Whistleblowing Policy for RFUK

<table>
<thead>
<tr>
<th>Version</th>
<th>3</th>
</tr>
</thead>
</table>
| Approvals | Originally approved by the Board of Trustees on 29 July 2018  
Last reviewed on 12 March 2024. |
| Review | This policy is reviewed every two years by the Board of Trustees to ensure that it is achieving its objectives. |
| Target audience | Employees, partners, consultants and individuals associated with RFUK. |

Table of contents

**Policy**  
1. Statement  
2. Scope  
3. Definitions  
4. Safeguards  
5. Policy dissemination and related policies and procedures  
6. Data management and protection  

**Procedure**  
1. Procedures for making a disclosure  
2. Investigation procedure  
3. Appeals  
4. Right to disclose to prescribed persons  
5. Learning  
6. Reporting
Policy

1. Statement

1.1. Rainforest Foundation UK (RFUK) is committed to the highest standards of openness, probity and accountability.

1.2. The purpose of this Whistleblowing Policy is to provide a confidential and secure channel for employees, volunteers, contractors, and other RFUK stakeholders to report serious concerns related to wrongdoing, ethical violations, or any illegal activities within the organisation. RFUK fully acknowledges the inherent difficulty in raising concerns and, in recognition of this challenge, strives to provide robust support to its people. Therefore, this policy is intended to assist individuals who believe they have discovered malpractice or impropriety.

1.3. RFUK unequivocally commits to protecting individuals who, in good faith, raise serious concerns, ensuring they are shielded from reprisal, victimisation, or adverse treatment, irrespective of any confidentiality clauses within their employment/partnership contract. As such, the Whistleblowing Policy protects workers from any penalties or negative repercussions arising from reporting a concern, including dismissal, disciplinary action of any kind, demotion, change of role or team and unwarranted limitation on future progression within the organisation arising directly as a consequence of reporting a concern. Any person who threatens or retaliates against a whistleblower in any way will have committed gross misconduct and will face disciplinary actions in line with the RFUK Disciplinary Policy. This commitment underscores our dedication to fostering an environment where the courage to speak up is met with unwavering protection, reinforcing the principles of integrity, transparency, and ethical conduct within our organisation.

1.4. This policy is not designed to question financial or business decisions taken by RFUK nor should it be used to reconsider any matters which have already been addressed under harassment, complaint, disciplinary or other procedures. This policy does not cover an individual’s own concerns about their employment where it affects only them. (To address these matters, please see RFUK’s Grievance Policy in the Staff Handbook).

2. Scope

2.1. The Public Interest Disclosure Act 1998 (PIDA), is a law that gives legal protection to workers against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns. PIDA makes it unlawful to subject a worker to negative treatment or to dismiss them because they have raised a whistleblowing concern in good faith.

2.2. This policy applies to all individuals affiliated with RFUK, encompassing staff (including temporary, casual, and agency staff), work experience participants, trainees, apprentices, partners, consultants, suppliers, and vendors, both in the UK and overseas. Former individuals associated with the organisation are also encouraged to utilise this policy. Although trustees and other volunteers are not covered by the PIDA, they are also encouraged to raise any whistleblowing concerns as per the principles of this policy.

2.3. RFUK has endorsed the provisions set out below to ensure that no members of staff should feel at a disadvantage in raising legitimate concerns. RFUK will ensure that any disclosure made will be treated in a consistent and fair manner.

2.4. This policy is designed to enable those individuals mentioned above to raise concerns internally and at a high level and to disclose information that they believe 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 the invocation of other procedures e.g., disciplinary. Whistleblowing concerns can include:

- Financial misconduct including bribery and fraud;
- A failure to comply with any legal obligations or regulatory requirements;
- Dangerous practices at work including health and safety concerns that could cause harm to employees or the public;
- Damage to the environment;
- A criminal offence that has been committed, is being committed or is likely to be committed;
- Sexual exploitation, abuse or harassment*;
- Abuse of a position of power, unethical conduct or breach of professional obligations
- A miscarriage of justice;
- The deliberate concealment of information relating to any of the matters listed above.

2.5. *Incidents of sexual exploitation, abuse or harassment will be managed through the Safeguarding Policy which has more detailed guidance for the response and management of safeguarding incidents. The protections of the Whistleblowing Policy will still apply to all staff who report concerns or act as witnesses in a safeguarding investigation.

2.6. In line with the Employment Rights Act 1996, it is immaterial whether the relevant failure occurred, occurs or would occur in the United Kingdom or elsewhere, and whether the law applying to it is that of the United Kingdom or of any other country or territory.

3. Definitions

3.1. **Whistleblowing** – the official term for whistleblowing is 'making a disclosure in the public interest.' This entails the reporting of perceived serious wrongdoing in the workplace through the appropriate channels, ensuring protection of employment rights for the individual raising the concern.

3.2. **Malpractice** – refers to improper, illegal, or negligent behaviour by any individual in the workplace.

3.3. **Serious malpractice** – denotes an act by any individual in the workplace that appears to be improper, illegal, or negligent, warranting immediate attention and resolution.

3.4. **Whistleblower** – individual who, in good faith, reports concerns of serious malpractice, contributing to the organisation's commitment to integrity, transparency, and ethical conduct.

3.5. **Investigator** – an impartial party appointed externally to thoroughly and objectively investigate whistleblowing reports, ensuring fairness and transparency in the resolution process.

4. Safeguards

4.1. **Protection** – RFUK will ensure that the individuals disclosing information will be protected from harassment, victimisation and discrimination, and any such disclosures will be taken seriously and managed appropriately. This policy is designed to offer protection to those working with RFUK who disclose such concerns provided the disclosure is made:

- In good faith; protection is provided when the disclosure is made with genuine intent and sincerity;
4.2. **Confidentiality** – RFUK 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 the investigation or is legally required to be disclosed.

4.3. **Anonymous allegations** – we encourage anonymous reporting over remaining silent. Although we will investigate any concerns expressed anonymously as thoroughly as possible, an anonymous report is likely to be more difficult for us to investigate and we will not be in a position to provide you with any feedback. From this perspective, RFUK encourages individuals to disclose the information under their name while benefitting from the protection and confidentiality clauses of this policy. Should the individual decide to disclose information anonymously but wishes to be kept informed on the progress of the investigation, information could be disclosed by way of an anonymised email account or through third parties.

4.4. **Untrue allegations** – as long as the person raising a concern does so in good faith, they need only to genuinely believe that there is an issue before making a disclosure. If under investigation the disclosure is found to be unsubstantiated, the person who raised the concern will still be protected under RFUK’s Whistleblowing Policy. If the person making the disclosure does so in bad faith, with malicious or vexatious reasons, then they will not be protected under the Whistleblowing Policy and their complaint may result in disciplinary action, up to and including dismissal without notice (in the case of salaried staff) and equivalent action in the case of other persons connected to RFUK including volunteers and affiliates.

4.5. **Conflicts of interest** - the objective of the Whistleblowing Policy is to ensure that all valid concerns are investigated and followed up with effectively. To this end it is essential that conflicts of interest are avoided in the response to an incident. Wherever possible, investigations should be conducted by expert external investigators to reduce the risk of internal bias. In the event of a disclosure relating to RFUK’s Executive Director or RFUK’s senior leadership, the Decision-making group will be appointed from among RFUK’s Board of Trustees to take on direct oversight and responsibility for ensuring an incident is properly investigated and managed in line with the requirements of this policy. If the accusation is aimed at the Board of Trustees, the composition of the Decision-making group will be adjusted to avoid conflicts of interest, potentially involving external expertise if necessary.

4.6. **Risk assessment** – risk assessments are crucial in the whistleblowing process to thoroughly evaluate the potential harm to all parties involved, including risks of retaliation or biases in local laws. These assessments should be conducted before initiating any interviews and continuously updated throughout the investigation.

5. **Policy dissemination and related policies and procedures**

5.1. This policy and procedures will be disseminated to all staff upon adoption, included into the core reading list for all new joiners and a briefing provided during the staff induction.

5.2. RFUK will ensure that staff will receive refresher training pertaining to this policy on an annual basis to maintain awareness and understanding.

5.3. To complement and support the application of this policy, the following policies, guidelines, and resources are available:

-  Anti-Bribery Policy
-  Code of Conduct
-  Conflict of Interest Policy
6. Data management and protection

6.1. To process a complaint, RFUK will hold personally identifiable data about the person making a complaint and others involved. Data will be held securely in line with the RFUK’s Data Privacy Policy and only used to address the complaint.
Procedure

1. Procedures for making a disclosure

1.1. Reporting wrongdoing – any individual who becomes aware of or suspects serious wrongdoing is encouraged to report their concerns promptly.

1.2. Ways to report – complaints can be raised verbally, or in writing. When reporting, it is crucial to clearly provide:
   – the details of the suspected wrongdoing;
   – the names of any individuals involved; and
   – the desired action, if any, that you are seeking.

1.3. Reporting channels – reports can be made through the following channels:
   – Sending an email to the designated whistleblowing email address: whistleblowing@rainforestuk.org. The individuals with access to this mailbox will be clearly identified online, ensuring transparency and enabling stakeholders to know the most up-to-date recipients.
   – Using the whistleblowing reporting form.
   – Via RFUK’s central telephone number +44 (0) 207 485 0193 where the complainant can select the designated option from the menu.
   – Directly to a supervisor or manager;
   – Directly to the Chair of the Board: chair@rainforestuk.org. However, the Chair retains the right to refer the complaint back to management or to another Trustee if they feel it can be more appropriately investigated and without any conflict of interest.

1.4. Evidence and investigation – the individual disclosing information is not obligated to provide evidence to initiate an investigation, although such evidence would be beneficial. Whilst the establishment of evidence is integral to the investigative process, it can be developed during the inquiry.

2. Investigation procedure

2.1. Launching an investigation – any reported concern meeting the definition of a whistleblowing incident will be investigated promptly and, depending on the nature of the concern, may be reported to the police or an appropriate oversight body.

2.2. Appointing an internal Investigation Manager – once an investigation is opened, a Whistleblowing Investigation Manager will be appointed from within the RFUK team. The role of the Whistleblowing Investigation Manager is to oversee the investigation, including providing quality checks on the work of the investigation team. The Investigation Manager ensures that the investigators have everything they need in order to conduct their investigation. This can include arranging interviews, supervising timelines, travel and payments. In selecting the Whistleblowing Investigation Manager, a broad spectrum of conflicts of interest shall be considered to ensure that they are not implicated themselves and are sufficiently distanced from those being investigated. This includes but is not limited to personal relationships, financial interests, and professional affiliations that may compromise
the impartiality and fairness of the investigation process

2.3. **Appointing a team of external Investigators** – investigations will be conducted by a team of no less than two external experts, ideally with a gender balance, who will conduct interviews and review available evidence with the aim of determining whether wrong-doing has occurred and to what extent.

2.4. **Investigation Purpose** – the purpose of an investigation is to:
   
   − Determine the validity of the concerns raised by the whistleblower and assess whether they merit further action.
   − Ensure fair treatment of the involved parties, including the whistleblower and any individuals implicated in the allegations.
   − Identify any potential risks or threats to RFUK’s reputation, financial stability, legal compliance, or internal operations.
   − Hold accountable any individuals or entities responsible for wrongdoing or misconduct uncovered during the investigation.
   − Highlight any organisational failings and implement corrective actions and preventive measures to address systemic issues and prevent similar incidents from happening in the future.

2.5. **Decision-making group** – the anonymised findings from the investigators will be submitted to a decision-making group formed of three members of the RFUK SMT or Board of Trustees as appropriate depending on the nature of the concerns raised to ensure that there is no conflict of interest for any member of the decision-making group. This group will make a decision on the outcomes and next steps of the investigation, including disciplinary procedures and referral to relevant authorities where appropriate. Confidentiality will be maintained throughout the process.

2.6. **Timeframe** – RFUK aims to make a decision within three months of a report being made, although depending on the circumstances this timeframe may increase.

3. **Appeals**

3.1. In the event that the whistleblower or any involved party disagrees with the outcome of the investigation, an appeals process is in place. The following steps outline the appeals procedure:

   − **Request for review** – the whistleblower or involved party may submit a written request for a review of the investigation outcome within 14 days of receiving the decision, specifying the grounds for appeal, to the Executive Director. If the Executive Director was involved in the original review, the request should be submitted to the Chair of the RFUK board.

   − **Appointment of appeals officer** – upon receiving an appeal, the Executive Director or the Chair will appoint an appeals officer, not involved in the initial investigation, to review the case.

   − **Appeals review** – the appeals officer will conduct a thorough review of the investigation process and outcome. This may involve re-examining evidence, interviewing relevant parties, and ensuring that proper procedures were followed.

   − **Decision on appeal** – based on the review, the appeals officer will make a decision on the appeal, either upholding the original outcome, recommending a modification, or calling for a reinvestigation. This should be in consultation with either the Executive Director or the Chair of the Board providing they are not subject to the whistleblowing
complaint or involved in the initial investigation. This decision will be final and binding.

4. **Right to disclose to prescribed persons**

4.1. If the investigation finds the allegations unsubstantiated and all internal procedures have been exhausted, but the complainant is not satisfied with the outcome of the investigation, RFUK recognises the lawful rights of employees and ex-employees to make disclosures to prescribed persons or body (e.g. the Charity Commission, Health and Safety Executive etc.).

4.2. A full list of prescribed people and bodies can be found on the Government [website](#).

5. **Learning**

5.1. After a Whistleblowing concern is raised and resolved, RFUK will implement lessons learned and any required improvement processes in order to avoid similar occurrences in the future. RFUK will conduct an annual review of the agreed remediation and preventative measures taken.

6. **Reporting**

6.1. RFUK will provide a high-level summary of whistleblowing disclosures received or offer more detailed information as mandated by specific grant agreements, all while upholding confidentiality to funders, donors, its Board, and any other regulatory body that RFUK is obligated to report to.

6.2. These will include the number and types of whistleblowing concerns received, and the countries where the disclosures originated. This information will also be included in RFUK’s annual reports.

6.3. No identifying information will be shared, and the aggregation of data on disclosures will only be used to improve RFUK’s processes and ensure transparency with stakeholders.