

WHISTLEBLOWING POLICY OF THE RUTH STRAUSS FOUNDATION

This policy was adopted by the Trustees by resolution dated 1 March 2021.

This policy should be reviewed at least every two years.

Next review date: February 2023.

1. Introduction

- 1.1 The Ruth Strauss Foundation ("RSF") takes the conduct of its people seriously and puts in place policies to enable concerns to be treated fairly and addressed to ensure the proper operation of RSF in the public interest. Our Whistleblowing Policy exists to ensure that people can safely raise concerns and feel confident they will be listened to, their concerns will be properly investigated and acted upon appropriately.
- 1.2 It is important that any fraud, misconduct or wrongdoing by staff, permanent or temporary, or volunteers, including Trustees, acting on behalf of RSF is reported and properly dealt with. All those who believe there to be a valid complaint to be raised are encouraged to report their allegations without fear or favour. This policy sets out the way in which individuals may raise concerns and how those concerns will be dealt with.

2. Aim

- 2.1 The aim of this policy is to:
 - Enable and encourage employees, volunteers and Trustees to raise genuine concerns about possible wrongdoing at RSF, without fear of reprisal;
 - Reassure all those that might raise a concern that such matters will be dealt with seriously and effectively;
 - Explain how to raise a concern and;
 - Explain how RSF will deal with concerns raised about possible wrongdoing.
- 2.2 This Whistleblowing Policy is designed to ensure that concerns about possible illegal or dangerous activities, or forms of malpractice, are brought swiftly to the attention of a person or body who can investigate and resolve the matter. Concerns can be raised even where they are not necessarily related to the whistleblower's area of work.

3. Background – Public Interest Disclosure Act 1998

- 3.1 The Public Interest Disclosure Act 1998 provides protection for those who raise legitimate concerns about specified matters. These are called "qualifying disclosures".
- 3.2 A qualifying disclosure is one made in the public interest by someone who has a reasonable belief that one of the following is being, has been, or is likely to be, committed:

- a criminal offence (including fraudulent and corrupt behaviour, e.g. theft, fraud or malpractice);
- a miscarriage of justice;
- an act causing 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.

3.3 It is not necessary for the reporting person to have proof of such an act – a reasonable belief is sufficient. The person raising the concern is not expected to investigate the matter themselves – it is RSF’s responsibility to ensure that an investigation takes place.

3.4 Anyone who makes such a “protected disclosure” has the right not to be dismissed, or subjected to any other detriment, or victimised in any way for making a disclosure.

3.5 Any employee who, in good faith, makes allegations that turn out to be unfounded will not be penalised for being genuinely mistaken.

4. Definitions

4.1 For the purposes of this policy, **staff** or **employee** means all contracted members of RSF staff including those on fixed term contracts, such as students and graduates; or temporary contracts, while conducting authorised business on behalf of RSF.

4.2 **Volunteers** includes all those who conduct business on behalf of RSF in an unpaid capacity. This includes Trustees.

5. Procedure – who to disclose to internally

5.1 Employees are encouraged first, both by RSF and by the Charity Commission, to consider raising any concerns they may have internally within RSF. The following process outlines the internal reporting procedure:

5.1.1 If appropriate, an employee should discuss his/her concerns first with the CEO.

5.1.3 If this also is not thought appropriate by the employee they should next consider an approach to the Chair of the Board of Trustees;

5.1.4 If these internal approaches are not thought appropriate, or if the employee believes their complaint would not be taken seriously, or they remain unhappy with the speed or conduct of any action taken, the employee has the option of reporting their concerns to RSF’s independent external auditor at:
Nick.sladden@rsmuk.com.

- 5.2 In all circumstances where an internal approach is made, the report by the employee will be treated in the strictest confidence. It will not result in a report to anyone within RSF without the employee's agreement. However, where concerns raised might involve an immediate safety or safeguarding issue, or other serious concern, some further action may be required through a report directly to law enforcement authorities, such as the Police, or by regulatory bodies, such as the Charity Commission. Where this is the case, so long as the employee is not disadvantaged, the person receiving the complaint may refer the matter themselves up to the Chair of the Board of Trustees to escalate the matter promptly, subject to 5.3 below.
- 5.3 At all times those receiving the complaint should treat the employee with respect and discretion so as not to raise fear or concern for the person raising the matter, and regardless of their level of seniority in the organisation.
- 5.4 See section 7 below for disclosures by volunteers or Trustees.

6. Dealing with disclosures – internal

- 6.1 If an employee reports a disclosure within the management structure at RSF, the need for confidentiality will be respected. However, any concerns raised under this procedure will need to be properly documented and will be held securely in an access controlled/password protected folder to be set up specifically for the purpose, in a confidential manner, with IT.
- 6.2 Confidentiality is vital to the whistleblowing process and all disclosures will be handled with discretion. However, RSF believes that all employees should feel able to put their name to the allegations which they raise, as concerns expressed anonymously are more difficult to investigate.
- 6.3 If employees raise a concern anonymously, depending upon the circumstances of the complaint and investigation, it may nonetheless be possible for their identity to be deduced. If, contrary to this policy, they then suffer reprisals, any held responsible for such reprisals will be dealt with under RSF's Disciplinary and Grievance procedure as outlined in the Employee Handbook.
- 6.4 The action taken in response to a disclosure will depend on the nature of the concern. In order to make sure that the nature of the concern reported is clearly understood, the responsible person to whom the disclosure is made will ask the employee to provide a written statement describing the precise nature of the allegations.
- 6.5 Upon receipt of the statement the responsible person will decide what further action may be required as part of their investigation. They will write to the employee within five working days acknowledging receipt of the complaint and providing information on the proposed course of action. Depending on nature of the report, and any support required through the investigation process, the employee will be provided with details of who to contact in the event of further questions or assistance.
- 6.6 Where further action is required under this policy in relation to an employee's complaint,

this will typically, in the first instance, take the form of an internal investigation. The internal investigator will normally be a Trustee of RSF (as appropriate on a case by case basis). However, RSF may instead decide to arrange for a suitably qualified independent professional to undertake the investigation.

- 6.7 During the investigation, the employee who reported the disclosure may need to be called upon for interview. At all times, any such interviews will be handled with discretion and may be conducted off-site at a suitable location to preserve the confidentiality of the investigation.
- 6.8 The employee will be given appropriate updates of progress made during the investigation, whilst bearing in mind the need to respect the confidentiality of any others implicated or otherwise involved in the investigation as well.
- 6.9 Once the investigation is complete, the employee will be given a prompt and thorough explanation about the result of the investigation and any action RSF is likely to take as a result of it.
- 6.10 At all times, the complaint, investigation and any outcomes should be treated with respect and confidentiality by all parties. It should not be discussed externally nor should any conversation or content regarding the issue be shared on social media or with the press. Any reports that result in reputational risk to the Charity may result in action under RSF's Disciplinary & Grievance Procedure.
- 6.11 Where the investigation reveals a potential infringement of the law, the matter will be passed to the relevant law enforcement or regulatory body for appropriate action. RSF will at all times look after the welfare of employees including during referrals to other bodies.
- 6.13 With an allegation against the CEO or a Trustee, the complaint should be referred to the Chair of the Board.
- 6.14 An allegation against the Chair of the Board should in the first instance be referred to the independent auditor at: Nick.sladden@rsmuk.com.
- 6.15 An independent third-party arrangement is in place to refer matters to our independent auditor to ensure staff are able to report matters without fear or favour. This option could be used for whistleblowing reports should the individual raising an allegation feel that this is the only recourse open to them.
- 6.16 An employee must not approach individuals involved in his/her disclosure directly (whether to "tip them off" or otherwise) or attempt to investigate the matter personally.

7. Disclosures by Volunteers

- 7.1 Volunteers are asked in the first instance to contact their Volunteer Lead in accordance with RSF's Complaints Policy. However, if the Volunteer Lead is the subject of the complaint, the volunteer should contact the CEO. If this also is not thought to be appropriate, the volunteer

should consider contacting the Chair of the Board.

- 7.2 Disclosures by Trustees should be made in the first instance to the Chair of the Board. If this is not thought appropriate, complaint can be made to the CEO or the external independent auditor.
- 7.2 For ease of reference by external complaints including supporters, volunteers and trustees, the Whistleblowing Policy is published on the RSF website, alongside the Safeguarding Policy and the Complaints Policy.

8. Disclosures to external bodies

- 8.1 RSF urges staff and volunteers to exhaust the internal processes set out above but, in exceptional or urgent circumstances, it might be appropriate for them to contact an external regulatory body.
- 8.2 As RSF is a charity registered and regulated under charities legislation the person raising a complaint may find that the Charity Commission is the most appropriate external organisation to contact. Alternatively, the Charity Commission may recommend the most appropriate organisation to whom qualifying disclosures may be made.

9. Disclosures to the press (including social media)

Disclosures to the press, including social media, will not be considered reasonable. This will constitute misconduct and will be treated as a disciplinary matter in accordance with RSF's Disciplinary and Grievance Procedures (see also section 6.10 above).

10. Advice and support for employees

If, at any stage in the procedures, employees are unsure about what to do and would like independent advice, they might like to discuss their concerns with someone at Public Concern at Work. This body is an independent charity staffed by lawyers, which offers confidential free legal and practical advice on how people can raise concerns about malpractice at work. It may be contacted at www.pcaaw.co.uk.

11. Related policies and procedures

- 11.1 See also:
- Safeguarding Policy and Procedures
 - Staff Handbook
 - Public Interest Disclosure Act 1998 (PIDA)
 - Anti-bribery and Corruption Policy
 - Conflict of Interests Policy
 - Complaints Policy

11.2 See also on the Charity Commission website:

<https://www.gov.uk/guidance/report-serious-wrongdoing-at-a-charity-as-a-worker-or-volunteer>

APPENDIX 1

The following is a list of the location of contact details for whistleblowers at RSF:

DEALING WITH DISCLOSURES – INTERNAL

Safeguarding Lead Director: Phil Glyn-Smith

Chair, Board of Trustees: Terry Grote

External Auditor: Nick Sladden (RSM UK Audit LLP)

DEALING WITH DISCLOSURES – EXTERNAL

<https://www.gov.uk/guidance/report-serious-wrongdoing-at-a-charity-as-a-worker-or-volunteer>