

# Whistleblowing Policy

## Contents

What is Whistleblowing? .....	2
The difference between Whistleblowing and a grievance .....	4
Who is covered by this policy? .....	4
Confidentiality.....	4
Making a disclosure .....	4
Process .....	5
Signposting.....	5
Review.....	6

## Introduction

The Royal College of Ophthalmologists (The College) is committed to the highest standards of openness, integrity and accountability. We are committed to running the College to high ethical and legal standards, and to protecting and supporting colleagues and third parties' ability to speak up so that concerns or issues can be escalated and dealt with effectively.

The College is committed to ensuring that all individuals have the ability to raise genuine concerns in good faith without fear of victimisation, subsequent discrimination or disadvantage, even if they turn out to be mistaken.

The College is dedicated to fostering a culture of openness, transparency and integrity and would welcome any concerns being raised.

Your support will help the College:

- Combat fraud
- Avoid reputational damage
- Prevent issues from escalating
- Reduce losses
- Raise awareness of issues identified

## What is Whistleblowing?

Whistleblowing is the action someone takes to report wrongdoing at work that affects others. For example, it could affect the general public.

Legally this is known as 'making a disclosure in the public interest'.

The Public Interest Disclosure Act (1998) gives legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns. 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. However, where an individual discovers information that they believe shows malpractice or wrongdoing within the organisation then this information should be disclosed without fear of reprisal. Such disclosure may be made independently of line management.

By law, there are several issues you can whistleblow about. These are called 'qualifying disclosures'.

Qualifying disclosures include:

- a criminal offence – for example, if an employer has been trying to bribe people

- the breach of a legal obligation by an organisation – for example, if an employer has neglected their duty of care towards children in a care home
- a miscarriage of justice – for example, if a member of staff has been fired for something that turned out to be a computer error
- someone's health and safety being in danger – for example, if an employer has forced staff to serve food they know has been contaminated
- damage to the environment – for example, if an employer has been regularly polluting local rivers.

You can also whistleblow about someone trying to cover up information about any of these issues.

You can make a qualifying disclosure about an issue that's happened at any time. This includes if it's likely to happen in the future. It can also be about something that takes place overseas.

You can report one or more qualifying disclosures.

By law, you'll be protected as a whistleblower if you can show it's reasonable for you to believe that what you disclose:

- fits into one of the categories of a qualifying disclosure
- is in the public interest.

In the public interest means it has to also affect others. For example, other workers, customers or the general public. You will not be protected when making a qualifying disclosure if you:

- commit a criminal offence by disclosing the information – for example hacking into computer files
- breach legal professional privilege – for example if you're a legal adviser and learn about something when giving legal advice.

The policy is intended to cover concerns that are in the public interest and are not appropriately dealt with under existing disciplinary and grievance procedures. These might include:

- financial or non-financial malpractice, impropriety or fraud
- failure to comply with a legal obligation or with the College's bye-laws and Charter
- serious health and safety risks
- damage to the environment
- criminal activity
- academic or professional malpractice
- miscarriage of justice

- improper conduct or unethical behaviour
- attempts to suppress or conceal information relating to any of the above.

## The difference between Whistleblowing and a grievance

A problem or grievance that is personal to only you is unlikely to count as being in the public interest. A grievance is a problem or concern that an employee has about their work, working conditions or relationships with colleagues or managers. Further information on grievances can be found in our Disciplinary & Grievance policy.

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 College, nor may it be used to reconsider any matters that have already been dealt with under any grievance or disciplinary procedure.

## Who is covered by this policy?

Although the Public Interest Disclosure Act applies only to 'workers', the College believes that it is important that the policy and its procedures should apply to all persons officially connected with the College, including Trustees, Committee members, College members, employees, temporary staff and contractors.

This policy has been designed to allow those named above to raise concerns at a high level or to disclose information that the individual believes may show malpractice.

## Confidentiality

Our policy is that colleagues and others should be able to raise matters of concern confidentially or anonymously. The College will treat all such disclosures in a confidential and sensitive manner. The identity of the individual making the disclosure will initially be kept confidential.

However, any investigation process may reveal the source of the information, and the individual making the disclosure may need to provide a statement in order for the matter to be pursued effectively.

## Making a disclosure

You must put your disclosure in writing to either a member of the Senior Management Team, Chief Executive, College Honorary Treasurer or College President. The disclosure could be in an email or a letter and should include:

- the background and reason behind the concern

- whether you've already raised the concern with anyone else and their response
- any relevant dates.

You could also include any relevant evidence, for example documents, photographs, videos or samples. However, it's important to remember that it's not your responsibility to gather evidence. If you take documents or pass them to someone outside your organisation, you might be in breach of your contract or other laws.

The College will not cause an employee 'detriment' if they make a disclosure, nor will we tolerate this behaviour from colleagues.

Detriment means someone experiences one or both of the following because they made a disclosure:

- being treated worse than before
- having their situation made worse.

## Process

The College promises to take any whistleblowing disclosure seriously.

We will:

- Listen to any concerns that have been raised
- Consider what evidence might be available to support the concern
- Reassure the whistleblower that we will keep their identity confidential when reasonably possible (see confidentiality section above)
- Reassure the whistleblower they will not suffer any detriment for raising concerns
- Try and answer any questions the whistleblower has and explain why you cannot answer them if not
- Keep the whistleblower informed about the progress of any investigation into their disclosure
- Provide feedback to the whistleblower after any investigation explaining if action has been taken.

## Signposting

Additional information regarding whistleblowing can be found:

**Protect** - The UK's whistleblowing charity. They aim to stop harm by encouraging safe whistleblowing. They offer free, confidential Advice Line support to thousands of whistleblowers each year who have seen malpractice, risk or wrongdoing in the workplace.

Call on **020 3117 2520**

<https://protect-advice.org.uk/>

**ACAS** - Gives employees and employers free, impartial advice on workplace rights, rules and best practice.

<https://www.acas.org.uk/whistleblowing-at-work>

**.GOV** - Offers guidance for employees regarding Whistleblowing

<https://www.gov.uk/whistleblowing>

Review

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