



## WHISTLEBLOWING POLICY

Vision Action, formally Vision Aid Overseas, is committed to the highest standards of openness, probity and accountability. This policy outlines the organisation's position on whistleblowing and should be read in conjunction with other key Vision Action policies on Safeguarding, Anti-Bribery, and Harassment and Misconduct.

An important aspect of accountability and transparency is a mechanism to enable staff and other members of the Charity to voice concerns in a responsible and effective manner. It is a fundamental term of every contract of employment that an employee will faithfully serve his or her employer and not disclose confidential information about the employer's affairs. Nevertheless, where an individual discovers information which they believe shows serious malpractice or wrongdoing within the organisation then this information should be disclosed internally without fear of reprisal, and there should be arrangements to enable this to be done independently of line management (although in relatively minor instances the line manager would be the appropriate person to be told).

The Employment Rights Act 1996 provides protection for workers who 'blow the whistle' where they reasonably believe that some form of illegality, injustice or breach of health and safety has occurred or is likely to occur. The Public Interest Disclosure Act, gives legal protection to employees against being dismissed or penalised by their employers because of publicly disclosing certain serious concerns. The Charity has endorsed the provisions set out below to ensure that no members of staff should feel at a disadvantage in raising legitimate concerns.

It should be emphasised that 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 Charity, nor should it be used to reconsider any matters which have already been addressed under harassment, complaint, disciplinary or other procedures.

This policy is applicable to all employees of the organisation, to volunteers and trustees, and to temporary workers, consultants, contractors, agents and subsidiaries acting for, or on behalf of Vision Action, within the UK and internationally.

This policy also applies to any international / national partners and the same opportunities and mechanisms for raising concerns are applicable and should be followed.

There is a link in the following policy for trustees and volunteers who should report concerns via **serious incident reporting**.

Every employee and associated person acting for, or on behalf of, Vision Action is responsible for maintaining the highest standards of professional and moral conduct. Any breach of this policy is likely to constitute a serious disciplinary, contractual and possibly criminal matter for the individual concerned and may cause serious damage to the reputation and standing of Vision Action.

A handwritten signature in black ink, appearing to read "Nicola Chevis", is written over a horizontal line.

Nicola Chevis, CEO - Updated April 2021



## **WHISTLEBLOWING POLICY**

### **Scope of Policy**

Vision Action's Whistleblowing Policy seeks to ensure that the protection of all staff, trustees, volunteers, partners and programme beneficiaries is paramount in every area of our work. The policy applies to all Vision Action trustees, staff and volunteers (including those employed or working/visiting either the UK or overseas), in all areas of their working and personal life.

This policy is designed to enable trustees, volunteers, partners and programme beneficiaries of Vision Action to raise concerns internally and at a high level and to disclose information which the individual believes 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. These concerns could include:

- Financial malpractice or impropriety or fraud
- Failure to comply with a legal obligation or Statutes
- Endangering the health and safety of an individual or the environment
- Committing a criminal offence
- Improper conduct or unethical behaviour
- Protection from harm (medical and other)
- A miscarriage of justice
- Any other safeguarding issue
- Attempts to conceal any of these

### **Safeguards**

**Protection** - this policy is designed to offer protection to trustees, volunteers, partners and programme beneficiaries of Vision Action who disclose such concerns provided the disclosure is made:

- in good faith
- in the reasonable belief of the individual making the disclosure that it tends to show malpractice or impropriety
- if they make the disclosure to an appropriate person (see below).

It is important to note that no protection from internal disciplinary procedures is offered to those who choose not to use the procedure. In an extreme case, malicious or wild allegations could give rise to legal action on the part of the persons complained about.

### **Confidentiality**

Vision Action will treat all such disclosures in a confidential and sensitive manner. The identity of the individual making the allegation may be kept confidential so long as it does not hinder or frustrate any investigation. However, the investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the evidence required.

**Anonymous Allegations** - this policy encourages individuals to put their name to any disclosures they make.

Concerns expressed anonymously are much less credible, but they may be considered at the discretion of the Company. In exercising this discretion, the factors to be taken into account will include:

- The seriousness of the issues raised
- The credibility of the concern
- The likelihood of confirming the allegation from attributable sources

**Untrue Allegations** - If an individual makes an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against that individual. In making a disclosure the individual should exercise due care to ensure the accuracy of the information. If, however, an individual makes malicious or vexatious allegations, and particularly if he or she persists with making them, disciplinary action may be taken against that individual.

**Medical, Clinical, Safeguarding Allegations** – We must act quickly to protect patients from any risks posed by colleagues. The safety of patients must come first. If anyone has serious concerns about any practitioner’s fitness to practice then these concerns should first be raised with the practitioner, if the individual feels able to. If necessary, concerns should be escalated to an appropriate person. This should first be the Country Director for immediate action. Follow up will be reported to Vision Action and investigated as above. If an individual remains concerned, they should consult Vision Action through the steps in this policy. Serious incident reporting may also be required, following the guidance in the link on page 5.

**Immediate risk** – We must act quickly to protect colleagues from risks, such as those posed working in the **either the UK or overseas**. The safety of colleagues must come first. If anyone has serious concerns about any colleagues, these should be raised with the individual concerned first, if the individual feels able to. If necessary, concerns should be escalated to an appropriate person.

Immediate risks at work or in the field should be addressed to the Country Director. Follow up will be reported to VAO and investigated as above. If an individual remains concerned, they should consult Vision Action through the steps in this policy. Serious incident reporting may also be required, following the guidance in the link on page 5.

### **Procedures for Making a Disclosure**

On receipt of a complaint of malpractice, the member of staff who receives and takes note of the complaint, must pass this information as soon as is reasonably possible, to the appropriate designated investigating officer as follows:

- Complaints of malpractice will be investigated by the appropriate Director unless the complaint is against the Director or is in any way related to the actions of the Director. In such cases, the complaint should be passed to the Chief Executive Officer for referral.
- In the case of a complaint, which is any way connected with but not against the Director, the Chief Executive Officer will nominate a Senior Manager or external party to act as the alternative investigating officer.
- Complaints against the Chief Executive Officer should be passed to the Chair who will nominate an appropriate internal / external investigating officer.
- The complainant has the right to bypass the line management structure and take their complaint direct to the Chair or Chief Executive Officer. The Chair or Chief Executive Officer has the right to refer the complaint back to management if he/she feels that the management without any conflict of interest can more appropriately investigate the complaint.

- Medical and clinical concerns, the safeguarding of children, at-risk adults, vulnerable groups and immediate risks in the field should be reported to the Country Director for immediate action. Follow up will be reported to and investigated as above.

Should none of the above routes be suitable or acceptable to the complainant, then the complainant may approach one of the following individuals who have been designated and trained as independent points of contact under this procedure. They can advise the complainant on the implications of the legislation and the possible internal and external avenues of complaint open to them:

Prof Nora Colton, Chair of the Trustees - [n.colton@ucl.ac.uk](mailto:n.colton@ucl.ac.uk)

If there is evidence of criminal activity, then the investigating officer should inform the police. The Company will ensure that any internal investigation does not hinder a formal police investigation.

### **Timescales**

Due to the varied nature of these sorts of complaints, which may involve internal / external investigators and/ or the police, it is not possible to lay down precise timescales for such investigations. The investigating officer should ensure that the investigations are undertaken as quickly as possible without affecting the quality and depth of those investigations.

The investigating officer, should as soon as practically possible, send a written acknowledgement of the concern to the complainant and thereafter report back to them in writing the outcome of the investigation and on the action, that is proposed. If the investigation is a prolonged one, the investigating officer should keep the complainant informed, in writing, as to the progress of the investigation and as to when it is likely to be concluded.

All responses to the complainant should be in writing and sent to their home address marked “confidential”.

### **Investigating Procedure**

The investigating officer should follow these steps:

- Full details and clarifications of the complaint should be obtained.
- The investigating officer should inform the member of staff against whom the complaint is made as soon as is practically possible. The member of staff will be informed of their right to be accompanied by a trade union or work colleague at any future interview or hearing held under the provision of these procedures. At the discretion of the investigating officer and dependant on the circumstances of the complaint an alternative representative may be allowed e.g. the individual’s legal representative.
- The investigating officer should consider the involvement of the Charity auditors and the Police at this stage and should consult with the Chair/ Chief Executive Officer if appropriate
- The allegations should be fully investigated by the investigating officer with the assistance where appropriate, of other individuals / bodies.
- A judgement concerning the complaint and validity of the complaint will be made by the investigating officer. This judgement will be detailed in a written report containing the findings of the investigations and reasons for the judgement. The report will be passed to the Chief Executive Officer, Chair as appropriate.
- The Chief Executive Officer / Chair will decide what action to take. If the complaint is shown to be justified, then they will invoke the disciplinary or other appropriate Charity procedures.
- The complainant should be kept informed of the progress of the investigations and, if appropriate, of the outcome.
- If appropriate, a copy of the outcomes will be used to enable a review of Company procedures.

If the complainant is not satisfied that their concern is being properly dealt with by the investigating officer, they have the right to raise it in confidence with the Chief Executive Officer / Chair, or one of the designated persons described above.

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, Vision Action recognises the lawful rights of employees and ex-employees to make disclosures to prescribed persons or body (e.g. the Charity Commission).

Charity employees can report concerns about certain categories of serious wrongdoing at their charity to the Charity Commission. The commission asks that whistleblowing reports are made in writing via the dedicated [whistleblowing email address](#). We encourage individuals to use the channels and not bypassing these and going straight to the media for example.

A complete list of prescribed persons can be found here.

(<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>)

The following guidance gives more details, particularly for **trustees and volunteers** who should report concerns **via serious incident reporting** (more details in the following link) **and for trustees on what to declare in the Annual Return** <https://www.gov.uk/guidance/whistleblowing-guidance-for-charity-employees>

Further guidance on medical, clinical and safeguarding whistleblowing, particularly for **staff and volunteers (including those employed or working/visiting either the UK or overseas)**, is available here:

**Optometrists:** <http://guidance.college-optometrists.org/guidance-contents/safety-and-quality-domain/protecting-from-harm/principles-of-raising-concerns/>

**GOC:** [https://www.optical.org/en/Investigating\\_complaints/raising-concerns.cfm](https://www.optical.org/en/Investigating_complaints/raising-concerns.cfm)

**NHS:** <https://www.england.nhs.uk/ourwork/whistleblowing/>



**ANNEX A TO WHISTLEBLOWING POLICY**  
**WHISTLEBLOWING POLICY COMPLIANCE**

I have received and been briefed on the Vision Action Whistleblowing Policy and fully understand my responsibilities to comply with and promote the Policy.

Signed	
Name	
Position within Vision Action	
Date	