

## Principles

The Resolution Policy in relation to your freedom to speak up (whistleblowing) is based on the following principles:

- The response from the organisation to any member will be compliant with the over-arching vision, mission and values of the organisation and with our Code of Practice.
- All our members are treated with respect and fairness and with due regard to confidentiality of sensitive/legal information.
- Each matter is considered without reference to race, religion, belief, gender, sexual orientation, disability or age.
- Members are afforded the opportunity to report matters of serious concern to them confidentially and securely.
- Members are kept informed of progress promptly.
- Wherever it is possible, a resolution is sought that reflects the organisation's commitment to conciliatory and collaborative solutions and promotes continuing standards of high quality practice in any member and an appropriate outcome for the member and for the organisation as a whole.

## Purpose

The purpose of Resolution's intra-organisational whistleblowing policy is to prevent misconduct, poor practice, cheating and collusion, bullying, harassment, or any kind of fraud or corruption by members of the Resolution towards other members. It is also the purpose of the policy to prevent harm or distress to clients or consumers where it is caused by a member's actions. The policy is put in place to enable members to raise concerns with the organisation's executive team or, if necessary, with its elected National Committee.

This policy should be read in conjunction with Resolution's complaints policy and procedure for members, and cheating, collusion and plagiarism policy.

All organisations face the risk of things going wrong or of unknowingly sheltering misconduct or the types of behaviours of listed above. Resolution believes that it has a duty to identify, and a responsibility to act on, such misconduct. This is the case particularly where it may relate to serious issues of concern to members and a clear breach of Resolution's own Code of Practice.

Resolution's reputation is built on the commitment of its members. We seek to encourage a culture of openness and transparency within our organisation in compliance with our published values. By doing so, we hope that we can prevent misconduct before it happens by encouraging you to raise issues that are a serious concern to you. We recognise you may be worried or uncomfortable that by telling us about your concerns you may put yourself in a position that is difficult or that may threaten your own practice in some way.

We hope that this policy will assist you in understanding the procedure by which you may 'blow the whistle' and the protection that is provided to you by the Resolution.

## Status

This is an informal policy and procedure. Resolution, as a membership association, cannot use the legal protection afforded by the [Public Interest Disclosure Act](#) which exists to protect workers and their employers in relation to whistleblowing.

## Your freedom to speak up

This policy explains that, as a member or affiliate of Resolution, you have certain protections in place that allow you to tell us about your concerns safely and confidentially, providing you are acting in good faith.

By knowing about misconduct at an early stage it will be much more likely that we can take the necessary steps to safeguard any individual, practice or firm or Resolution itself.

Your concerns will be treated seriously and actions taken in accordance with this policy. If you ask that we treat the matter in confidence we will do our best within the terms of this policy to do so. We cannot, however, guarantee confidentiality and where we believe we have to make a disclosure we will always endeavour to discuss this with you first, unless it is the case that we are required (by other overriding legislation or regulation) to act immediately or without significant delay.

We will give you feedback on any investigation we undertake and we will be sensitive to any concerns you may have as a result of any steps we plan to take under our procedures.

In certain circumstances, Resolution may decide that we have to - or ought to - reveal your identity and, as stated above, this will be explained to you and discussed with you prior to any action being taken.

Where it is the case that the reporting member withdraws their concern in order to avoid being identified, Resolution reserves the right to consider how the organisation might seek to investigate matters of serious concern where the organisation has reasonable belief that serious misconduct has occurred.

Where it is the case that a member reports another member in respect of a reportable action (in line with the SRA published duties and responsibilities of solicitors), including fraud, corruption, any other illegal activity or the commissioning of it, the reporting member will be made aware of reporting pathways via organisations such as the SRA, The Law Society and the NCA. Depending on the severity of the matter, you will be advised to make a direct report and not to use Resolution as a conduit where it is clear that to do so may delay or prejudice any investigation. We also undertake to provide support and assistance to you through our mentoring scheme, if and when you make a report. Resolution reserves the right to report to the appropriate authorities where any matter is raised that requires the organisation to do so.

Finally, it is important we point out that if you do not tell us who you are it will be much more difficult to us to deal with the matter that is of concern to you. Therefore, although we will take seriously anonymous reports made to us, this procedure may not be appropriate for concerns raised anonymously

## What we will do

1. In the first instance, Resolution's Head of Standards will decide how best to respond to the concerns you have raised in an appropriate and responsible way. This may vary, but in most cases it will involve:
  - Making whatever internal enquiries are needed, for example in the case of a complaint against a member, to check that individual is still a member of the organisation and whether there have been concerns raised before or by others.
  - For less serious issues, discussing with the reporting member whether there may be a means of dealing with the complaint informally and in a conciliatory and collaborative manner – in line with our Code, and principles, and our complaints policy.

- Where it is the case that the report is in respect of cheating, collusion, plagiarism or associated misconduct the Cheating, Plagiarism & Collusion Policy will be used.
  - In certain circumstances, it may be necessary for us to carry out an investigation and to consider further action over and above the stages and actions described above (and in line with our complaints, cheating or complaints procedures). This decision will be taken by the appropriate Committee within Resolution with a nominated member of Resolution's National Committee. They will consider any further investigation or action in consultation with the Chief Executive and Operations Director.
  - Where it is a matter of workplace bullying, harassment or any other kind of abusive behaviour, discussing with the reporting member the right route for dealing with their concerns. Depending on the seriousness of the situation, this may include providing information in respect of utilising the legal protection afforded by the [Public Interest Disclosure Act](#) which exists to protect workers and their employers in relation to whistleblowing. We do also reserve the right to report this type of behaviour to the appropriate authority where it is necessary to do so to ensure the safety of a member or any member of Resolution's staff.
  - As already stated, where it concerns a matter which relates to a reportable action (that is serious misconduct by any member or firm authorised by the SRA) such reporting must take precedence over any policy or procedures provided by Resolution. For this reason, it may be that such a matter cannot be halted by the reporting member after the initial report is made. Resolution reserves the right to make such a referral without your consent only where it is absolutely necessary to do so.
2. Generally, the procedure for any complaint or report that cannot be resolved via an informal route in the first instance and which does not relate to a reportable action required by a regulator, will be in line with our published member complaints policy and procedure, with due regard being given to the sensitive nature of a complaint raised under the protection of the whistleblowing policy.
  3. Similarly, the procedure for any report in relation to cheating, collusion, plagiarism or associated misconduct will be in line with our policy and procedure with due regard being given to the sensitive nature of such reports.
  4. As far as is possible and reasonable we will keep you informed of progress and decisions taken. However, we will not be able to inform you of any matters which would breach Resolution's duty of care and confidentiality to others.
  5. It is important you understand that if you are found to have made an allegation maliciously or not in good faith, Resolution reserves the right to take whatever complaints action (including the termination of membership) the National Committee deems reasonable in the circumstances.
  6. It is equally important we state that as long as your concern was raised in good faith, such complaints action will not be taken even if and where any investigation finds your allegation/s to be unproven.

*Resolution reserves the right to alter, review or amend this policy and procedure as necessary. Members will be informed of any alterations and amendments and new versions will be made available to the public.*

***Policy and procedure in force from April 2014***