

Written by	Human Resources
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# Protected Disclosure (Whistleblowing) Policy & Procedure

## 1. Scope

This policy applies to all colleagues of the Royal Town Planning Institute. Other individuals working with the RTPI, such as volunteers, agency workers and contractors, are encouraged to use it.

This policy is for disclosures about matters other than a breach of a colleague's own contract of employment. If a colleague is concerned about matters relating to their own contract of employment, the Grievance Procedure should be followed. In common with the Grievance Procedure, no member of staff will be penalised for raising a genuine concern under the Protected Disclosure. However, should it be found that a concern that was raised is malicious, the institute reserves the right to take further action.

## 2. Purpose

The purpose of this policy and procedure is to enable colleagues, volunteers, workers or contractors, to raise concerns directly with the RTPI regarding malpractice or impropriety.

This policy aims to ensure that concerns raised based on a reasonable belief are investigated thoroughly, promptly and confidentially whilst ensuring that the person who has raised the concern is not subjected to any detriment.

This policy aims to encourage a culture of openness and transparency.

## 3. Policy

Our policy is that anyone should be able to raise concerns without detriment and those concerns will be dealt with appropriately. This policy is intended to cover major concerns that fall outside the scope of the grievance procedure, or the volunteer problem solving procedure, where the interests of others or of the RTPI itself are at risk. This policy is intended to conform with the Public Interest Disclosure Act 1998 (PIDA). PIDA encourages concerns to be raised internally in the first instance.

The law provides protection for workers who raise legitimate concerns about specified matters. These are called "qualifying disclosures". It is our policy to extend this protection from detriment to any individual performing functions in relation to the RTPI such as volunteers, agency workers and contractors. A qualifying disclosure is one made in good faith by an employee who has a reasonable belief that any of the following are being, have been or are likely to be committed:

- Financial malpractice or impropriety or fraud
- Failure to comply with a legal obligation or Statutes
- Dangers to Health & Safety or the environment
- A criminal offence
- Improper conduct or unethical behaviour
- Attempts to conceal any of the above

Proof is not required as it is the RTPI's responsibility to ensure that an investigation takes place but the disclosure must be based on a reasonable belief.

As with all aspects of employment law, the law in this area tends to be complex, and ultimately, the courts will decide, however, here are some examples that are covered by this policy:

- Financial malpractice – for example, someone in a position of trust, embezzles money from the institute. It hasn't become known but you have evidence to support your claim.
- Failure to comply with legal obligation or statute – for example, it is a legal requirement to comply with Data Protection legislation, but your organisation intentionally flouts the law and you have specific knowledge that you can report.
- Health and safety breach – for example, you work in a medical setting and someone repeatedly leaves hazardous waste in the wrong place, where it can contaminate others. Management does nothing about it.
- Criminal offence – for example, you discover that someone in the IT department is stealing hardware and selling it on.
- Improper conduct or unethical behaviour – for example, someone in a position of authority in your organisation forces colleagues to 'the casting couch' in order for them to get pay rises.

NB This list is not exhaustive and there may be other concerns that are appropriate to be raised under this policy.

## **4. Safeguards**

### **4.1 Protection**

The RTPI is committed to good practice and high standards and recognises that the decision to report a concern can be a difficult one to make. This policy is designed to offer protection to those who disclose such concerns provided the disclosure is made in good faith and in the reasonable belief that it intends to show malpractice or impropriety.

The RTPI will not tolerate any reprisal against an individual because they have raised a concern, in good faith, under this procedure. Any such reprisal will be treated as a disciplinary offence.

### **4.2 Confidentiality**

The RTPI will treat all such disclosures in a confidential and sensitive manner. The identity of the individual making the allegation will be kept confidential so long as it does not hinder or frustrate any investigation. However, the investigation process may need to reveal the source of the information without revealing their identity directly and the individual making the disclosure may need to provide a statement as part of the evidence required. We will make every effort to minimise any difficulties that may be experienced as a result of raising a concern.

### **4.3 Anonymous Allegations**

There is a significant difference between wanting to keep your concerns confidential and making a disclosure anonymously. We actively discourage anonymous disclosures. Concerns expressed anonymously are much less powerful and very difficult to investigate. We may not be able to properly establish whether allegations are credible without being able to ask for more details or for clarification and this makes it hard to reach an informed decision. This is why we encourage matters not to be reported anonymously.

Anonymous concerns may be considered at the discretion of the RTPI. In exercising this discretion, the factors to be taken into account will include:

- The seriousness of the issues raised
- The credibility of the concern
- The likelihood of confirming the allegation

#### **4.4 False Allegations**

If an individual makes an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against that individual. In making a disclosure the individual should exercise due care to ensure the accuracy of the information.

If, however, an individual makes malicious or vexatious false allegations, action may be taken against that individual through the disciplinary process or other relevant process depending on their terms of engagement with the RTPI.

### **5. Procedure**

#### **5.1 How to raise a concern**

##### **5.1.1 Colleagues**

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

If you feel unable to raise your concern with your immediate line manager, for example, if you believe your concern implicates them, you should approach a Director or the Head of Human Resources & Compliance.

If you feel strongly that it is not appropriate to approach anyone in the organisation, you can use the confidential whistleblowing hotline provided by SafeCall on 0800 915 1571

You may invite your trade union representative or a colleague to be present during meetings or interviews in connection with the concerns you have raised.

The RTPI will take steps to support you through the process. For instance, if you are required to give evidence in criminal or disciplinary proceedings the RTPI will arrange for you to receive advice about the procedure if requested. Health Assured also has information about making a protected disclosure on its website and if you want to speak to someone in confidence before doing so, you can contact them on 0800 028 0199.

##### **5.1.2 Volunteers**

As a first step, you should normally raise concerns with your key contact at RTPI. This may be the officer that liaises with you regarding your role or, if you are part of a Committee, the Chair of that Committee. Your key contact will then discuss your concern with a Director of the Head of Human Resources & Compliance to determine the appropriate next steps.

If you feel unable to raise the concern with your key contact, you can use the confidential whistleblowing hotline provided by SafeCall on 0800 915 1571

### **5.1.3 Workers and Contractors**

As a first step, you should normally raise concerns with your key contact at RTPI. This may be the colleague that you are reporting to in an agency assignment or the manager overseeing the contract if you are a contractor. Your key contact will then discuss your concern with a Director of the Head of Human Resources & Compliance to determine the appropriate next steps.

If you feel unable to raise the concern with your key contact, you can use the confidential whistleblowing hotline provided by SafeCall on 0800 915 1571

## **5.2 What information to provide**

Concerns can be raised verbally or in writing. If you raise a concern verbally, notes will be taken. If you wish to raise a concern in writing please include the following information:

- the background and history of the concern (giving relevant dates);
- the reason why you are particularly concerned about the situation;
- any evidence to support your concerns.

The earlier you express the concern the easier it is to take action.

Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate that there are reasonable grounds for your concern.

## **5.2 How the RTPI will respond**

Your disclosure will be acknowledged and the person you have reported your concerns to, will advise the Head of Human Resources & Compliance (or Chief Executive as appropriate) that a protected disclosure has been made and will take one or more of the following steps:

- arrange an investigation into the matter
- refer the matter to a more senior manager to investigate
- take action to resolve the concern if an investigation is not necessary
- refer the matter for action under an alternative procedure if appropriate
- refer the matter to the police if appropriate
- refer the matter to the external auditor if appropriate

The Head of Human Resources & Compliance will update the Whistleblowing Register, advise the Chief Executive and the Chair of the Board of Trustees that a protected disclosure has been made and will keep them informed of progress unless there are exceptional circumstances.

In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

The overriding principle which the RTPI will have in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures (e.g. Volunteer Problem Solving Procedure, Disciplinary, Grievance or Dignity at Work procedures) will normally be referred for consideration under those procedures.

You will be informed of how the RTPI proposes to deal with the matter and of the outcome of the investigation (as far as the RTPI's legal obligations of confidentiality to other colleagues allow). If no action is taken, you will be informed of the reason why.

### **5.3 Data Protection**

When an individual makes a disclosure, we will process any personal data collected in accordance with the RTPI's data protection policy. Data collected from the point at which the individual makes the report is held securely and accessed by, and disclosed to, individuals only for the purposes of dealing with the disclosure or reviewing the RTPI's response to the disclosure.

### **5.4 How the matter can be taken further**

This policy is intended to provide you with an avenue within the RTPI to raise concerns and it is our hope that you will be satisfied with any action taken. If you are not satisfied with the outcome of the investigation, and if you still believe that malpractice or impropriety is taking place and feel that it is right to take the matter outside the RTPI, the following are possible contact points:

- Public Concern at Work (tel: 020 7404 6609), a registered charity whose services are free and strictly confidential
- HM Revenue & Customs
- the Financial Services Authority
- the Office of Fair Trading
- the Health and Safety Executive
- the Environment Agency
- the external auditor
- your local Citizens Advice Bureau
- relevant professional bodies or regulatory organisations
- the police.

If you do take the matter outside the RTPI, you should ensure that you do not disclose confidential information.

## **6. Contacts**

If further information, support or guidance is required Human Resources should be contacted.

Linked Policies  
Disciplinary  
Dignity at Work  
Equity Diversity and Inclusion  
[Employee Assistance Programme](#)

The above policies are available on the [staff intranet](#).

## 7. Monitoring and Review

This policy will be reviewed and amended in line with legislation and will be subject to a formal review every three years by Human Resources.