

Reachout with Arts in Mind

Whistleblowing Policy

Whistleblowing is the term used when an employee passes on information concerning wrongdoing. The wrongdoing will typically (although not necessarily) be something they have witnessed at work.

This organisation encourages a free and open culture in dealings between its officers, employees and all people with whom it engages in business and legal relations. In particular, this organisation recognises that effective and honest communication is essential if concerns about breaches or failures are to be effectively dealt with and the organisation's success ensured.

This policy is designed to provide guidance to all those who work with or within the organisation who may from time to time feel that they need to raise certain issues relating to the organisation with someone in confidence.

Workers who raise genuine concerns under this policy will not under any circumstances be subjected to any form of detriment or disadvantage as a result of having raised their concerns.

As an employer, Reachout's responsibility in regards to whistleblowing is to promote good practice to create an open, transparent and safe working environment where employees feel able to speak up. The existence of this whistleblowing policy shows Reachout's commitment to listen to the concerns of employees, and it welcomes information being brought to the attention of management. Concerns can be raised at any time about an incident that has already happened, is currently taking place, or that is expected to take place in the near future.

Whistleblowing Legislation

Whistleblowing legislation is documented in the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998). It provides the right for an employee to take a case to an employment tribunal if they have been victimized at work or have lost their job because they have 'blown the whistle'.

To be covered by whistleblowing legislation, an employee who makes a disclosure must reasonably believe firstly that they are acting in the public interest. This means in particular that personal grievances and complaints (eg bullying, harassment, discrimination) are not usually covered by whistleblowing law unless it's in the public's interest. These will usually be reported under Reachout's grievance policy. Secondly, an employee must reasonably believe that the disclosure tends to show past, present or likely future wrongdoing falling into one or more of the categories below.

- A criminal offence has been committed, is being committed or is likely to be committed
- A person has failed, is failing or is likely to fail to comply with any legal obligation to which he or she is subject
- A miscarriage of justice has occurred, is occurring or is likely to occur
- The health and safety of any individual has been, is being or is likely to be endangered
- The environment has been, is being or is likely to be damaged
- Information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed

There is no need for an employee to prove that the breach or failure that they are alleging to have occurred or is likely to occur; a reasonable suspicion will suffice, i.e. where the employee reasonably believes that the information disclosed is substantially true. Employees should, however, note that they are not entitled to make a disclosure if in so doing they commit a criminal offence.

If employees wish to raise or discuss any issues above, they should contact the Executive Artistic Director, or, in her absence, the Finance Officer. This person will, insofar as is possible, treat the matter in confidence. It is likely that an investigation will be necessary and the employee who has made the disclosure may be required to attend an investigatory hearing and/or a disciplinary hearing (as a witness). Appropriate steps will be taken to ensure that the employee's working relationships are not prejudiced by the fact of the disclosure.

Where at all possible, Reachout will endeavour to resolve the situation, however this is not always possible despite the best efforts of the organisation. More information on resolving such situations can be found on the Protect website <https://protect-advice.org.uk/>.

If employees reasonably believe that the relevant failure i.e. one of the set of circumstances listed above, relates wholly or mainly to the conduct of a person other than their employer or any other matter for which a person other than the organisation has legal responsibility, then they should make that disclosure to the other person. Disclosure made to employee's legal advisors in the course of obtaining legal advice will be protected.

Employees should be aware that the policy will apply where a disclosure is made which they reasonably believe is substantially true. If any disclosure is made in bad faith (for instance, in order to cause disruption within the organisation), or concerns information which employees do not substantially believe is true, or indeed if the disclosure is made for personal gain, then such a disclosure will constitute a disciplinary offence for the purposes of the organisation's Disciplinary Policy and may constitute gross misconduct for which summary dismissal is the sanction.

While the organisation hopes that such disclosures will never be necessary, it also recognises that it may find itself in such circumstances. Each disclosure will be treated on its own merits.