

## **A05: WHISTLEBLOWING POLICY (NOVEMBER 2024)**

### **5.1 INTRODUCTION**

#### **Summary**

REDRESS operates at all times with the highest standards of integrity and honesty. It expects all its employees to maintain the same standards in their work. It is important that any fraud, misconduct or wrongdoing by employees of the charity is reported and properly dealt with. REDRESS therefore encourages all individuals to raise any concerns that they may have about the conduct of others in relation to, or which could affect, the work or reputation of REDRESS or the way in which REDRESS is run (relevant wrong doing).

This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with. REDRESS encourages an honest and open approach which allows problems to be addressed, which improves the effectiveness of our work.

#### **Purpose**

The purpose of this policy is to:

- enable and encourage employees to raise genuine concerns about possible relevant wrong doing at work without fear of reprisal and to reassure workers that such matters will be dealt with seriously and effectively by REDRESS;
- clarify that REDRESS may take action against any employee who makes allegations in bad faith, or publicly discloses information before attempting to use this policy without good reason.

#### **Scope**

This policy applies to:

- All staff employed by REDRESS.
- Associated personnel which includes but is not limited to: trustees, consultants, volunteers, interns, and contractors.
- The staff and associated personnel of our partner organisations when implementing REDRESS's programmes and activities, unless it has been agreed that the partner organisation will enforce its own policy.

This policy is primarily aimed at employees who may need to make a whistleblowing disclosure. These may not necessarily be related to the whistleblower's area of work.

Where the disclosure is made by associated personnel or staff or associated personnel of other organisations, then the policy should be followed to the extent possible.

This policy is designed to ensure that concerns about possible illegal or dangerous activities or forms of malpractice are brought swiftly to the attention of the senior management of REDRESS

### **5.2 THE PUBLIC INTEREST DISCLOSURE ACT 1998**

In the United Kingdom, the Public Interest Disclosure Act 1998 amended the Employment Rights Act 1996 and to provide protection for employees 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 criminal offence (including fraudulent and corrupt behaviour, e.g. theft, fraud, or malpractice);
- a miscarriage of justice;
- an act creating risk to health and safety;
- an act causing damage to the environment;
- a breach of any other legal obligation; or
- concealment of any of the above;

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

An employee who makes such a protected disclosure has the right not to be dismissed, subjected to any other detriment, or victimised, because he/she has made a disclosure. REDRESS will apply both the letter and the spirit of this whistleblower protection where any relevant wrong-doing is raised, whether or not falling within the statutory categories.

REDRESS encourages employees to raise any concerns, following the procedures set out in this policy in the first instance. If an employee is not sure whether or not to raise a concern, they should discuss the issue with their supervisor.

### **5.3 PROCEDURE**

#### **Who to disclose to**

In most cases, an employee should raise any concerns they may have internally within REDRESS.

*Disclosure to Supervisor.* If appropriate, an employee should discuss their concerns with their supervisor. An informal approach to the supervisor will be treated in confidence. It will not result in a report to anyone within REDRESS without the employee's agreement, except where the supervisor believes that the issues raised are so serious that immediate action is required. Where this is the case, the supervisor will refer it to the Director.

*Disclosure to Director.* If an employee feels it is inappropriate to raise their concerns with their supervisor in the first instance (for example, if their concerns are about their supervisor's actions or if they are so serious that they should be escalated to someone at a more senior level within REDRESS), then they should speak to the Director in the first instance instead. All such approaches will be treated in confidence. They will not result in a report to anyone within REDRESS without the employee's agreement except where the Director believes that the issues raised are so serious that immediate action is required. Where this is the case, the Director will refer it to the Chair of the Board of REDRESS.

*Referral to Chair of the Board.* If an employee feels it is inappropriate to raise their concerns directly with anyone who is part of the day-to-day management of REDRESS, then they are quite at liberty to contact the Chair of the Board of REDRESS by email (the email address can be found in the Operations Manual), or by writing to them at the office address and marking the envelope Personal and Confidential. The envelope will then be forwarded unopened and the approach will be treated in the strictest confidence.

*Non-Disclosure.* An employee must not approach individuals involved in their disclosure directly (whether to "tip them off" or otherwise) or attempt to investigate the matter personally.

*External Bodies.* REDRESS would urge employees to exhaust the internal processes set out above but, in exceptional or urgent circumstances, it might be appropriate for them to contact an external person or body. Legislation sets out a number of bodies to which qualifying disclosures may be made. These include:

- HM Revenue & Customs;
- the Financial Services Authority;
- the Office of Fair Trading;
- the Charity Commission;
- the Health and Safety Executive; and
- the Environment Agency; and
- the Information Commissioner's Office

Where the employee suspects a serious criminal matter then they have an obligation to report it directly to the police. The policy does not, of course, limit an employee's rights, or duties, to take such other action as may be appropriate or necessary. In some circumstances and in less serious matters the employee may want to clarify the facts or the issues through the whistleblower process before making such a report.

*Disclosure to the Press.* Disclosures to the press before the whistleblower process set out in this policy has been used may not be considered reasonable without good reason. Such disclosures might constitute misconduct and could be treated as a disciplinary matter in accordance with REDRESS' Disciplinary Policy.

*Support.* If, at any stage in the whistleblowing procedure, employees are unsure about what to do and would like independent advice, they might like to discuss their concerns with someone at [Protect](#). This body is an independent Charity staffed by lawyers, which offers confidential free legal and practical advice on how people can raise concerns about malpractice at work. They can also give advice on who else the worker may contact about what legal protection may be available. Protect may be contacted at: [www.protect-advice.org.uk](http://www.protect-advice.org.uk). Professional Associations and Trade Unions can also offer advice to members considering raising concerns.

### **Dealing with disclosures**

*Confidentiality.* If an employee reports a disclosure to REDRESS, the need for confidentiality will be respected wherever possible. All disclosures will be carefully documented, but the documents will be treated as confidential. However, confidentiality cannot be fully guaranteed, for example if an external complaint is made or internal action needs to be taken which means that there is a risk that identities or evidential material will, or may, lose their confidential quality..

*Anonymity.* REDRESS believes that all employees should feel able to put their name to the allegations which they raise, as concerns expressed anonymously are more difficult to investigate. However, an employee can also make a disclosure anonymously where they wish to do so. Where a disclosure is anonymous, the employee remains protected by this policy and, in particular, may not be subject to any form of reprisal or penalty should they subsequently be identified as the author of a concern.

*Response.* The action taken in response to a disclosure will depend on the nature of the concern. By way of example, the matters raised may result in one or more of the following:

- No action required.
- Action being taken under other REDRESS policies and/or procedures.
- An internal investigation under this policy.

- A referral to the police or other external authorities, as appropriate.
- A referral to REDRESS' external auditors.
- A referral to the Charity Commission.
- An independent inquiry.

The responsible person to whom the disclosure is made will:

- Make a detailed record of the disclosure.
- May ask the employee to provide a written statement describing the precise nature of the allegations (but the employee is not obliged to provide such a statement).
- Decide whether any further action may be required. Where it is, they will refer it to the appropriate person and write to the employee within five working days of making that decision. In their letter, they will acknowledge receipt of the complaint; provide information on who it has been referred to and details of who the employee should contact if they have any further questions.

*Investigation.* Where further action is required under this policy in relation to an employee's complaint, this will typically, in the first instance, take the form of an internal investigation. (Note that, in some circumstances, the disclosure may require immediate external referral without an investigation, e.g. a serious criminal matter. The internal investigator will be the Director or a Board Member of REDRESS (as appropriate on a case by case basis). However, REDRESS may instead decide to arrange for a suitably qualified independent professional to undertake the investigation.

*Interview.* During the investigation, the employee who reported the disclosure may need to be called upon for interview. They will also be given appropriate updates of progress made during the investigation, whilst bearing in mind the need to respect the confidentiality of other workers as well.

*Conclusions.* Once the investigation is complete:

- The employee will be given a prompt and thorough explanation about the result of the investigation and any action REDRESS is likely to take as a result of it.
- Where the allegation is deemed to be of a serious nature, an appropriate report will be submitted to the Board of Trustees.
- The conclusions and any recommendations of the investigation will be considered and appropriate action taken.

*External Referral.* REDRESS recognises that there may be matters which cannot be dealt with internally and external authorities may need to become involved, including the police and the Charity Commission. Where this is necessary, REDRESS reserves the right to make such a referral without the reporting employee's consent.

*Protection from Reprisals.* REDRESS will not tolerate any employee being subjected to a detriment as a result of their making a disclosure in good faith, including those which turn out to have been unfounded. In the event that any employee believes that they have been subject to a detriment by anyone within REDRESS for this reason, they must inform the Chair of the Board of REDRESS immediately and appropriate action will be taken to protect them from any reprisals.

*Victimisation.* If anyone should try to discourage an employee from coming forward to express a genuine concern, REDRESS will treat this as a disciplinary matter. In the same way, REDRESS will deal severely with anyone who criticises or victimises an employee or otherwise subjects them to a detriment for raising a concern.

*Bad faith allegations.* If it should become clear that the procedure under this policy has not been invoked in good faith (for example, falsely or for malicious reasons or to pursue a personal grudge against another employee), this will constitute misconduct and it will be treated as a disciplinary matter in accordance with REDRESS' Disciplinary Policy.

#### **5.4 TRAINING**

All staff and associated personnel will receive training on this policy as part of their induction. REDRESS keeps a training record that identifies who was trained on what date.

A refresher training session is conducted for all staff at least annually to remind them of the policy and to inform them of any changes.

#### **5.5 ASSOCIATED POLICIES**

Staff should be aware of the following associated policies.

- A03: Dignity at Work Policy
- A04: Anti-Bribery and Corruption Policy
- A06: Grievance Policy
- A07: Disciplinary Policy
- A13: Complaints Policy

#### **5.6 POLICY REVIEW**

This policy was reviewed by the Risk Committee on 26 October 2021 and approved by the Board of Trustees on 9 November 2021. The policy was reviewed by the Board on 12 November 2024.

This policy will be monitored and reviewed every two years to ensure that equality and diversity is continually promoted in our working environment. The policy is subject to revision at any time REDRESS considers it necessary to improve it.

In any event, the policy be reviewed again in November 2026.

#### **5.7 FORMS AND DOCUMENTS**

- None