | Date | Author & Job Title | Status & Level of Approval | Changes made |
| V 2.0 | 13 April 2018 | Business Support & Compliance Manager, Jayne Frampton |  | Updated with responsibility changes |
| V 3.0 | 13 Aug 2019 | Ros Parker, Interim Director of People | Pending approval by ARC and Board of Trustees | Updated with new responsibilities, greater clarity on procedure |
| V 4.0 | 15 Oct 2019 | Mark Jordan, Head of Compliance, Risk and Assurance | To ELT, Audit & Risk Committee and February 2020 Board  | Full review |
| V 4.1 | 23 Sept2021 | Bruce Dickinson, Compliance and Risk Manager | Mark Jordan, Head of Compliance, Risk and Assurance | Updated with title changes |
| V 4.2 | 26 Sept 2022 | Bruce Dickinson, Compliance and Risk Manager | Mark Jordan, Head of Compliance, Risk and Assurance | Updated with name and title 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. Your line manager will make the Head of Compliance, Risk and Assurance aware of the concerns. The Head of Compliance, Risk and Assurance will ensure that the CFO is also informed. If the nature of these concerns makes reporting to your line manager difficult, or your manager is absent, you can report the concerns to the Head of Compliance, Risk and Assurance direct (see contact details in Appendix 3). In the case of the Head of Compliance, Risk and Assurance not being available, or the nature of the concerns making it difficult to report them to the Head of Compliance, Risk and Assurance, the concerns can be reported to the CFO (see contact details in Appendix 3) or another member of the Executive Leadership Team (ELT).

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If you do not feel comfortable about making a report directly to management, the independent charity Protect (<https://protect-advice.org.uk/>), formerly called Public Concern at Work, can provide advice on reporting concerns and is available on 020 3117 2520.

Do not confront an individual concerned or try to investigate a matter yourself. Correct procedures must be followed to maintain the integrity of evidence.

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, and this is why various reporting options are provided above and support is available from HR.

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 the whistle blower is particularly concerned about the situation. The report should also clearly identify what the relevant ‘qualifying disclosure(s)’ is/are (please refer to page 3).

### What if I don’t want my identity disclosed?

In certain circumstances we recognise that you may wish that your identity is not disclosed. In this case concerns must still be reported as above, but 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 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 proceeding) we will discuss with you how we can best support you as it may not always for feasible or possible to maintain confidentiality in disciplinary and/or legal proceedings. Disclosure without consent would only be in limited circumstances that would be considered with you on a case by case basis. RNIB will always ensure that there is a legal basis for any disclosure.

### What if I wish to raise an allegation on an anonymous basis?

Persons wishing to raise an allegation on an anonymous basis should contact the Head of Compliance, Risk and Assurance or the CFO by phone or by post. Contact details for reporting options, including postal addresses for the Head of Compliance, Risk and Assurance and the CFO , are provided in Appendix 3.

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 before taking any action.

### What happens next?

Your manager or the person to whom you raised your concerns will ensure that the whistle blowing policy is applicable and, if it is applicable, will then arrange to meet with you within 5 working days of notification. If this policy is not applicable, the manager will signpost you to the relevant alternative policy.

RNIB staff and Trustees receiving a report should take the matter to the Head of Compliance, Risk and Assurance, or in the case of the Head of Compliance, Risk and Assurance not being available, or the nature of the concerns making it difficult to report them to the Head of Compliance, Risk and Assurance, the concerns can be reported to the CFO or another member of the Executive Leadership Team (ELT). 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 a further 5 working days, or longer in exceptional circumstances. 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, but it may depend on the nature of the matter you are raising. Please be aware 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 not happy 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 5 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.

A central register is also maintained by the Head of Compliance, Risk and Assurance which records all occurrences of whistle blowing and all allegations of theft, bribery and fraud together with the outcome of the investigation. Incidents are also reported to the Audit and Risk Committee and the Board, and, if appropriate, the Charity Commission. RNIB has a documented process for Serious Incident Reporting that covers reporting serious incidents to the Charity Commission.

### Training and awareness

The whistle blowing policy and this procedure needs to be clear, practical and accessible, and embedded and understood throughout the organisation. Awareness raising is incorporated into the corporate induction with evidence that this policy is explained to all new members of staff during their probationary period. This will ensure that individuals are clear regarding how they raise any concern they have. Training and support will also be provided to those with whom concerns may particularly be raised. Corporate communications will ensure ongoing awareness across RNIB in relation to whistle blowing, with training progressed as appropriate to make sure responsibilities and reporting options are clear and linking to other relevant corporate policies.

### 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 speak to the Head of Compliance, Risk and Assurance or the CFO, or seek support from HR.

## Appendix 2 – Reporting Form

**Confidential**

**Whistle Blowing Policy Reporting Form**

Name\*

Date

Job Title\*

Location\*

I want to make a disclosure that I believe is in the public interest in relation to (please provide as much detail as possible about the disclosure you are making):

The following qualifying disclosure is applicable in this instance (please delete as appropriate):

A criminal offence – Yes/No

The breach of a legal obligation – Yes/No

A miscarriage of justice – Yes/No

A danger to health and safety of an individual – Yes/No

Damage to the environment – Yes/No

Deliberate attempt to conceal any of the above – Yes/No

\*N.B – If you do not wish to provide your details please leave blank.

## Appendix 3 – Contact details for reporting options

Contact details for reporting options other than in the first instance reporting to your line manager are as follows:

### Main contacts

Mark Jordan, Head of Compliance, Risk and Assurance

Phone 07874 395797 or email mark.jordan@rnib.org.uk

Or write to:

Mark Jordan

Head of Compliance, Risk and Assurance

RNIB

Northminster House

Peterborough PE1 1YN

Stuart Fox, Chief Financial Officer

Phone 020 8175 1420 or email stuart.fox@rnib.org.uk

Or write to:

Stuart Fox

Chief Financial Officer

RNIB

105 Judd St

London WC1H 9NE

### ELT contacts (in addition to Stuart Fox, CFO)

Matt Stringer, Chief Executive

Email matt.stringer@rnib.org.uk

David Clarke, Chief Operating Officer

Email david.clarke@rnib.org.uk

Chris Jarrett, Chief Income and Engagement Officer

Email chris.jarrett@rnib.org.uk

Vivienne Francis, Chief Social Change Officer

Email vivienne.francis@rnib.org.uk

Kerry Eldridge, Chief People Officer

Email kerry.eldridge@rnib.org.uk

(Table; 9 rows, 1 column)

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