

# Institute of Materials, Minerals and Mining Whistleblowing Policy

## Policy summary

The Institute of Materials, Minerals and Mining ("IOM3" or "the Institute") undertakes to protect employees, Trustees and other volunteers who bring concerns about the Institute's operations to the attention of senior managers in the proper manner. The protections for employees are set out in the Public Interest Disclosure Act 1998 (PIDA); where applicable, similar protections will be applied to Trustees and other volunteers.

Whistle-blowing covers disclosures which the individual reasonably believes tends to show that one or more of the following matters is either happening now, took place in the past, or is likely to happen in the future:

- A criminal offence
- The breach of a legal obligation
- A miscarriage of justice (or deliberate and serious misrepresentation of information that would lead to a miscarriage of justice)
- A danger to the health and safety of any individual or groups of individuals, including risks to the public
- Damage to the environment or
- Any deliberate attempt to conceal information tending to show any of the above.

In addition, the Institute's policy covers any conduct likely to harm the reputation of IOM3, where the Institute undertakes to provide the same protection in these cases as provided by PIDA.

IOM3 recognises the lawful rights of employees and ex-employees to make a protected disclosure to the Charity Commission under PIDA.

## Introduction

This document sets out the policy and procedures of the Institute of Materials, Minerals and Mining (IOM3) that provide employees, Trustees, and other volunteers with an avenue to raise concerns internally and receive feedback on any action taken. It demonstrates how employees, Trustees, and other volunteers can take the matter further if they are dissatisfied with the

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management response and reassures them that they will be protected from harassment or victimisation from colleagues for raising concerns.

### **Definitions**

#### *Whistleblowing*

'Whistleblowing' is a term used to refer to the disclosure by employees, Trustees, and other volunteers of malpractice – internally or externally – as well as illegal acts, or omissions in the context of their involvement with the Institute, and which have come to their attention in the course of their legitimate activities with the Institute. The disclosure may be provided to the Institute in accordance with the procedures in this policy or with an external regulator. The whistle-blower is usually not directly, personally affected by the danger or illegality. The danger or illegality normally affects others, for example members of the public.

#### *Whistleblowing Legislation*

Whistleblowing rules provide protection to the whistle-blower, even if the wrongdoing which is being exposed was by a third party and not the employer. Team members who ordinarily work in Great Britain are protected by the Public Interest Disclosure Act 1998 (PIDA). The legislation only protects employees who follow the procedures laid down in the legislation and who make a disclosure in good faith. PIDA protects a whistle-blower if they raise a concern about wrongdoing internally and in most cases, with an external regulator.

Trustees and other volunteers are not covered by PIDA and therefore its provisions on workers' rights do not apply to them. However, IOM3 expects Trustees and other volunteers to follow the processes and procedures in this policy where appropriate.

#### *Qualifying Disclosure*

'Qualifying disclosures' is defined in PIDA as disclosures which the individual reasonably believes tends to show that one or more of the following matters is either happening now, took place in the past, or is likely to happen in the future:

- A criminal offence
- The breach of a legal obligation
- A miscarriage of justice (or deliberate and serious misrepresentation of information that would lead to a miscarriage of justice)
- A danger to the health and safety of any individual or groups of individuals, including risks to the public
- Damage to the environment or

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- Any deliberate attempt to conceal information tending to show any of the above.

In addition, the Institute's policy covers any conduct likely to harm the reputation of IOM3, where the Institute undertakes to provide the same protection in these cases as provided by PIDA.

### *Protected Disclosure*

A qualifying disclosure to the Charity Commission will be a 'protected disclosure' provided the whistle-blower:

- makes the disclosure in good faith
- reasonably believes that the relevant failure relates to 'the proper administration of charities and funds given, or held, for charitable purposes' and
- reasonably believes that the information disclosed, and any allegation contained in it, are substantially true.

## **Coverage**

This policy only covers concerns which fall outside of the scope of policies that deal with standards of behaviour at work including disciplinary, grievance, bullying and harassment policies.

All members of the Institute are also bound by the provisions of the Code for Professional Conduct and should be governed by that (including its associated guidance on whistleblowing) if seeking to raise a professional technical issue. Nothing in this whistleblowing policy should be taken to contradict the Code.

Trustees are also governed by the requirements of charity law, and nothing in this code should be construed as contradicting that.

Employees, Trustees, and other volunteers are encouraged to consider the provisions in those laws, Codes and policies as appropriate before using this policy.

## **Disclosure and Protection**

### *Disclosure*

The concern must first be raised with IOM3 or a prescribed person by the whistle-blower. The only exceptions are when the individual believes evidence would be destroyed or they would be penalised. Otherwise, only once internal channels have been exhausted should someone resort to external whistleblowing.

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The whistle-blower must:

- have a genuine belief in the information being disclosed
- not make the disclosure for personal gain and
- show it is reasonable to make the disclosure.

Whistle-blowers do not lose statutory protection because they are mistaken. The whistle-blower will have protection as long as they have a 'reasonable belief' that malpractice has taken place, is taking place or is likely to take place. It does not matter if the belief actually turns out to be inaccurate or that the conduct would not constitute malpractice, as long as the whistle-blower's belief is objectively reasonable.

### *Protection*

Every reasonable effort will be taken to ensure that employees, Trustees, and other volunteers who express their legitimate views/concerns in good faith about issues to do with IOM3 in accordance with this policy are not penalised in any way or suffer any adverse consequences, including informal pressures for doing so. Malicious use of the whistleblowing policy may lead to disciplinary action.

In raising concerns at work within IOM3, employees have the right to consult/seek external guidance from their professional association, trade union, a solicitor, or an independent organisation such as Protect<sup>1</sup>.

### **Process**

Concerns can be raised orally or, preferably, in writing. They should include the background and history of the concern, including relevant dates, and the reason why the situation gives particular cause for concern. Although whistle-blowers are not expected to prove beyond doubt the truth of an allegation, they will need to demonstrate to the person contacted that there are reasonable grounds for concern.

Concerns should be raised as early as possible, as this will make it easier to act and enable any problems to be resolved quickly. However, it is recognised that some bad practices can develop over a long period of time, delaying the opportunity for disclosure, or could be discovered after they have become well-established. There is no definite time limit on raising concerns. Whether an issue can viably be dealt with after a long period of time will depend on the circumstances.

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<sup>1</sup> <https://protect-advice.org.uk/>

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Anonymous disclosures will be considered, but are not encouraged, as this will cause substantial difficulty in investigating the concern, in protecting the employee, or giving feedback on the action being taken.

### *Stage 1: Team member - What to do*

Wherever possible, an employee should raise their concern in the first instance with their line manager.

If an employee considers it not to be appropriate to raise their concerns directly with their line manager, because they consider the matter to be sensitive and serious or the employee believes the manager is involved, they should raise the concern with their Senior Team member.

If the Senior Team member is implicated in the concern, the employee should raise the concern with the Chief Executive.

If the Chief Executive is implicated in the concern the employee should raise the concern with the Chair of the Executive Board.

Note: Any employee raising concerns covered by this policy has the right to be accompanied by a colleague employed by IOM3 or, if a trade union member, by their trade union representative. An employee may also look for advice about the policy from the Director of Business Support.

### *Stage 1: Volunteers - What to do*

Wherever possible, a volunteer should raise their concern in the first instance with the relevant member of the IOM3 Senior Team.

If an employee considers it not to be appropriate to raise their concerns directly with the relevant member of the IOM3 Senior Team, because they consider the matter to be sensitive and serious or the employee believes the person is involved, they should raise the concern with the Chief Executive.

If the Chief Executive is implicated in the concern the employee should raise the concern with the Chair of the Executive Board.

### *Stage 1: Manager's responsibility*

Any manager who is approached by an employee, Trustee or other volunteer with a concern must always:

- Take concerns seriously, without judgement, apology, or condemnation
- Consider them fully and sympathetically

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- Recognise that raising a concern can be a difficult experience for some people
- Seek advice from their own manager and/or support specialists where appropriate

Concerns raised by those who are not employees of IOM3 must be investigated by the manager with whom the concern is raised.

On receipt of a concern at work raised by an employee, Trustee or other volunteer, the manager is required to acknowledge receipt and:

- Notify the Director of Business Support
- Arrange an initial interview, which will, if requested, be confidential. The manager will write a brief summary of the interview, which will be agreed, signed, and dated by both parties. This summary will be produced as quickly as practicable.
- Investigate the concern/decide how the concern should be investigated.

The manager receiving the concern must consider whether the concerns raise fraud, corruption or safeguarding issues – in which case they should seek guidance from the Senior Team member or Chief Executive about how the concern should be investigated (e.g. a disciplinary investigation, referral to police, etc).

The manager otherwise will investigate the concern:

- Respecting confidentiality
- Where necessary interviewing other employees, Trustees or other volunteers
- Keeping the whistle-blower informed within reason about the investigation, at least fortnightly.
- Giving both the whistle-blower and any employees, Trustees or other volunteers who are the subject of the concern/investigation a contact point for support
- Notifying employees, Trustees or other volunteers who are the subject of the complaint about the nature and potential outcomes of the investigation and the type of support available to them
- Considering whether:
  - employees who are the subject of the complaint should on request be granted special leave or if more appropriate, suspended

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- Trustees should be asked to absent themselves from some or all Institute activities
- Other volunteers should be stood down from active roles

for the duration of the investigation.

The manager will notify the whistle-blower in writing of the outcome of any investigation or any action taken, subject to the constraints of confidentiality and the law. Any reference to disciplinary action in this feedback will only be made once the team member subject to the disciplinary procedure has been fully informed of their position and will take into account respecting confidentiality and data protection.

Where the manager concludes that the concern raised by the whistle-blower requires no action, the manager will reiterate to the whistle-blower that raising concerns in good faith is encouraged by IOM3, thank the person for raising the issue, point to further support available to them and highlight the options available if the whistle-blower is not satisfied with the outcome.

The manager will also notify employees, Trustees or other volunteers who were the subject of the complaint or concern of the outcome of the investigation. Where the investigation has not resulted in disciplinary action the relevant individuals may nonetheless need support and so should be offered it.

### *6. Stage 2*

If the whistle-blower is not satisfied by the outcome of Stage 1 they have the right to raise the concern orally but preferably in writing, with the Director of Business Support, or if they have been involved in the investigation, with the Chief Executive.

The Director of Business Support will no later than 1 month after being notified of the issue by the whistle-blower:

- Review the evidence and other materials gathered during Stage 1
- Where the concern can be acted upon, act promptly and notify the whistle-blower quickly of the action taken or
- Where action is not considered practicable or appropriate, give the individual whistle-blower a prompt and thorough explanation of the reasons for this and, in the event of a disagreement, what further action is available or

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- If necessary, agree with the individual whistle-blower to vary the time specified for a decision to reflect the enquiries or investigations deemed necessary
- If necessary, explain why no decision can be given within the time specified, when a decision will be made and how the whistle-blower can make representations about the delay.

If the issue is being raised for the first time with the Chief Executive, no later than 3 months after being notified of the issue by the whistle-blower, the Chief Executive will proceed as above.

### *Stage 3*

If the individual who raised the concern is not satisfied with the outcome of the investigation and/or inquiry, IOM3 recognises the lawful rights of employees and ex-employees to make a protected disclosure to the Charity Commission under the Act. The independent charity Protect has lawyers who give free confidential advice.

If the whistle-blower is not an employee or ex-employee of IOM3, they should obtain independent advice as to how to proceed, bearing mind any requirements on them from charity law, their code of professional conduct, etc.

## **Disclosure to the Media (Including Social Media)**

Employees, Trustees, or other volunteers have a duty to IOM3 not to disclose confidential information. Any employees, Trustees, or other volunteers approaching the media or disclosing information via social media without first approaching an appropriate manager and/or the Chief Executive would need to be able to show that:

- they had good reason to conclude that such action was necessary and appropriate; and
- the organisation had failed to make adequate provision to address the concerns which led them to feel that such a course of action was necessary.

Therefore, any employees, Trustees, or other volunteers contemplating making a disclosure to the media is advised to first seek further specialist guidance from professional or other representative bodies and to discuss matters further with his or her colleagues and, where appropriate, line and professional managers.



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### **Records**

A record should be kept by the manager dealing with the concern. Minutes should be taken of meetings and agreed with those attending the meeting. At the conclusion of the process the record should be kept on the personal file of the team member (if an employee) or on the member record (if a Trustee or other volunteer) raising the concern.

### **Monitoring and Review**

The Director of Business Support will ensure the CEO is sighted on all safeguarding concerns raised through the formal whistleblowing process.

The Director of Business Support will report annually to the Board of Trustees on the number, nature and outcomes on concerns raised.

This procedure is for guidance only and does not form part of employees' contractual rights. The contents may be subject to revision from time to time.

This policy was adopted in October 2020.