

# THE ROYAL NAVAL BENEVOLENT TRUST

## PUBLIC INTEREST DISCLOSURE ACT 1998 (Whistle Blowing)

### STATEMENT OF INTENT

*The Royal Naval Benevolent Trust considers it to be the duty of employees to comply with the Public Interest Disclosure Act 1998 (Whistle Blowing).*

*The Act is designed to protect employees being victimised for disclosing alleged wrongdoing or malpractice either in an organisation itself or in a wider context.*

*The Act does not create a general right to disclose information in that it applies only to a 'protected disclosure', which depends both on the nature of the information itself, and the circumstances in which it is revealed.*

### INTRODUCTION

1. This policy applies to all employees and officers of the Trust. Other individuals performing functions in relation to the Trust, such as agency employees and trustees, are encouraged to similarly comply with the Act.
2. The Trust considers it important that any fraud, misconduct or wrongdoing by the Trust's employees or officers is reported and properly dealt with. The Trust 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. This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

### BACKGROUND

3. The law provides protection for staff members who raise legitimate concerns about specified matters. These are called "qualifying disclosures". A qualifying disclosure is one made in the public interest by an employee who has a reasonable belief that:

- a criminal offence;
- 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 employee to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient. The employee has no responsibility for investigating the matter - it is the Trust's responsibility to ensure that an investigation takes place.

4. An employee 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.

5. The Trust encourages employees to raise their concerns under this procedure in the first instance. If an employee is not sure whether or not to raise a concern, he/she should discuss the issue with his/her line manager or the HR department.

## **PRINCIPLES**

6. The following principles apply:

- a. Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Employees should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.
- b. Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the employee who raised the issue.
- c. No employee will be victimised for raising a matter under this procedure. This means that the continued employment and opportunities for future promotion or training of the employee will not be prejudiced because he/she has raised a legitimate concern.
- d. Victimisation of an employee for raising a qualified disclosure will be a disciplinary offence.
- e. If misconduct is discovered as a result of any investigation under this procedure the Trust's disciplinary procedure will be used, in addition to any appropriate external measures.
- f. Maliciously making a false allegation is a disciplinary offence.
- g. An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, employees should not agree to remain silent, the matter should be reported to the Chief Executive (CE).

7. This procedure is for disclosures about matters other than a breach of an employee's own contract of employment. If an employee is concerned that his/her own contract has been, or is likely to be, broken, he/she should use the Trust's grievance procedure.

## **PROCEDURE**

8. The following steps should be taken to pursue a "whistle blowing" matter;

### **Stage 1**

Unless the employee reasonably believes his/her line manager to be involved in the wrongdoing, or if for any other reason the employee does not wish to approach his/her line manager, any concerns should be raised with the employee's line manager in the first instance. If he/she believes the line manager to be involved, or for any reason does not wish to approach the line manager, then the employee should proceed straight to stage 3.

### **Stage 2**

The line manager will arrange an investigation into the matter (either by investigating the matter him/herself or immediately passing the issue to someone in a more senior position). The investigation may involve the employee and other individuals involved giving a written statement. Any investigation will be carried out in accordance with the principles set out above. The employee's statement will be taken into account and he/she will be asked to comment on any additional evidence obtained. The line manager (or the person who carried out the investigation) will then report to the CE who will take any necessary action, including reporting the matter to Trustees in the first instance and then on to any appropriate government department or regulatory agency. If disciplinary action is required, the line manager (or the person who carried out the investigation) will report the matter to HAO and start the disciplinary procedure. On conclusion of any investigation, the employee will be told

the outcome of the investigation and details of any subsequent action to be taken. If no action is to be taken, the reason for this will be explained.

### **Stage 3**

If the employee is concerned that his/her line manager is involved in the wrongdoing, has failed to make a proper investigation or has failed to report the outcome of the investigations to the CE he/she should inform a Trustee of the Trust who will arrange for another manager to review the investigation carried out, make any necessary enquiries and make his/her own report to the board of Trustees as in stage b above. If for any other reason the employee does not wish to approach his/her line manager he/she should also in the first instance contact the CE; any approach to the CE will be treated with the strictest confidence and the employee's identity will not be disclosed without his/her prior consent.

9. If on conclusion of stages 1, 2 and 3 the employee reasonably believes that the appropriate action has not been taken, he/she should report the matter to the proper authority. The legislation sets out a number of bodies to which qualifying disclosures may be made. These include:

- The Police;
- HM Revenue & Customs;
- Financial Conduct Authority;
- Office of Fair Trading;
- Health and Safety Executive;
- Environment Agency;
- Director of Public Prosecutions and Serious Fraud Office.
- Care Quality Commission

(Reviewed October 2017)

**Note:** This policy document will be reviewed annually. The next review will take place in October 2018