
Policy and Procedure

Whistleblowing

PRINCIPLES

ODI is committed to the highest standards of integrity and accountability. This policy helps underpin these principles:

- relating with each other in ways that respect and enhance our identity as a trusted, independent, global think tank;
- manifesting our values of fairness, diversity and equality, inclusion, transparency, collaboration, independence, and excellence, in all that we do;
- having a zero tolerance of bullying, harassment, victimisation, abuse of power, or sexual exploitation;
- expecting all staff and representatives to comply with ODI's, government, partner and donor compliance policies. This includes safeguarding, environmental sustainability, financial and health and safety policies, wherever we work.

BACKGROUND

The aim of ODI's Whistleblowing policy is to encourage staff to help maintain our standards according to our values, ethics and principles by tackling fraud, corruption, unacceptable or unlawful conduct and other malpractice. This Whistleblowing policy is intended to encourage and allow serious concerns to be raised within the organisation in the first instance so that they can be addressed quickly and appropriately rather than overlooking a problem or 'blowing the whistle' outside.

Whistleblowing relates to staff passing on information concerning malpractice that is in the public interest, without expectation of personal gain. For the purposes of this policy, the following are some examples of reasons for raising a concern through the procedures set out in the policy:

- (i) Fraud or corruption including offering, taking, or asking for bribes
- (ii) The breach of a legal or regulatory obligation (e.g. Data Protection, fundraising rules, environment)
- (iii) Dishonesty, unacceptable conduct, or other irregularities in dealing with, staff, contractors, customers and suppliers
- (iv) Breaches to dignity at work practices, discriminatory practices, bullying and harassment (including sexual harassment), breaches of ODI ethics, professional conduct and safeguarding framework
- (v) Conduct which endangers the safety of any individual
- (vi) Breach of contract or of an ODI policy
- (vii) Negligence
- (viii) A criminal offence
- (ix) A miscarriage of justice
- (x) An act creating risk to health and safety

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- (xi) Deliberate covering up of evidence that shows any of the above has occurred
 - (xii) Concealment of any of the above
- *Where Money Laundering is suspected, please refer to ODI's Guide to Anti Money Laundering in the Staff Handbook*
 - *Where Bribery is suspected, please refer to ODI's Guide to Anti Bribery in the Staff Handbook*
 - *Safeguarding, anti-fraud, conflict of interest, abuse of power, alcohol and substance abuse, modern slavery, duty of care, anti-harassment and bullying, professional conduct and ethics, please see the ODI ethics, professional conduct and safeguarding framework.*

Personal grievances with line managers or other members of staff should be taken up via the Mediation and Grievance Policy and Procedure; other complaints should be taken up in line with the ODI Complaints Procedure.

POLICY

1. Who does this policy apply to?

This policy applies to all current staff, ex staff, research associates, interns, interims, contractors, fellows, and trustees of ODI. All cases will be dealt with on an individual basis.

2. Procedure

We strongly encourage staff to make the appropriate person as set out in this policy aware of any concerns. That person will then be responsible for investigating the matter. The individual who has raised concerns has no responsibility for investigating the matter, it is the organisation's responsibility to ensure that an investigation takes place.

The individual should in the first instance raise the matter with their line manager, or if this is inappropriate with a senior manager such as a Director of Programme, Head of Department, member of the Senior Leadership Team, Company Secretary or Head of Contracts and Compliance, unless there is a specific reason linked to the matter that would prevent them from doing so, for example, if Money Laundering or Bribery is suspected (see ODI's Guide to Anti Money Laundering and Guide to Anti Bribery).

If for a specific reason the individual(s) is unable to raise their concern using the mechanism above, then they should use one of the following alternatives:

- Whistleblowing may be reported to the HR who will take the appropriate action.
- Whistleblowing can be made anonymously, ODI has engaged the services of an external whistleblowing service which may be contacted anonymously on 0800 197 2814 or blowingthewhistle@cic-eap.co.uk and at www.blowingthewhistle.co.uk
- Alternatively, the individual may raise the matter directly with the Whistleblowing Trustee or the Safeguarding Trustee.

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- Should none of these options be appropriate, the individual may consider raising the matter directly with the Charity Commission (www.charity-commission.gov.uk). The Charity Commission has an email address dedicated to whistleblowing reports: whistleblowing@charitycommission.gov.uk
- Concerns may be raised orally or in writing. We would encourage individuals to give us as much detailed information about the concern as possible including details of how it came to their attention and any evidence they have. Notes of the conversation will need to be taken to ensure that details are accurately recalled, these notes will be marked as confidential and stored in a secure location. Whilst this information is confidential, it may need to be shared with others internally or externally, in order to ensure the most appropriate outcome. This information will only be shared on a need-to-know basis. The Whistleblowing Trustee may also require support from the Company Secretary and Executive Assistants or similar roles to support the logistics of the process. The information shared with these individuals will be limited and will remain confidential.
- In the case of a whistleblowing incident involving staff involved in FCDO-funded business that relates to suspicions or allegations of aid diversion, fraud, money laundering or counter terrorism finance, this will need to be reported to the Counter Fraud and Whistleblowing Unit (CFWU) at fraud@dfid.gov.uk or on +44(0)1355843551.
- Any concern which is raised with ODI will be investigated even if it was made anonymously, although this policy encourages you to put your name to your allegation to enhance its credibility and permit appropriate feedback. If the matter is raised confidentially, we will respect this as far as possible.
- Where further action is required under this policy in relation to a complaint, this will typically, in the first instance, take the form of an internal investigation. The internal investigating officer will generally be the Whistleblowing Trustee (the trustee may wish to undertake this investigation themselves or appoint an appropriate qualified senior ODI manager to undertake the investigation and report directly to the Whistleblowing Trustee). However, depending on the nature of the incident ODI may instead decide to arrange for a suitably qualified independent professional to undertake the investigation.
- During the investigation, the individual who made the disclosure may need to be called upon for interview. They will also be given appropriate updates of progress made during the investigation, whilst bearing in mind the need to respect the confidentiality of other workers as well. Once the investigation is complete:
 - The individual will be given a prompt and thorough explanation about the result of the investigation and any action ODI is likely to take as a result of it.
 - Where the allegation is deemed to be of a serious nature, an appropriate report will be submitted to People, Remuneration and Organisation Development Committee (PROC) and/or the ODI Board of Trustees.
 - Any action which the investigator decides is required will be taken.

3. Independent Advice

- If unsure about any aspects of this policy or in need of independent advice you may

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contact Protect, the independent authority on public interest whistleblowing. Protect offer free, confidential advice to people with whistleblowing dilemmas and can be contacted on 020 3117 2520.

- We recognise that raising such a concern can be challenging, and therefore please contact HR if you require additional support in this area.
- The Employee Assistance Programme (EAP) is also available to provide free confidential care for employees, free call 0800 085 1376 or (020) 7938 0963.

4. ODI's Commitment

If you genuinely believe that there is an issue which needs to be investigated and a concern is raised in line with this policy, ODI will take action to ensure that you are protected from any victimisation or harassment arising as a result, in line with the Anti-harassment and Bullying policy. This will be the case even if the concern raised cannot be proven or does not prove to be well founded when investigated.

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

However, if a concern is raised which is known to be false, frivolous or malicious, disciplinary action may be taken. As part of our commitment to encouraging employees to speak out if they have concerns, disciplinary action may also be taken against anyone who:

- victimises or harasses any person as a result of that person genuinely raising a concern under this policy,
- deters or attempts to deter any person from genuinely raising a concern under this policy or any other ODI policy or practice; or
- has knowledge of a breach of ODI policy and fails to report.

5. Protection and Support for Whistleblowers

It is understandable that whistleblowers are sometimes worried about possible repercussions. We aim to encourage openness and will support staff who raise genuine concerns under this policy, even if they turn out to be mistaken.

Whistleblowers must not suffer any detrimental treatment as a result of raising a concern. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform the Whistleblowing Trustee immediately. If the matter is not remedied, you should raise it formally using our Grievance Procedure.

You must not threaten or retaliate against whistleblowers in any way. If you are involved in such conduct you may be subject to disciplinary action. In some cases, the whistleblower could have a right to sue you personally for compensation in an employment tribunal.

The Public Interest Disclosure Act (PIDA) 1998 provides protection to "workers" making disclosures in the public interest and allows such individuals to claim compensation for victimisation following such disclosures. Further protection is afforded by The Enterprise and

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Regulatory Reform Act 2013 (ERRA) which came into force in July 2013. See information on: -

Public Interest Disclosure Act protection to workers:

<https://www.legislation.gov.uk/ukpga/1998/23/section/1>

Enterprise and Regulatory Reform Act:

<https://www.gov.uk/government/publications/enterprise-and-regulatory-reform-act-2013-a-guide>

Whistleblowers' disclosure made to the charity commission:

<https://www.gov.uk/government/publications/whistleblowing-disclosures-made-to-the-charity-commission-for-england-and-wales-2018-to-2019/whistleblowing-disclosures-made-to-the-charity-commission-for-england-and-wales-2018-to-2019>

ODI complies with principles for processing personal data, including protecting against unauthorised access of personal data set out by The General Data Protection Regulation (GDPR). Personal data will not be accessed or disclosed inappropriately during this process.

RELATED POLICIES

- Anti-Bribery
- Anti-Money Laundering
- Conflict of Interest
- Code of Conduct
- Ethics and Professional conduct
- Safeguarding Children & Vulnerable Adults
- Mediation and Grievance Policy and Procedure
- Complaints Procedure
- Incident Reporting and Management

Whistleblowing Policy				
Reviewed/ updated by	Name	Position	Date	Update type: None/Major/Minor/Rewrite
	Aoife Kinsella	Secretariat and Governance Coordinator	March 2018	Updated
	Chris Williams	Director of Professional Services	October 2020	Whistleblowing Trustee added. Contact details updated. Legislation information added.
Next Review due	October 2022			