



ReachOut Whistleblowing Policy and Procedure

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1 Introduction

ReachOut encourages an open culture between staff, volunteers and all people whom it comes into contact with and we are committed to the highest standard of accountability.

It is important to ReachOut that any fraud, misconduct or wrongdoing by staff or volunteers working on behalf of the organisation, is reported and properly dealt with. Staff or volunteers in ReachOut should therefore raise any concerns they may have about the conduct of others in ReachOut, or the way the organisation is run and will ensure that individuals can do so without fear of reprisals or subsequent discrimination.

This policy applies to all employees and volunteers of the organisation and contractors working for ReachOut and sets out the way individuals may raise their concerns and how they will be dealt with by ReachOut.

This policy also includes your rights to raise your concerns externally if you are not satisfied with the way ReachOut handles your response.

2 What is whistleblowing?

The Public Interest Disclosure Act 1998 amended the Employment Rights Act 1996 to provide protection for workers who raise legitimate concerns and blow the whistle on criminal behaviour or other wrongdoing within an organisation. These are called "qualifying disclosures". A qualifying disclosure is a disclosure of information, which the worker reasonably believes tends to show that one of the following 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
- a danger to the health and safety of an individual
- damage to the environment,
- a breach of any other legal obligation; or
- deliberate covering up of information tending to show any of the above.

It is not necessary for you to have proof that such an act is being, has been, or is likely to be, committed, a reasonable belief is sufficient. You have no responsibility for investigating the matter, it is the charity's responsibility to ensure that an investigation takes place.

If you make a protected disclosure you have the right not to be dismissed, subjected to any other detriment, or victimised, because you have made a disclosure. Anyone making a qualifying disclosure will be protected under this policy, if the disclosure is also made:

- in good faith to ReachOut following this procedure, or
- to a legal adviser in the course of obtaining legal advice, or
- to a person or body prescribed by the Secretary of State

In order to be protected by the law, it is important that staff and volunteers follow this policy carefully. It is important to understand that the law or this procedure does not offer a general protection for whistle blowers in all circumstances.

This legislation protects people who, under certain circumstances, need to blow the whistle, however it also reinforces the obligation that all ReachOut staff and volunteers have, to not disclose to external sources any confidential information acquired during the course of their

employment. Only information which is defined as a “protected disclosure” can be disclosed. Any staff who disclose such confidential information, unless required by law, outside of this procedure without proper authorisation will be subject to disciplinary action.

2.1 What does this policy not cover?

This policy does not apply to:

- Personal grievances concerning terms and conditions of employment or other aspects of the working relationship.

The policies and procedures related to this can be found in our Employee Handbook and in our relevant policies.

3 Principles

- Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Staff and others working on behalf of the ReachOut should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.
- All disclosures should be made in the reasonable belief that it is in the public interest.
- Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the person who raised the issue.
- No employee or other person working on behalf of the charity will be victimised for raising a matter under this procedure. This means that the continued employment and opportunities for future promotion or training of the worker will not be prejudiced because they have raised a legitimate concern.
- Victimisation of an individual for raising a qualified disclosure will be a disciplinary offence.
- If misconduct is discovered as a result of any investigation under this procedure our disciplinary procedure will be used, in addition to any appropriate external measures.
- Maliciously making a false allegation is a disciplinary offence.
- An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, you should not agree to remain silent. You should report the matter to the Chief Executive or the Chair of the Board of Trustees.
- ReachOut will do its best to protect your identity when you raise a concern and do not want your name to be disclosed. However, the investigation process may reveal the source of the information and a statement by you may be required as part of the evidence.

4 Procedure

This procedure is for concerns about matters other than a breach of your own contract of employment, which should be raised via the Grievance Procedure.

4.1 Raising a concern

In the first instance, any concerns about a protected matter should be raised to the Director of People, or in their absence the CEO, who will arrange an investigation of the matter. The

investigation will involve you and other individuals involved giving a written statement, by raising your concerns in an email to our dedicated email address whistleblowing@reachoutuk.org with the subject header Whistleblowing ReachOut. The Director of People, the CEO and two members of the Board have access to the account.

You will be invited to set out the background and history of the concern, giving names, dates and places where possible, and the reasons why you are particularly concerned about the situation. If you do not feel able to put your concern in writing, you can arrange a meeting with the Director of People.

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

4.2 Investigation

The Director of People, will consider the information raised and decide whether an investigation should be conducted and what form it should take. This will depend on the nature of the matter raised and may be:

- investigated internally
- referred to the internal or external auditors
- referred to other relevant outside bodies e.g. Charity Commission or Police etc.

Your statement will be taken into account, and you will be asked to comment on any additional evidence obtained. The Director of People will also invoke any disciplinary action required.

4.3 How we will deal with the concerns

Within ten working days of a concern being received, the Director of People or the individual you have raised the concern with, will write to you:

- acknowledging that the concern has been received
- indicating how it will deal with the matter
- giving an estimate of how long it will take to provide a final response
- telling you whether any initial enquiries have been made, and
- telling you whether further investigations will take place, and if not, why not.

When any meeting is arranged, you have the right to be accompanied by your chosen companion. This may be a someone from your trade union or professional association, or a friend or legal representative to raise a matter on your behalf.

ReachOut will do what it lawfully can to minimise any difficulties that you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, ReachOut will make arrangements for you to receive advice about the procedure. However, ReachOut cannot provide legal representation for you.

On conclusion of any investigation, you will be told the outcome and what the charity has done, or proposes to do, about it. If no action is to be taken, the reason for this will be explained.

4.4 Escalating to the Chair of the Board of Trustees

If you are concerned that the Director of People or the CEO is involved in the wrongdoing, has failed to make a proper investigation or failed to report the outcome of the investigations to the relevant person, you should escalate the matter to the Chair of the

Board of Trustees Edmund Lehmann by emailing him directly at edmund.lehmann@reachoutuk.org, outlining your concerns, as prescribe earlier in this policy and add Whistleblowing ReachOut in the subject header of the email. The Chair will arrange for a review of the investigation to be carried out, make any necessary enquiries and make their own report to the Board.

4.5 Raising Concerns Externally

This policy is intended to provide you with a procedure on how to raise concerns within ReachOut. However, if you are not satisfied that appropriate action has been taken you should report the matter to the relevant body. This includes:

- HM Revenue & Customs
- The Health and Safety Executive
- The Environment Agency
- The Serious Fraud Office
- The Charity Commission
- The Pensions Regulator
- The Information Commissioner
- The Financial Conduct Authority

You can find the full list in The Public Interest Disclosure (Prescribed Persons) Order 2014: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/496899/BIS-16-79-blowing-the-whistle-to-a-prescribed-person.pdf

If you make allegations, which you have no grounds to believe are true, or maliciously or for personal gain then you could face defamation proceedings or a prosecution for wasting Police time. If you decide to address your concerns by going to the Press or the media, then you may face defamation proceedings if your allegations are unfounded.

5 Data protection

When an individual makes a disclosure, we will process any personal data collected in accordance with our data protection policy. Data collected from the point at which the individual makes the report is held securely and accessed by, and disclosed to, individuals only for the purposes of dealing with the disclosure.

6 Review of this policy

This policy will be reviewed at annually, or upon changes in practice, in regulation or legislation.

7 Appendices

7.1 Appendix A

Version	Approval Date	Approved by	Summary of Changes
1.0	January 2011		
2.0	October 2015		
3.0	September 2017	The Board	Formatting and minor changes
4.0	September 2019		