

Whistleblowing Policy

1. About this Policy

- 1.1. ReachOut is committed to creating a safe environment in which all those involved in the charity can raise concerns about unacceptable practices and misconduct including the behaviour of an adult towards a young person. We encourage all individuals to raise any concerns they may have about the conduct of others in the charity or how the charity is run. This policy sets out how individuals may raise any concerns that they have and how those concerns will be dealt with. This policy applies to all employees, trustees, sessional staff, volunteers, contractors and any other individuals performing functions about ReachOut, such as agency workers.
- 1.2. ReachOut is committed to:
 - 1.2.1. Providing simple and secure mechanisms to raise concerns;
 - 1.2.2. Recording concerns confidentially;
 - 1.2.3. Investigating concerns promptly and fairly and maintaining objectivity and confidentiality throughout;
 - 1.2.4. Providing individuals with an opportunity to remain anonymous;
 - 1.2.5. Providing the right to be accompanied for any meetings in relation to their concerns; and
 - 1.2.6. Keeping individuals informed throughout the investigations undertaken, where appropriate

2. Concerns Covered by this Policy

- 2.1. This policy covers actions or omissions which you consider to be illegal, non-compliant with regulatory requirements, contrary to policy or organisational procedures, outside the scope of an individual's authority or which could materially damage the ReachOut. Examples might include:
 - 2.1.1. Conduct which is an offence or a breach of law;
 - 2.1.2. A failure to comply with legal obligations;
 - 2.1.3. Imminent health and safety risks, including risks to the public as well as other staff and volunteers;
 - 2.1.4. Damage to the natural environment;
 - 2.1.5. A child's health and welfare is at risk;
 - 2.1.6. Fraud, theft, bribery or corruption;
 - 2.1.7. Improper or unauthorised use of funds, resources or time;
 - 2.1.8. Unethical or improper conduct or conduct which breaches ReachOut's policies or procedures, including improper use of authority;
 - 2.1.9. Slavery, servitude, forced or compulsory labour and/or trafficking in ReachOut or its supply chain;
 - 2.1.10. Where any of the above is being, or is likely to be, deliberately concealed.
- 2.2. If you have concerns about a third party, such as a supplier or partner, you should still report this using the procedure outlined in this policy. ReachOut can then contact the third party or take other appropriate action.

3. What this Policy does not cover

- 3.1. This policy does not apply to
 - 3.1.1. Personal grievances concerning terms and conditions of employment or other aspects of the working relationship.
- 3.2. The policies and procedures related to this can be found in our Employee Handbook and in our relevant policies.

4. What is Whistleblowing?

- 4.1. The Public Interest Disclosure Act 1998 amended the Employment Rights Act 1996 to protect 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:
 - 4.1.1. a criminal offence
 - 4.1.2. the breach of a legal obligation
 - 4.1.3. a miscarriage of justice
 - 4.1.4. a danger to the health and safety of an individual
 - 4.1.5. damage to the environment,
 - 4.1.6. a breach of any other legal obligation; or
 - 4.1.7. deliberate covering up of information tending to show any of the above.
- 4.2. 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.
- 4.3. 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:
 - 4.3.1. in good faith to ReachOut following this procedure, or
 - 4.3.2. to a legal adviser in the course of obtaining legal advice, or
 - 4.3.3. to a person or body prescribed by the Secretary of State
- 4.4. To be protected by the law, it is important that everyone follows this policy carefully. It is important to understand that the law or this procedure does not offer 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 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.

5. Principles

- 5.1. Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Staff and others working on behalf of ReachOut should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.
- 5.2. All disclosures should be made in the reasonable belief that it is in the public interest.
- 5.3. 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.

- 5.4. 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.
- 5.5. Victimisation of an individual for raising a qualified disclosure will be a disciplinary offence.
- 5.6. 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.
- 5.7. Maliciously making a false allegation is a disciplinary offence.
- 5.8. 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.

6. Confidentiality

- 6.1. ReachOut will use its best endeavours to protect an individual's identity if they raise a concern and do not want their identity disclosed. There may, however, be circumstances in which, because of the nature of the investigation or disclosure, it will be necessary to disclose your identity. If such circumstances exist, you will be informed.

7. Anonymous Reporting

- 7.1. Individuals are encouraged to provide their names with any disclosures they make. Concerns expressed anonymously may be less credible and will be considered at the discretion of ReachOut. In exercising this discretion, the factors to be considered will include:
 - 7.1.1. The seriousness of the issues raised;
 - 7.1.2. The credibility of the concern and the evidence available; and
 - 7.1.3. The likelihood of confirming the allegation from attributable sources.
- 7.2. Proper investigation may prove impossible if ReachOut cannot obtain further information from you. It is therefore preferable for those raising concerns to reveal their identity. Measures can then be taken to preserve confidentiality as appropriate.

8. Protection and Support for those Raising Concerns

- 8.1. "Whistleblowing" legislation aims to protect individuals who feel they have genuine concerns. ReachOut is committed to good practice and high standards and is committed to being supportive of anyone who has concerns. In particular:
 - 8.1.1. Whistle-blowers raising matters of concern internally are protected from harassment, victimisation, disciplinary action or dismissal or any other disadvantage at work (even if your disclosure of any wrongdoing or malpractice is not substantiated after investigation), provided issues are raised and disclosed in good faith; and
 - 8.1.2. ReachOut will not tolerate harassment or victimisation and will take such action as is necessary to protect individuals when they raise concerns in good faith under this Policy.
- 8.2. If you believe that you are being subjected to a detriment within the workplace as a result of raising concerns under this policy, you should inform the CEO or Head of Operations & Finance immediately. Staff who victimise or retaliate against those who have raised concerns under this policy may be subject to disciplinary action under the Disciplinary Procedure. The law protects workers who raise legitimate concerns about specified matters. These are called "qualifying disclosures". A qualifying disclosure is one made in good faith by an employee who has a reasonable belief that a concerning act is being, has been, or is likely to be, committed. The worker has no responsibility for investigating the matter - it is ReachOut's responsibility to ensure an investigation takes place.

9. Right to be Accompanied

- 9.1. Raising concerns can be difficult, particularly those that may relate to fraud. However, you are urged to come forward with concerns at an early stage and before suspected problems may become more serious. If it helps, you may come forward with another colleague, to support you when raising a concern. Your companion will be asked to respect the confidentiality of your disclosure and any subsequent investigation.

10. Disclosures made in Bad Faith

- 10.1. If an investigation under this policy concludes that a concern has been raised maliciously, in bad faith or with a view to personal gain, the individual making the disclosure may be subject to disciplinary action under ReachOut's disciplinary procedure

11. Raising a Concern

- 11.1. In the first instance, any concerns about a protected matter should be raised to the Head of Operations & Finance, or in their absence the CEO, who will arrange an investigation of the matter. The investigation will involve you and other individuals involved and you will be asked to provide 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 Head of Operations & Finance and the CEO will both receive this report.
- 11.2. 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 Head of Operations & Finance or the CEO.
- 11.3. 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.

12. How we will deal with the concerns raised

- 12.1. Within ten working days of a concern being received, the Head of Operations & Finance or the CEO, will write to you:
 - 12.1.1. acknowledging that the concern has been received
 - 12.1.2. indicating how it will deal with the matter
 - 12.1.3. giving an estimate of how long it will take to provide a final response
 - 12.1.4. telling you whether any initial enquiries have been made, and
 - 12.1.5. telling you whether further investigations will take place, and if not, why not.
- 12.2. When any meeting is arranged, you have the right to be accompanied by your chosen companion. This may be someone from your trade union or professional association, a friend, or a legal representative to raise a matter on your behalf.
- 12.3. 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.
- 12.4. 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.

13. Investigation

- 13.1. The Head of Operations & Finance, 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:

- 13.1.1. investigated internally
 - 13.1.2. referred to the internal or external auditors
 - 13.1.3. referred to other relevant outside bodies e.g. Charity Commission or Police etc.
- 13.2. Your statement will be considered, and you will be asked to comment on any additional evidence obtained. The Head of Operations & Finance will also invoke any disciplinary action required.

14. Escalating to the Chair of the Board of Trustees

- 14.1. If you are concerned that the Head of Operations & Finance 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 Simon Hepburn by emailing him directly at simon.hepburn@reachoutuk.org outlining your concerns, as prescribed 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 report to the Board.

15. Raising Concerns Externally

- 15.1. 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:
- 15.1.1. HM Revenue & Customs
 - 15.1.2. The Health and Safety Executive
 - 15.1.3. The Environment Agency
 - 15.1.4. The Serious Fraud Office
 - 15.1.5. The Charity Commission
 - 15.1.6. The Pensions Regulator
 - 15.1.7. The Information Commissioner
 - 15.1.8. The Financial Conduct Authority
- 15.2. 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/BS-16-79-blowing-the-whistle-to-a-prescribed-person.pdf
- 15.3. 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 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.

16. Data Protection

- 16.1. When an individual makes a disclosure, we will process any personal data collected following 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.

Signed	
Name	Simon Hepburn
Title	Chair of Trustees
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