

Name of Policy & Procedure: Whistleblowing  
Status: Approved  
Discussed with Board (*Governance & Quality Committee*): Jan 2017  
Date: Jan 2017  
Review: Jan 2020



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## **WHISTLEBLOWING POLICY**

### **1 PURPOSE**

- 1.1 Richmond Borough Mind (RB Mind) is committed to creating an open, transparent and safe working environment where workers feel able to speak up. This policy protects an individual when making a disclosure in the public interest.
- 1.2 This policy ensures that any concerns relating to potentially illegal or improper actions within RB Mind are taken seriously. Whistle blowing concerns do not need to affect the whistle blower personally.
- 1.3 RB Mind recognises that individuals may feel apprehensive about voicing their concerns, however, as an organisation we aim to ensure honesty, openness and transparency, and intend to learn from any issues in order to constantly improve our practices to provide the best support for our service users. Any concerns raised will be taken seriously and treated consistently and fairly.

### **2 SCOPE**

- 2.1 Qualifying disclosures are disclosures of information where the worker reasonably believes (and it is in the public interest) that one or more of the following is either happening, has taken place, or is likely to happen in the future:
  - Criminal offences
  - Failure to comply with legal obligations
  - Miscarriages of justice
  - Actions which may endanger the health or safety of staff or the public
  - Actions which may cause serious damage to the environment
  - Actions which may seriously endanger the reputation or business of the organisation
  - Fraud, corruption or bribery
  - Actions which are intended to conceal the above.
- 2.2 This policy covers all employees, volunteers and contractors. RB Mind recognises that employees, as well as volunteers, are often the first people to witness any type of wrongdoing within an organisation.
- 2.3 For staff members, this policy is grounded in employment law under The Public Interest Disclosure Act 1998. This gives protection (for example against dismissal or disciplinary action) in defined circumstances to employees who disclose information to a third-party about an alleged wrong-doing.
- 2.4 If a member of staff has concerns which they need to raise which are of a personal nature and not in the public interest, the Grievance Policy should be used.

- 2.5 If any concerns are raised by a service user or any other external stakeholder to the organisation, the Complaint Policy should be used.

### **3 WHISTLEBLOWING PROCEDURE**

- 3.1 Any whistle blowing concerns should be reported through your line manager at first instance (or the individual supporting you in your role, for volunteers).
- If you judge that it is not appropriate to raise your concerns with your line manager, then you should contact a member of the Senior Management Team.
  - In the event that the CEO is the subject of your concern then you should contact the Chair of the Board of Trustees (in writing to Chair of Trustees, Private & Confidential, RB Mind, 32 Hampton Road, Twickenham, TW2 5QB).
- 3.2 It will be important to give some background and history of the concern, giving relevant dates where possible. Although you are not expected to provide evidence for the allegation, you should provide the reason you are concerned about the situation.
- 3.3 All whistle blowing concerns raised must be investigated. The Investigating Officer will usually be the line manager who the concern is communicated to. In more serious cases, it may be more appropriate for the Investigating Officer to be a member of the Senior Management Team, or an external consultant. The Senior Management Team should be informed, if appropriate, whenever a whistle blowing concern is raised, and will remain available to support the investigation if required.
- 3.4 Once a whistle blowing concern has been raised, a letter of acknowledgment will be sent within 5 working days to the person raising the concern. This letter will indicate the first steps that will be taken and provide contact details for follow up. We will let you know how the matter is to be handled and by whom, and what further involvement is required of you. Members of staff will be reassured that their position at work will not be affected, and will be reminded of access to our Employee Assistance Programme, should you wish to discuss matters further.
- 3.5 Once a disclosure has been made, it is good practice to hold a meeting with the whistleblower to gather all the information needed to understand the situation. In some cases a suitable conclusion may be reached through this initial conversation. Any subsequent investigations may require interviewing other members of staff or volunteers, talking to service users, or considering practices and procedures, for example. Employees are allowed to be accompanied by a trade union representative or colleague at any meeting about the disclosure, if they wish to do so.
- 3.6 Whistle blowing investigations should be completed within three weeks. For more complicated cases, investigations may require additional time. If this is the case the whistle blower will be informed, and notified when they can expect a response.
- 3.7 The Investigating Officer will need to feedback to the whistle blower in writing, as well as offering a face to face meeting, if preferred. Feedback will include details of the outcome of the investigation, and any actions to be taken as a result.
- 3.8 Any victimisation of a whistle blower will not be tolerated. Should an individual feel that they have been, or are being, victimised during a whistle blowing investigation, they should raise this through our Grievance Policy. Any instances of victimisation will be taken seriously and managed appropriately.
- 3.9 If you make a report in good faith then even if it is not confirmed by an investigation, your concern will be valued and appreciated. However, if, as a result of the investigation, it is

felt that the policy is being misused by raising unfounded allegations maliciously, then this will be treated as a disciplinary matter.

- 3.10 Depending on the nature of the concerns, it may be more appropriate for the investigation to be carried out by:
- An external person commissioned by the organisation specifically to carry out an investigation
  - An appropriate external agency (for example external auditors or the police) for investigation.

## **4 APPEALING AGAINST THE OUTCOME**

- 4.1 Appeals may only be raised if there is a concern that procedure has not been followed, or additional evidence materialises which may impact on the decision made. To lodge an appeal you should write to the Chair of the Trustees (marked ~~private & confidential~~) explaining why this is the case. Your letter will be reviewed and you will be contacted with the outcome.
- 4.2 This Policy and other policies of the organisation should mean that you are able to raise concerns internally within the organisation and have these concerns heard and dealt with. You should then not need to contact an external agency to express your concerns. However, if there are exceptional or urgent circumstances that lead you to want to raise your concerns with an external organisation, then RB Mind strongly recommends that before reporting your concern externally, you seek advice from:

Public Concern at Work  
Suite 306  
16 Baldwin's Gardens  
London  
EC1N 7RJ  
Tel: 020 7404 6609  
Email: [helpline@pcaw.co.uk](mailto:helpline@pcaw.co.uk)  
Website: [www.pcaw.co.uk](http://www.pcaw.co.uk)

Public Concern at Work is an independent charity that promotes good practice, compliance with the law and accountability in the workplace. The work of Public Concern at Work has been endorsed by many independent agencies. Their services include a helpline staffed by qualified lawyers providing advice, free of charge to employees.

- 4.3 For an up to date list of prescribed people and bodies you can report malpractice to, other than your employer, please see the attached link:  
<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>
- 4.4 Alternatively, an individual might choose to approach the media with their concerns. If a worker goes to the media, they can expect in most cases to lose their whistleblowing law rights, apart from in exceptional circumstances. Guidance for this can be found on [www.gov.uk](http://www.gov.uk)

## **5 CONFIDENTIALITY**

- 5.1 Where you wish to have your concern dealt with confidentially this will be respected as far as possible. However, it may be that some concerns cannot be resolved without revealing your identity. This will be discussed with you at the earliest opportunity.

- 5.2 For reasons of confidentiality, we may not be able to inform you of certain aspects of the results of our investigation.
- 5.3 Managers dealing with whistleblowing concerns should be briefed to ensure they understand how to handle the disclosure and protect personal information.
- 5.4 RB Mind will also act on anonymous whistle blowing complaints, however, if the whistle blower cannot be contacted, our ability to ask follow up questions or provide feedback will be limited.

## **6 COMMUNICATING THIS POLICY**

- 6.1 Actively promoting this policy shows that the organisation is genuinely open to hearing concerns. This policy will be distributed widely within the organisation. It will be available in shared folders for all staff and it will be given to all new staff during their induction.

## **7 EQUALITY AND DIVERSITY**

- 7.1 This policy must be applied consistently and in line with RB Mind's Equality and Diversity Policy.

## **8 MONITORING AND REVIEW**

- 8.1 All whistle blowing investigations should be reviewed by the Senior Management Team. Any whistleblowing incidents should be shared with the Governance and Quality Committee on an ongoing basis.
- 8.2 RB Mind will monitor the policy to ensure consistency and ensure that it is meeting the needs of our employees.
- 8.3 The CEO will be responsible for producing procedures for monitoring and review.

## **RELEVANT POLICIES**

- Complaint Policy
- Confidentiality Policy
- Data Protection Policy
- Disciplinary Policy
- Environmental Policy
- Equality and Diversity Policy
- Grievance Policy
- Health & Safety Policy