

Whistleblowing Policy

1. Introduction

- 1.1. You may, in properly carrying out your duties, have access to, or come across, information of a confidential nature. Your terms and conditions provide that except in the proper performance of your duties, you are forbidden from disclosing, or making use of in any form whatsoever, such confidential information.
- 1.2. However, the law allows you to make a 'protected disclosure' of certain information. In order to be 'protected', a disclosure must relate to a specific subject matter (clause 2) and the disclosure must also be made in an appropriate way (clause 3). Whistleblowing protection is confined to a disclosure which, in the reasonable belief of you making the disclosure, is made in the public interest.
- 1.3. Restitute ("the Company") is committed to compliance with the Bribery Act 2010. The Company actively encourages a culture of honesty and openness and therefore you are required to bring up to your line manager or other designated person, any issue that, in your opinion, might constitute bribery or corruption.

2. Purpose

- 2.1. Restitute's Whistle-blowing policy gives information about the circumstances in which employees are legally entitled to specific protection when raising a concern.

3. Persons Affected

- 3.1. The Whistleblowing policy applies to all staff.

4. Policy

- 4.1. Restitute will comply with all applicable laws relating to whistleblowing, particularly the Public Interest Disclosure Act 1988, which gives workers who whistle blow protection against victimisation or dismissal.
- 4.2. Restitute offers protection to any employee who honestly and reasonably believes that underhand or illegal practices are taking place, undertaking to protect employees who follow this policy from any victimisation, harassment or bullying arising as a result of his or her disclosure.
- 4.3. Restitute undertakes not to initiate any disciplinary action against a discloser who honestly and reasonably believes that underhand or illegal practices are taking place.
- 4.4. Restitute aims to ensure that the career of any employee is not in any way harmed or hindered as a result of his or her disclosure.
 - 4.4.1. To this end, any reprisal or similar action taken against a discloser because he or she has made a protected disclosure under this policy may be regarded as gross misconduct and may result in disciplinary action.
- 4.5. Where requested, Restitute will keep the identity of the discloser confidential as far as possible.
 - 4.5.1. Confidentiality cannot, however, be guaranteed in certain circumstances, for example if a criminal investigation takes place as a result of the disclosure and the employee is needed as a witness.
 - 4.5.2. If this happens, Human Resources will inform the employee at the earliest opportunity, ensuring that the employee has access to appropriate support and guidance.

5. Definitions

- 5.1. **Whistleblowing:** Whistleblowing occurs when an employee raises concerns about underhand or illegal practices within an organisation or an associated organisation.
 - 5.1.1. The whistle-blower is usually not directly or personally affected by the danger or illegality.
 - 5.1.2. Whistleblowing occurs when a worker raises a concern about danger or illegality that affects others.
- 5.2. **Public Interest Disclosure Act 1998:** protects employees from detrimental treatment or victimisation from their employer if, in the public interest, they draw attention to wrongdoing within the organisation or company they work for.

6. Responsibilities

- 6.1. Restitute expects all employees to safeguard the well-being of service users, to work positively with colleagues and to uphold the organisation's reputation at all times;
- 6.2. Employees are all encouraged to raise any concerns they have about a colleague's behaviour using the appropriate procedure regardless of the protection offered by this Whistleblowing Policy;
- 6.3. If, in the course of employment, you become aware of information which you reasonably believe tends to show one or more of the following, employees are entitled to protection under the Public Interest Disclosure Act 1998 if they disclose information relating to:
 - 6.3.1. behaviour which harms, or may harm, children, young people or vulnerable adults;
 - 6.3.2. sexual assault by one employee against another;
 - 6.3.3. a criminal offence or activities has been committed, is being committed or is likely to be committed;
 - 6.3.4. that a person has failed, is failing or is likely to fail to comply with any legal obligation;
 - 6.3.5. that a miscarriage of justice that has occurred, is occurring, or is likely to occur;
 - 6.3.6. that the health or safety of any individual has been, is being, or is likely to be, endangered;
 - 6.3.7. that the environment, has been, is being, or is likely to be, damaged;
 - 6.3.8. fraud, financial mismanagement or corruption;
 - 6.3.9. that the business or any associated person has been, is being, or is likely to be receiving or offering bribes in exchange for awarding contracts;
 - 6.3.10. failure to follow Restitute's policies and procedures to an extent that service users;
 - 6.3.10.1. colleagues, members of the public or the organisation is put at risk;
 - 6.3.10.2. tending to show any of the above, is being, or is likely to be, deliberately concealed.
- 6.4. You must use the Company's disclosure procedure as set out below.

7. Disclosure Procedure

- 7.1. There are a number of ways in which you can raise concerns about a colleague's behaviour including supervision, raising a grievance or reporting an allegation under the Management of Allegations procedure.
 - 7.1.1. If you have a reason to believe that a colleague is, or has, engaged in any of the behaviours listed under section 6.3 above, you should immediately inform your line manager or HR.

- 7.1.2. If you have reason to believe that your line manager is involved in any way with the behaviour giving rise to concern, you may choose to discuss your concern with a more senior manager or HR.
- 7.2. When disclosing any concerns, you will not be expected to have absolute proof of malpractice but will need to be able to show the reasons for your concern.
- 7.3. If the discloser is dissatisfied with the outcome of an investigation, you should make a further report to HR, and if there is good reason to do so, the concern will be investigated again.
- 7.4. If you have a concern and are unsure whether this is the appropriate procedure for raising it or are unhappy about the outcome of an investigation, you should discuss your concern with HR, or seek independent advice from the charity, Public Concern at Work, on 020 3117 2520.
- 7.5. If you make a disclosure under this policy to your line manager (or a more senior manager), the manager should contact HR immediately.
- 7.6. **Line Managers** must ensure that employees who whistle blow do not experience any bullying, harassment, or victimisation because of their disclosure.
- 7.7. Managers must recognise that employees who raise concerns about a colleague's behaviour may experience feelings of anxiety and stress. They must ensure that the employee is supported appropriately throughout investigating the allegations.
- 7.8. **HR are responsible for overseeing the investigation into the alleged offence with the relevant Director and any other employees, as appropriate.**
 - 7.8.1. For example, the Finance Director will investigate concerns about fraud, financial mismanagement and corruption, and the Operations Director will investigate concerns that service users may have been put at risk by failure to follow an organisational policy.
 - 7.8.2. In some circumstances, HR may contact an external agency such as the Police or the Health and Safety Executive.
- 7.9. Human Resources are responsible for informing the whistle-blower of any actions that are taken as a result of their disclosure.

8. Safeguards in this policy that will not apply

- 8.1. This section gives details of the circumstances in which the safeguards laid out in this policy will not apply.
- 8.2. In these circumstances the Disciplinary Procedure may be invoked, and you may be deemed to have committed gross misconduct:
 - 8.2.1. deliberately false or malicious allegations;
 - 8.2.2. leaking information to the press;
 - 8.2.3. notifying an external agency of the concern, before trying to address it internally.
- 8.3. For further guidance in relation to this matter or concerning the use of the disclosure procedure generally, you should speak, in confidence, to your line manager or HR.

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