



**Subject** Updated ARB Whistleblowing Policy  
**Purpose** For Decision  
**From** Audit and Risk Assurance Committee

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## 1. Summary

The Audit and Risk Assurance Committee recently considered ARB's Whistleblowing Policy and is suggesting some minor amendments as attached at Annex A. The Board is now asked to agree the proposed amendments to that Policy.

## 2. Recommendations

The Board is asked to agree the amended Whistleblowing Policy attached at Annex A.

## 3. Open Session

## 4. Contribution to the Board's Purpose and Objectives

Protect the users and potential users of architects' services and to support architects through regulation.

Having in place clear policies underpins the delivery of the Board's strategic objectives.

## 5. Key Points

5.1 The Audit and Risk Assurance Committee, under its current Terms of Reference, is tasked with advising the Board and ARB's Accounting Officer on the organisation's anti-fraud and anti-corruption policies, whistle-blowing processes and arrangements for special investigations and management's response to any critical incidents.

5.2 The Committee had sight of the existing Whistleblowing policy and agreed to recommend the following suggested amendments:

- The policy should include reference to the newly created Independent Senior Member role.
- A contact telephone number should be included for staff to contact someone independent about a public interest disclosure if required.
- Consider whether any process around confidentiality and the seeking of legal advice within the policy should be included for transparency.
- Housekeeping amendments such as reference to OMG needing updating to SLG, and a review of paragraph numbers.

The above amendments have been incorporated in the attached document. There was also some discussion by the Committee around document design, particularly the process flowchart, which we will look to improve.

5.3 ARB's Human Resources consultant, HRSP have been consulted in regard to the amended policy, if agreed by the Board, the attached policy will be reflected in the staff handbook.

5.4 We are currently seeking advice regarding whether Board members and Advisors should have a separate policy in respect of public interest disclosures.

**6. Resource Implications**

None.

**7. Risk Implications**

ARB needs to be mindful of any complaints raised by those who may appear to fall outside the legislation. As set out above, advice will be sought in terms of whether separate policies should be drafted for Board members and advisors.

**8. Communication**

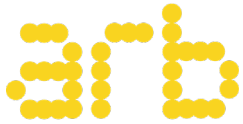
Once approved by the Board, the amended policy will need to be included as an annex to the Staff Handbook, and the amended policy will be independently circulated to staff.

**9. Equality and Diversity Implications**

Any EDI implications have been considered as part of the policy development.

**10. Further Actions**

If the Board agrees the policy, it will be circulated to staff and incorporated into the Staff Handbook.



Architects  
Registration  
Board

POLICY

# Whistleblowing Policy

Version Number:	<u>32</u>
Creation date:	<u>July 2015XXX</u>
Review date:	

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e: info@arb.org.uk  
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## 1. Introduction

- 1.1 ~~A member of staff~~Anyone under contract with ARB is a whistleblower if ~~he or she~~they raises a genuine concern which relates to suspected wrongdoing or danger at work which is in the public interest. [If you are unsure if your concern is covered under whistleblowing, or if you need to contact someone urgently about your concern you can contact ARB's HR consultancy, HRSP on 01403 240205.](#)
- 1.2 ARB is committed to the highest standards of governance, as well as openness, probity and accountability. In line with that commitment, we expect and would encourage staff and others that we deal with who have genuine concerns about any aspect of ARB's work to come forward and voice those concerns.
- 1.3 This ~~policy~~ document makes clear that you can raise concerns without fear of being victimised or subjected to any disadvantage such as being unfairly disciplined or denied promotions/training opportunities. The whistleblowing policy is intended to encourage and enable you to report suspected wrongdoing as soon as possible within ARB, in the knowledge that your concerns will be taken seriously and investigated appropriately, with confidentiality (as far as possible) respected. Further, the aim of this policy is to reassure you that you should be able to raise genuine concerns without fear of reprisals, even if you turn out to be mistaken.
- 1.4 This ~~policy~~ covers all employees, officers, consultants, contractors, casual workers and agency workers (for example builders and cleaners). This policy does not form part of an employee's contract of employment and we may amend it from time to time.
- 1.5 Members of staff covered by this policy are also protected from being subjected to detrimental treatment for having blown the whistle regarding matters which have occurred abroad. This includes when a different country's laws have been or will be broken.
- 1.6 The reporting of a wrongdoing under this procedure may be covered by the law concerning protected disclosures of information. This procedure has therefore been written with reference to the Public Interest Disclosure Act 1998 (PIDA), which amended the Employment Rights Act 1996. This legislation offers protection to those in both the private and public sectors, who 'blow the whistle' in certain circumstances.
- 1.7 It is important that this procedure is followed when raising any concerns, to ensure that the matter is dealt with correctly.

## 2. Aims and scope of this policy

- 2.1 This policy aims to:
  - encourage you to feel confident in raising genuine concerns and to question and act upon concerns about ARB's practices;
  - provide you with guidance on how to raise concerns and what feedback you will receive 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 if you have raised genuine concerns.

2.2 Under ARB's grievance procedure (and other relevant procedures) you may lodge grievances relating to your own personal circumstances, such as the way you feel you have been treated at work. Other ~~members of non-staff who are workers but not employees~~ should raise complaints regarding their personal circumstances with their non-ARB manager or (if they have no such manager with the ~~Registrar~~ Director of Finance and Resources). The whistle-blowing policy is intended to cover matters that fall outside the scope of such other procedures. Such matters include, but are not limited to:

- conduct which is an offence or a breach of law;
- disclosures related to miscarriages of justice;
- health and safety risks, including risks to the public as well as other employees;
- damage to the environment;
- the unauthorised use of public funds;
- possible fraud and corruption;
- a criminal offence;
- sexual or physical abuse,
- conduct likely to damage our reputation;
- other unethical conduct; or
- the deliberate concealment of any of the above matters.

[If you are uncertain whether something falls within the scope of this policy, you should seek advice from the ~~Chief Executive and Registrar and Chief Executive~~ Director of Finance and Resources.]

2.3 Any genuine concerns that you have about any aspect of ARB's conduct or the conduct of Board members or others acting on behalf of the Board, can be reported under the whistleblowing policy. This may be about something that:

- makes you feel uncomfortable in terms of known standards, your experience or the standards and values that you believe ARB subscribes to; or
- is in breach of the PIDA, the Board's rules, procedures or policies; or
- amounts to improper conduct.

This is not a complete list, but an example of the types of behaviour that may fall within the ambit of the whistleblowing policy.

- 2.4 This policy does not replace the non-contractual dignity at work procedure which continues to apply [to employees only].

### 3. Safeguards

#### 3.1 Harassment or victimisation

3.1.1 ARB is committed to good practice and high standards, and is supportive ~~of its employees~~ to all.

3.1.2 ARB recognises that the decision to report a concern can be a difficult one to make. If you report a genuine concern [which you believe to be true], you have nothing to fear because you will be doing your duty to your employer, ARB's stakeholders and the public at large.

3.1.3 ARB will not tolerate any harassment or victimisation (including the exertion of informal pressure) and will take appropriate action to protect you when you raise a genuine concern.

3.1.4 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.

### 4. Confidentiality

4.1 ARB hopes that you will feel able to raise any whistleblowing concerns that they may have openly under this policy. Nevertheless, ARB will (as far as possible) respect any request for confidentiality, restricting information on a 'need to know basis'. If it is necessary for anyone investigating your concerns to know your identity, we will discuss this with you.

[4.2 Where the nature of a disclosure might impact on any request for confidentiality, legal advice will be sought and the reasoning around any decisions taken clearly communicated and documented.](#)

### 5. Anonymous allegations

5.1 This policy encourages you to put your name to your allegation whenever possible.

5.2 We do not encourage you to make disclosures anonymously. Proper investigation may be difficult or impossible if we cannot obtain further information from you. It is also more difficult to establish whether such allegations are credible. Consequently, concerns expressed anonymously are much less powerful. However, raising a concern anonymously is preferred to silence about potential serious wrongdoing. Whistleblowers who are concerned about possible reprisals if their identity is revealed should come forward to the Registrar (or if inappropriate given the circumstances, to the Chair of the Board).

### 6. Untrue allegations and breach of legal privilege

6.1 If you make a false allegation frivolously, maliciously or for personal gain or disclose legally privileged information which has been obtained in the course of obtaining legal

advice you will be subject to disciplinary action (if an employee) or could have your contract terminated.

## 7. External Disclosures

- 7.1 As stated above, the aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases you should not find it necessary to alert anyone externally. The law recognises that in some circumstances it may be appropriate for you to report concerns to an external body such as:

~~your local MP~~  
~~the Ministry of Department of~~ Communities and Local Government  
~~HM Revenue & Customs~~  
~~the Financial Conduct Authority~~  
~~the Health and Safety Executive~~  
~~the Environment Agency~~  
~~the Serious Fraud Office~~  
~~the Pensions Regulator~~  
~~the Information Commissioner~~  
~~your local MP~~  
~~the media and the media.~~

However, in order to gain protection under the whistleblowing legislation for disclosures to external bodies there are more stringent requirements such as that you must reasonably believe that the information disclosed and any allegations contained in it are substantially true. We strongly encourage you to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, ~~Public Concern at Work (PCAW)Protect~~, operates a confidential helpline and can provide you with advice on this. ~~PCAW's Protect's~~ contact details are set out in paragraph 8.75 below.

Whistleblowing concerns will usually relate to the conduct of our staff ~~and non-executives~~, but they may sometimes relate to the actions of a third party such as a supplier or service provider of ARB. In some circumstances, the law will protect you if you raise the matter with the third party directly. However, we encourage you to report such concerns internally first. You should contact ~~your line manager or~~ one of the individuals set out in Annex A (as appropriate).

## 8. How to raise a Concern

- 8.1 ~~As a first step, you should normally raise concerns with your line manager, unless you reasonably believe that he or she is involved in the wrongdoing.~~ The schedule at Annex A to this policy sets out the structure for reporting concerns under this policy.
- 8.2 Where a concern has already been raised within the line management chain, but you feel that the concern has not been adequately addressed you can raise the concern with HR Services Partnership. Where you feel the matter is more serious and/or urgent and it cannot be raised with your line manager or with HR Services Partnership, it can then be

raised with any other member of the ~~Operational Management Team~~ [Senior Leadership Group](#) or the ~~Registrar and Chief Executive~~ [Chief Executive and Registrar](#). If the concern relates to the Chief Executive and Registrar or the Chair or member of the Board, your concern can be raised with the Senior Independent Board member.

8.3 Concerns can be raised orally or in writing. Anyone wishing to make a written report should follow the format below, by setting out:

- (a) the background and history of the concern (giving relevant dates); and
- (b) the reason why you are particularly concerned about the situation.

8.4 We encourage you to raise concerns as soon as possible, to assist ARB in taking action as quickly as possible.

8.5 The person to whom you raise your complaints will ask you to expand on the basis for your concerns and provide any evidence you may have (although no proof is required).

If you are considering raising a concern under this procedure, you may also like to talk to [Public Concern at WorkProtect](#), an independent charity which offers support and advice to whistleblowers.

[Public Concern at WorkProtect](#)

Suite 306

16 Baldwins Gardens

London

EC1N 7RJ

T. ~~020 7404 6609~~ [020 3117 2520](tel:02031172520)

W. ~~www.pcaw.co.uk~~ [www.protect-advice.org.uk](http://www.protect-advice.org.uk)

8.6 If applicable, personal interests should be stated from the outset.

## 9. How ARB will respond

9.1 Following raising your concerns, ARB will arrange a meeting with you as soon as possible. [You may bring a colleague or union representative to any meeting under this policy.]

9.2 Allegations raised under this policy may be forwarded to the Chair of the Board [and the Senior Independent Board Member](#) and, if appropriate, discussed with the Board. If referred to the Chair and subsequently the Board, the Board will respond to your concerns. Do not forget that ARB's investigation into your concerns does not suggest it is accepting or rejecting them.

9.3 Where appropriate, the matters raised may:

- be investigated by management, internal audit, or through the disciplinary process
- be referred to the police
- be referred to the external auditor
- form the subject of an independent inquiry.



- 9.4 In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of other specific procedures (for example, discrimination issues) will normally be considered under those procedures.
- 9.5 Some concerns may be resolved by agreed action without the need for investigation. If required or necessary, urgent action will be taken before any investigation is conducted.
- 9.6 Within 10 working days of a concern being raised, the person responsible for dealing with that concern will write to you:
- acknowledging that the concern has been received
  - indicating how we propose to deal with the matter
  - giving an estimate of how long we believe it will take to provide a final response
  - telling you whether any initial enquiries have been made
  - supplying you with information on staff support mechanisms, and
  - telling you whether further investigations will take place and if not, why not.
- 9.7 The amount of contact between you and the individuals considering the issues will depend on the nature of the matters raised, the potential difficulties involved and the clarity of information provided. If necessary, the Board will seek further information from you.
- 9.8 The Board will take steps to minimise any difficulties which you may experience as a result of raising a genuine concern. For instance, if you are required to give evidence in subsequent criminal or disciplinary proceedings, the Board will arrange for you to receive advice about the procedure.
- 9.9 We will aim to keep you informed of the progress of an investigation and its likely timescale. [Once concluded, you will be advised of the outcome of the investigation and what ARB has done or proposed to do about it. If no action is to be taken, the reason for this will be explained.](#) ~~However, s~~Sometimes the need for confidentiality may prevent us from giving you specific details of the investigation or any disciplinary action taken as a result. You should treat any information about the investigation as confidential.

## 10. The responsible officer

- 10.1 The ~~Registrar and~~ Chief Executive [and Registrar](#) has overall responsibility for the maintenance and operation of this policy and must ensure that all managers and other staff who may deal with concerns or investigations under this policy receive regular and appropriate training. The ~~Registrar and~~ Chief Executive [and Registrar](#) maintains a record of concerns raised and the outcome (but in a form which does not endanger your confidentiality) and will report regularly to the Chair and/or the Board. You are invited to comment on this policy and suggest ways in which it might be improved. Any comments, suggestions and queries should be addressed to the Registrar.

## 11. How the matter can be taken further

11.1 This policy is intended to provide you with an avenue within ARB to raise concerns. The Board hopes you will be satisfied with any action taken. If you are not, and if you feel it is appropriate to disclose matters to an external body as permitted by law (please refer to paragraph 7 above), the following are possible contact points:

- Ministry of Housing, Communities and Local Government (MHCLG) - MHCLG is ARB's sponsoring government department and ultimately responsible for ARB
- [Public Concern at WorkProtect](#) – the independent charity that gives support and advice to whistleblowers
- Your MP

1. Talk to your line manager	... <i>except when</i> ...	Your line manager is implicated in the wrongdoing or fails to take satisfactory steps to remedy situation or you consider the matter to be sufficiently serious and urgent	... <i>then</i> ...
2. Talk to HR Services Partnership	... <i>except when</i> ...	HR Services Partnership is implicated in the wrongdoing or fails to take satisfactory steps to remedy situation or you consider the matter to be sufficiently serious and urgent	... <i>then</i> ...
3. Talk to any other member if the <a href="#">Operational Management Team Senior Leadership Group</a> (excluding line manager as above)	... <i>except when</i> ...	When one or more of the <a href="#">Operational Management Team Senior Leadership Group</a> is implicated in wrongdoing or fails to take satisfactory steps to remedy situation or you consider the matter to be sufficiently serious and urgent	... <i>then</i> ...
4. Talk to the Registrar	... <i>except when</i> ...	The Registrar is implicated in wrongdoing or fails to take satisfactory steps to remedy situation or you consider the matter to be sufficiently serious and urgent	... <i>then</i> ...
5. Talk to the Chair of the Board	... <i>except when</i> ...	The Chair of the Board is also implicated in wrongdoing or fails to take satisfactory steps to remedy situation	<u>... <i>then</i> ...</u>

[6. Talk to the Senior  
Independent Board Member](#)