

WHISTLE-BLOWING POLICY

1. Introduction

The Royal Society of Edinburgh (“**the RSE**”) Whistleblowing Policy and associated procedures are set out below.

2. What is Whistleblowing?

In this policy ‘**Whistle-blowing**’ means the reporting by RSE Fellows, RSE employees, including contractors, of suspected misconduct, illegal acts or failure to act within the RSE standards of transparency, probity, integrity and accountability.

3. Policy

This policy sets the procedures the RSE will apply if and when dealing with Whistle-blowing allegations of illegal or improper conduct by RSE Fellows or RSE employees, including contractors.

The policy is intended to encourage and enable individuals to raise serious concerns within the RSE rather than ignoring a problem or ‘blowing the whistle’ outside.

The policy aims to:

- encourage you to feel confident in raising serious concerns at the earliest opportunity and to question and act upon concerns about practice
- provide avenues for you to raise those concerns and receive feedback on any action taken
- ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied
- reassure you that you will be protected from possible reprisals or victimisation so long as you have made any disclosure in good faith.

The policy does not replace other RSE laws, policies or procedures such as complaints, discipline, diversity or grievance procedures, or other specifically laid down statutory reporting procedures.

4. What should be reported?

The policy and procedure apply to, but is not limited to, allegations about any of the following:

- Conduct which is an offence or breach of the law
- Alleged miscarriage of justice
- Serious health and safety risks
- The unauthorised use of public funds
- Possible fraud and corruption
- Sexual, physical, racial, or verbal abuse, or bullying or intimidation of employees or customers
- Abuse of authority
- Other unethical conduct

5. Protecting the Whistle-blower

5.1 Your legal rights

The policy has been written to take account of the Public Interest Disclosure Act 1998 which protects employees making disclosures about certain matters of concern, when those disclosures are made in **accordance with the Act's provisions and in the public interest**.

The Act makes it unlawful for the RSE to dismiss anyone or allow them to be victimised on the basis that they have made an appropriate lawful disclosure in accordance with the Act.

The policy does not remove your rights to disclose matters of concern through other legally protected routes, for example, disclosure to the Office of the Scottish Charity Regulator.

5.2 Support to you

The RSE recognises that the decision to make an allegation can be a difficult one to make. However, whistle-blowers who make serious allegations in the reasonable belief that it is in the public interest to do so have nothing to fear because they are doing their duty either to the RSE and/or to those for whom the RSE or they are providing a service.

The RSE will take steps to minimise any difficulties which may be experienced by making an allegation. For instance, if a whistle-blower is required to give evidence in criminal or disciplinary proceedings the RSE will arrange for them to receive advice about the procedure and advise on the available support mechanisms.

Throughout this process:

- you will be given full support
- your concerns will be taken seriously, and
- the RSE will do all it can to help you throughout the investigation

The RSE accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, it will inform you of the outcome of any investigation.

5.3 Confidentiality

All allegations will be treated in confidence and every effort will be made not to reveal your identity unless you otherwise request, or the identity of the accused. However, if the matter is subsequently dealt with through other RSE procedures, for example, relating to complaints or discipline, or the RSE has statutory obligations, these may prevent the RSE from not revealing identity. Similarly, if an allegation results in court proceedings then you may have to give evidence in open court if the case is to be successful.

The RSE will not, without your consent, disclose your identity to anyone other than a person involved in the investigation/allegation.

5.4 Anonymous Allegations

Wherever possible, whistle-blowers will be encouraged to put their name to an allegation, as anonymous allegations can often be difficult to substantiate/prove. Allegations made anonymously are much less powerful, but anonymous allegations will be considered at the discretion of the RSE President where RSE Fellows are concerned and the RSE Chief Executive, where it concerns RSE employees, including contractors.

In exercising discretion to accept an anonymous allegation the following factors will be taken into account:

- The seriousness of the issue raised
- The credibility of the allegation; and
- Whether the allegation can realistically be investigated from factors or sources other than the complainant

5.5 Untrue Allegations

No disciplinary or other action will be taken against you if you make an allegation in the reasonable belief that it is in the public interest to do so even if the allegation is not substantiated by an investigation. However, if your allegation is found to be made without reasonable belief that it is in the public interest to do so (e.g. making an allegation frivolously, maliciously or for personal gain where there is no element of public interest), you may be subject to other RSE procedures relating to complaints or discipline.

6. Raising a concern

6.1 Procedure for Making an Allegation

This will depend on the seriousness and sensitivity of the issues involved and who is suspected of the wrongdoing. RSE Fellows should normally raise concerns with the RSE General Secretary if they relate to other fellows, including the President, or the Chief Executive if they relate to RSE staff or contractors. RSE staff should normally raise concerns with the Chief Executive.

In the case of all allegations made, the General Secretary and Chief Executive will discuss, with each other, the issues raised with them and will decide, within 7 days of the allegation being raised, if and how the investigation will proceed. In doing so, they will not disclose to each other the name of the person(s) who has made the allegation. In the event of the Chief Executive or General Secretary not being available within that time period, concerns will be discussed between the General Secretary and Director of Finance and Corporate Services or the Chief Executive and the President.

If a concern is about or involves the General Secretary or the Chief Executive, it should be raised with the RSE President.

Allegations made will be considered within 14 days of having been received. There will be discussion with you to establish if you wish to proceed with the allegation. If you do and / or the RSE believes it is in the public interest to do so, the allegation will be fully investigated by a named competent and confidential investigator or redirected to the relevant authorities as set out in Paragraph 7.1 below.

6.2 How to raise a concern

You may raise your concern by telephone, in person or in writing. The earlier you express your concern, the easier it is to action. You will need to provide the following information:

- Your name and contact details
- The background and history of the allegation (giving relevant dates and names and positions of those who may have contributed to the allegation)
- The specific reason for the allegation. Although someone making an allegation will not be expected to prove the truth of any allegations, they will need to provide information to the person they have reported to, so he / she can establish if there are reasonable grounds for the allegation.

Although you are not expected to prove beyond doubt the truth of your suspicion, you will need to demonstrate to the person you report it to that you have a genuine concern relating to suspected wrongdoing or malpractice within the RSE and there are reasonable grounds for your concern.

7. What the RSE will do

7.1 Procedure for Investigating

Details of the allegation will be gathered and recorded including:

- The record of the allegation:
- The acknowledgement of the allegation;
- Any documents supplied by you

The investigator will ask you for your preferred means of communication and contact details and use these for all communications with you to preserve confidentiality.

If the allegation relates to fraud, potential fraud or other financial irregularity the RSE Treasurer will be informed and his / her input will inform the decision on if and how the allegation should be investigated.

If the allegation discloses evidence of what is or appears to be a criminal offence, the Police will be informed immediately.

If the allegation concerns suspected harm to children or vulnerable adults the appropriate authorities will be informed immediately.

7.2 Timetable

The allegation will be acknowledged, in writing within 14 days with:

- An indication of how the RSE proposes to deal with the matter
- An estimate of how long it will take to provide a final response
- An indication of whether any initial enquiries have been made
- Information on your support mechanisms / options
- Indication whether further investigations will take place and if not, why not

Where the allegation has been made internally and anonymously, the RSE will be unable to communicate what action has been taken.

8. The Responsible Officer

The Chief Executive has overall responsibility for the operation of these procedures and for due administrative process is followed and records are confidentially and properly kept.

9. Monitoring

A Main Register will record the following details:

- The name and status (e.g. Fellow / employee) of the whistle-blower
- The date on which the allegation was received
- The nature of the allegation
- Details of the person who received the allegation
- Whether the allegation is to be investigated and, if yes, by whom
- The outcome of the investigation
- Any other relevant details

The Main Register will be confidential and held by the Chief Executive. If inspected by the RSE Council the names of whistle-blowers will be removed before inspection.

The Chief Executive will report quarterly to RSE Council on the operation of the procedures and on any whistle-blowing allegations made during the period covered by the report. The report will be in a form which does not identify whistle-blowers.

Where the Chief Executive is the subject of an allegation, the details required for the Main Register will be recorded in a confidential Sub Register, held by the Director of Finance & Corporate Services. If inspected by the RSE Council, the names of the whistle-blowers will be removed before inspection.

The Director of Finance & Corporate Services will report annually each May, to RSE Council about any whistle-blowing allegations made during the period covered by the report and recorded in the Sub Register. The report will be in a form which does not identify whistle-blowers. The entries in both registers will remain for a period of three months and will be deleted immediately thereafter.