



Whistleblowing Policy

PP006

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1. Introduction

- 1.1. The Royal Academy of Engineering (the Academy) is committed to the highest possible standards of openness, probity and accountability. All employees with serious concerns about any aspect of the Academy's work and services are encouraged to come forward and voice those concerns.
- 1.2. 'Whistleblowing' is a term used when an individual becomes aware or suspects an act of wrongdoing within an organisation and makes a disclosure to report their concerns in accordance with The Public Interest Disclosure Act 1998.
- 1.3. This policy is different to other policies such as the Grievance Policy (PP009) or other routes to raise concerns such as the reportit@reang.org.uk email address for harassment or specifically sexual harassment concerns, or Open Door. The Whistleblowing policy should be used for the specific matters as outlined below.
- 1.4. An important aspect of accountability and transparency is a mechanism to enable the Academy employees to raise concerns in a responsible and effective manner. It is a fundamental term of every contract of employment that an employee will faithfully serve their employer and not disclose confidential information about the employer's affairs. Nevertheless, where an individual discovers information which they believe shows serious malpractice or wrongdoing within the organisation then this information should be disclosed internally without fear of reprisal, and there should be arrangements to enable this to be done independently of line management (although in some instances the Line Manager would be the appropriate person to be told).
- 1.5. The Public Interest Disclosure Act 1998, which came into effect in 1999, gives legal protection to employees against being dismissed or penalised by their employers because of publicly disclosing certain serious concerns. Ex employees also have legal protection under this act. The Academy has endorsed the provisions set out below to ensure that no employees should feel at a disadvantage in raising legitimate concerns.
- 1.6. It should be emphasised that this policy is intended to assist individuals who believe they have discovered malpractice or impropriety. It is not designed to question financial, or business decisions taken by the Academy, nor should it be used to reconsider any matters which have already been addressed under harassment, grievance, disciplinary or other procedures. Once the "whistleblowing" procedures are in place, it is reasonable to expect employees to use them rather than air their complaints outside of the Academy.

2. Scope of Policy

- 2.1. This policy is designed to enable Academy employees to raise concerns internally and at a high level and to disclose information which the reporting individual believes shows malpractice or impropriety. This policy is intended to cover concerns which are in the public interest and may at least initially be investigated separately but might then lead to action under other procedures e.g., disciplinary. These concerns could include:
 - Financial malpractice or impropriety or fraud.

- Failure to comply with a legal obligation or Statutes.
- Dangers to Health & Safety or the environment.
- Criminal activity.
- Improper conduct or unethical behaviour.
- Attempts to conceal any of these.

3. Safeguarding

- 3.1. **Protection.** This policy is designed to offer protection under law from unfair dismissal to Academy employees who disclose such concerns provided the disclosure is made:
- In good faith.
 - In the genuine belief that the disclosure shows potential malpractice or impropriety.
- 3.2. **Additional Protection.** In addition to the protection afforded by the Academy, disclosures as outlined above are also protected by the Public Interest Disclosure Act 1998 and in certain circumstances the whistleblower, may also make a protected disclosure to:
- a legal advisor.
 - a prescribed body, such as the Data Protection Registrar, the Environment Agency or the Health and Safety executive.
 - an individual unconnected with the organisation.
- 3.3. **How to claim protection** – To claim protection, whistleblowers must show they:
- made a qualifying disclosure.
 - followed the correct disclosure procedure.
 - were dismissed or suffered detriment as a result of making the disclosure.
- 3.4. **Employment tribunal time limit** – where an employee or ex-employee believes they are being/have been dismissed or suffered detriment as a result of making a protected disclosure, they have 3 months and 1 day from the dismissal or detriment to make a claim to an employment tribunal.
- 3.5. **Confidentiality** - the Academy will treat all such disclosures in a confidential and sensitive manner. The identity of the individual making the allegation may be kept confidential so long as it does not hinder or frustrate any investigation. However, the investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the evidence required.

3.6. **Anonymous Allegations** - This policy encourages reporting individuals to put their name to any disclosures they make. Concerns expressed anonymously are much less credible, but they may be considered at the discretion of the Academy. In exercising this discretion, the factors to be considered will include:

- the seriousness of the issues raised.
- the credibility of the concern.
- the likelihood of confirming the allegation from attributable sources.

4. Untrue Allegations

- 4.1. If an employee (reporting individual) makes an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against that individual.
- 4.2. In making a disclosure, the reporting individual should exercise due care to ensure the accuracy of the information. If, however, a reporting individual makes malicious or vexatious allegations, and particularly if they persist with making them, disciplinary action may be taken against that employee.
- 4.3. It is important to note that no statutory protection will be offered to those who choose not to follow and use the whistleblowing procedure where it is warranted.

5. Procedures for Making a Disclosure

- 5.1. Whistleblowing complaints must be raised directly with the Chief Operating Officer who will treat the matter in confidence. If this is not possible, or the concerns raised involve the Chief Operating Officer, the reporting individual should report it to People Team or alternatively via reportit@raeng.org.uk.
- 5.2. On receipt of a complaint of malpractice, the officer receiving the complaint will initiate a formal confidential investigation without delay.
- 5.3. Complaints against the Chief Executive should be passed to the Chair of the Board of Trustees who will nominate an appropriate Trustee as the investigating officer.

6. Criminal Activity

- 6.1. If there is evidence of criminal activity, then the investigating officer should inform the police. The Academy will ensure that any internal investigation does not hinder a formal police investigation.

7. Timescales

- 7.1. Due to the varied nature of whistleblowing complaints, which may involve internal investigators and/or the police, it is not possible to lay down precise timescales for such investigations. The investigating officer should ensure that the investigations are undertaken as quickly as possible without affecting the quality and depth of the investigation.

- 7.2. The investigating officer should, as soon as practically possible, send a written acknowledgement of the concern to the reporting individual. The investigating officer must also inform the reporting individual, in writing, the outcome of the investigation and the action that is proposed. If the investigation is a prolonged one, the investigating officer should keep the reporting individual informed, in writing, as to the progress of the investigation and as to when it is likely to be concluded.
- 7.3. All responses to the reporting individual should be in writing and sent to their home address.

8. Investigating Procedure

- 8.1. The investigating officer should follow these steps:
 - Full details and clarifications of the whistleblowing concern should be obtained.
 - The investigating officer should inform the employee whom the whistleblowing concern is made against as soon as is practically possible. The employee will then be informed of their right to be accompanied by a trade union or other representative at any associated interview or hearing held under the provision of this policy.
 - The investigating officer should consider the involvement of the Academy auditors and the Police at this stage and should consult with the Chief Operating Officer.
 - The allegations should be fully investigated by the investigating officer with the assistance where appropriate, of other key individuals/bodies.
 - A judgement concerning the whistleblowing concern and validity of the concern will be made by the investigating officer. This judgement will be detailed in a written report containing the findings of the investigations and reasons for the judgement. The report will be passed to the Chief Operating Officer, Chief Executive or Chair of the Board of Trustees as appropriate.
 - The Chief Operating Officer, Chief Executive or Chair of the Board of Trustees will decide what action to take. If the whistleblowing concern is shown to be justified, then the disciplinary process will be followed or other appropriate policy procedures.
- 8.2. The reporting individual will be kept informed of the progress of the investigations and of the outcome.
- 8.3. If appropriate, a copy of the outcomes will be passed to the Academy Auditors to enable a review of the procedures.
- 8.4. If the complainant is not satisfied that their concern is being properly dealt with by the investigating officer, they have the right to raise it in confidence with the Chief Operating Officer, Head of People Operations or Chief Executive Officer.

- 8.5. If the investigation finds the allegations unsubstantiated and all internal procedures have been exhausted, but the reporting individual is not satisfied with the outcome of the investigation, the Academy recognises the lawful rights of employees to make disclosures to prescribed bodies (such as the Health and Safety Executive, the Audit Commission, or the utility regulators), or, where justified, elsewhere.

9. Policy Monitoring and Review

- 9.1. The Head of People Operations will monitor the ongoing suitability and review the implementation of this policy regularly and will report to the Director of People on its adequacy, and effectiveness. Any improvements identified will be made as soon as possible.
- 9.2. Employees and those who are acting for or on behalf of the Academy are invited to comment on this policy and suggest ways in which it might be improved. Comments, suggestions, and queries should be addressed to the Head of People Operations.
- 9.3. This policy does not form part of any employee's contract of employment, and it may be amended at any time.