

# PROTECTED DISCLOSURES (WHISTLE-BLOWING) POLICY STATEMENT AND PROCEDURE



Reach's [ethical principles](#) include commitments to integrity and transparency in all that we do. It is important that any wrongdoing, misconduct or fraud is reported and properly dealt with. So we need all staff and all volunteers to be vigilant and to report any concerns they have, so that we can deal with things effectively and keep Reach operating properly, in the best interests of our beneficiaries: children with upper limb differences.

This document sets out the way individuals may raise concerns and how those concerns will be dealt with. It applies to all staff employed by Reach and all volunteers carrying out a role on behalf of Reach (including trustees and branch coordinators).

## Legal background

The law<sup>1</sup> protects people who raise concerns that relate to one of the following types of wrong-doing:

- a criminal offence
- miscarriage of justice
- endangering the health and safety of individuals
- damaging the environment
- failing to comply with any other legal obligation
- deliberate concealment of any of the above wrong-doing

In order to qualify as a protected disclosure, the individual has to have a reasonable belief that any of these things is being, has been or is likely to be done. You need to raise the concern in good faith (not maliciously) but you don't need to have concrete proof, just a reasonable belief.

If you make a protected disclosure, you have the right not to be dismissed (staff), removed from role (volunteers), subjected to any other detriment or victimised as a result of making a disclosure.

Within the UK, these legal protections cover paid staff *and* volunteers. In Ireland, volunteers are not covered by the protections in the law but Reach chooses to extend its internal protections to cover volunteers in Ireland.

## Principles

- (1) Reach trusts its staff and volunteers to operate within the law, to be watchful for unlawful or unethical conduct by others, and to report anything of that nature that they become aware of.
- (2) Any concern raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome reported back to the person who raised the issue.
- (3) No employee or volunteer working on behalf of Reach will be victimised for raising a concern under this procedure in good faith. Victimisation of an individual for raising a concern under this procedure is a disciplinary offence.

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<sup>1</sup> In Great Britain, the Public Interest Disclosure Act 1998. In Northern Ireland, the Public Interest Disclosure (Northern Ireland) Order 1998. In Ireland, the Protected Disclosures Act 2014.

(4) We expect protected disclosures to be made in good faith, even if the concern turns out to be unfounded. Maliciously making a false allegation is a disciplinary offence.

(5) 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.

(6) Telling people to cover up wrong-doing is, in itself, a disciplinary offence. We expect anyone who is asked not to raise or pursue a concern, even by a person in authority or with long-standing in the charity, to report this matter to the National Coordinator or the Chair of the Board of Trustees.

## **Procedure**

This procedure is for disclosure of matters *other than* a breach of an individual staff member's contract of employment, which should be raised via the grievance procedure.

### **Stage 1**

In the first instance, any concerns should be raised with the National Coordinator. They will:

- arrange an investigation to establish the facts;
- take any necessary action, including reporting the matter to the Chair of the Board of Trustees and any appropriate regulatory authority;
- invoke any necessary disciplinary proceedings; and
- report the outcome to the person who raised the concern, including explaining what the charity has done or proposes to do (or why no action is considered necessary).

### **Stage 2**

This stage applies if there is a concern that the National Coordinator is involved in the wrongdoing, or has failed to make a proper stage 1 investigation (including explaining the outcome to the person who raised the concern). In this case, concerns should be raised with the Chair of the Board of Trustees, who will:

- arrange for a review of the investigation to be carried out (or, as the case may be, arrange an investigation);
- take any necessary action, including reporting the matter to the Board of Trustees or to any appropriate regulatory authority;
- invoke any necessary disciplinary proceedings; and
- report the outcome to the person who raised the concern, including explaining what the charity has done or proposes to do (or why no action is considered necessary).

### **Stage 3**

If, on conclusion of stages 1 and 2, an individual reasonably believes that the appropriate action has not been taken, it should be reported to the relevant 'prescribed person' (this is a list of people outside the organisation with whom concerns can be raised) - see the list in the Annex. In the UK, this stage applies both to staff and to volunteers; in Ireland, it applies only to staff.

## **Data protection**

When an individual makes a disclosure under this procedure, 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 will be held securely and accessed by, and disclosed to, other people only for the purposes of dealing with the disclosure.

Policy agreed: July 2021

Last reviewed: July 2021

Next review due: July 2026

## ANNEX: 'PRESCRIBED PERSONS' OUTSIDE REACH

These links take you to the full lists of prescribed persons in [Great Britain](#), [Northern Ireland](#) and [Ireland](#). But the ones likely to be of most relevance to Reach are:

### Child welfare

- Children's Commissioner for England ([info.request@childrenscommissioner.gov.uk](mailto:info.request@childrenscommissioner.gov.uk))
- Children and Young People's Commissioner, Scotland ([inbox@cypas.org.uk](mailto:inbox@cypas.org.uk))
- Children's Commissioner for Wales ([post@childcomwales.org.uk](mailto:post@childcomwales.org.uk))
- Northern Ireland Commissioner for Children and Young People ([info@niccy.org](mailto:info@niccy.org))
- Tusla ([executive@tusla.ie](mailto:executive@tusla.ie))
- National Society for the Prevention of Cruelty to Children ([help@nspcc.org.uk](mailto:help@nspcc.org.uk))

### Charity regulation

- Charity Commission for England and Wales ([whistleblowing@charitycommission.gov.uk](mailto:whistleblowing@charitycommission.gov.uk))
- Office of the Scottish Charity Regulator (C&I@oscr.org.uk)
- Charity Commission for Northern Ireland ([admin@charitycommissionni.org.uk](mailto:admin@charitycommissionni.org.uk))
- Charities Regulatory Authority ([www.charitiesregulator.ie](http://www.charitiesregulator.ie))

### Health and safety

- Health and Safety Executive ([online form](#))
- Health and Safety Executive for Northern Ireland ([mail@hseni.gov.uk](mailto:mail@hseni.gov.uk))
- Health and Safety Authority ([office@hsa.ie](mailto:office@hsa.ie))

### Tax compliance

- Commissioners for HM Revenue and Customs ([online form](#))
- Revenue Commissioners ([protecteddisclosuresgroup@revenue.ie](mailto:protecteddisclosuresgroup@revenue.ie))