Introduction:

‘Whistleblowing’ is when someone reports a suspected wrongdoing at work. Officially this is called ‘making a public interest disclosure’.

Employees or workers are often the first to realise that there may be something seriously wrong and, from time to time, a situation may arise where an employee has serious concerns about perceived irregularities in the running of Northwards Housing, or the activities of colleagues within the organisation. Such concerns may relate, for example, to financial mispractice, breach of trust, unlawful conduct or dangers to the public.

This policy enables employees to raise concerns about malpractice at an early stage.

Purpose:

This Whistle-Blowing policy is primarily for concerns where the interests of others or the organisation itself are at risk.

This policy will not apply to

- Personal grievances concerning an individual’s terms and conditions or employment, or other aspects of the working relationship
- Complaints of bullying or harassment
- Disciplinary matters

Such complaints will be dealt with under the existing Dignity at Work and Grievance Policies.

Scope of the policy:

The UK Public Interest Disclosures Act provides protection for employees or workers who disclose information that might otherwise be regarded as confidential.

Examples of Public Interest Disclosures:
The provisions protect employees or workers from being subjected to a detriment. Detriment may take a number of forms, such as denial of promotion, facilities or training opportunities.

Northwards Housing will do everything possible to protect an employee’s identity when a concern is raised, and where the individual does not want their name disclosed.

It must be appreciated, however, that the investigation process may reveal the source of the information and a statement may be required as part of the evidence.

Concerns expressed anonymously are much less persuasive than when an employee is prepared to come forward formally. Any concerns that require the processing of personal data will be subject to data protection rules.

While encouraging employees or workers to bring forward matters of concern, Northwards Housing must guard against ‘bogus’ claims and also claims made to deliberately damage the reputation of other employees and our organisation.

If an employee or worker makes an allegation in good faith, but it is not confirmed by the investigation, no action will be considered or taken. However, if an employee makes false, malicious or vexatious allegations, this will be treated as a serious disciplinary offence and disciplinary action may be taken.

For procedures please refer to the guidance notes which accompany this policy.

### Responsibility:

The Policy applies to all:

- employees and workers of Northwards Housing
- employees of suppliers/contractors working for Northwards Housing
- those providing services under a contract or other agreement with Northwards Housing

The policy and procedure will be reviewed on an annual basis, or more frequently if required by the Human Resources Team.
**Performance Standards:**

Reports are submitted to the board regarding the outcome of each complaint. The Chief Executive will hold reports on file for a period of 2 years.

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**Equality /Diversity considerations & Equality Impact Assessment:**

This policy is available in large print, Braille, DVD, CD and in languages other than English. It is also subject to the translation policy for Northwards Housing. This policy and its related procedures have been Equality Impact Assessed and a summary of this is detailed below.

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**Generic Impact and risk assessments:**

No generic impact or risk assessment is required

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**Information sources and reference documents:**

- Enterprise and Regulatory Reform Act 2013
- UK Public Interest Disclosures Act 1998
- National Audit Office
- CIPD
- Internal Audit recommendations 2014

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**Policy information:**

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<td>April 2015</td>
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**Last Updated**

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<td>1. Amendments to reflect changes in the law on Whistleblowing in accordance with the introduction of the Enterprise and Regulatory Reform Act 2013.</td>
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Key legal changes:

- A worker who makes a disclosure will only be protected if the disclosure is in the ‘public interest’.

- Takes away the requirement for a disclosure to be made in ‘good faith’.

  However, if the disclosure is not made in ‘good faith’ an employment tribunal will have the discretion to reduce any compensation awarded to the claimant by up to 25%. This will address the situation where a disclosure might be in the public interest but is made for an ulterior motive.

- Employers are now vicariously liable for any detriment that one worker received from another because they have made a protected disclosure. However, a statutory defence has also been added which will protect employers who take all reasonable steps to prevent any such detriment occurring.

- The scope of ‘worker’ has been changed for the purposes of making a whistleblowing claim.

2. The Policy has been fully updated and reformatted in line with NH’s standard format.

3. Guidance has been provided to workers who wish to raise a concern, simplified in a flowchart.

4. Guidance has also been provided as to the investigation process, simplified in a flowchart.
HOW TO RAISE A CONCERN

Employees or workers are encouraged to raise concerns immediately with line managers. Anyone who feels unable to raise the matter with their line manager or believes they have failed to take appropriate action, can raise concerns with a more senior manager, Director, or Board member. Much will depend on the seriousness and sensitivity of the issues involved and who it is that is thought to be involved in the malpractice.

Wherever possible, concerns should be expressed in writing, setting out the background and history of the concern, giving names, dates and places where possible. Insight into why the employee or worker is particularly concerned about the situation is encouraged.

If an employee or worker does not feel able to put the concern in writing, a confidential meeting can be requested.

If our policy and procedures are working properly, you should not need to contact one of Northwards’ Board Members, or some external agency, to express concerns. But there may be exceptional or urgent circumstances where it might be best to contact an external agency. It is not possible to give precise examples, but, for instance, relevant situations might be:

- If the problem involved very senior staff of the organisation, the Chair or another Board Member.
- In the case of a criminal offence, the police
- In the case of abuse of vulnerable people in a residential home, the local authority social services registration officer
- In the case of fraud, Northwards’ External Auditors, AON PLC and/or the Internal Auditors, TIAA Ltd.

We hope none of these will ever prove necessary.

HOW THE MATTER WILL BE INVESTIGATED

Allegations will be handled confidentially and discreetly by those managers/directors/board members who are directly involved in the investigating process.

Such allegations will depend on the nature of the matter raised and may be: -

- Investigated internally;
- Referred externally to prescribed person, regulator or other external body with the responsibility to act/intervene as defined in the Public Interest Disclosure Act.
- The subject of an independent enquiry.

Some concerns may be resolved by agreed action, once the employees concerns have been explained, without the need for investigation.

Any investigation will be conducted as sensitively and as speedily as possible.

If necessary, further information will be sought from the employee or worker. This will depend on the nature of the matters raised, the potential difficulties involved in conducting an investigation and the clarity of the information provided.

The *Investigation Officer* to whom the disclosure is made will make a report to the board of the disclosure and subsequent actions taken.
Whistleblowing Procedure Flowchart

Employee or worker formally raises their concern with their line manager, a more senior manager, director or board member

Discussion with parties concerned

Senior manager to decide on the next steps after consulting with HR team

Is there a need for a wider investigation?

Yes

Carry out investigation and take action

If disciplinary action is required follow Disciplinary Policy

Report to Board

Notify the employee or worker that the matter has been dealt with

No

Address the matter; there are no wider implications

Report to Board

Notify the employee or worker that the matter has been dealt with
**Whistleblowing Investigation Procedure**

**Step 1 – Receipt of individuals concern**

**Step 2 - Investigation Officer (IO) is appointed**

**Step 3 - IO acknowledges receipt of complaint**

**Step 4 - IO meets with individual raising complaint to ensure complete understanding of the issues and to outline the action that will be taken in respect of the investigation**

**Step 5 - IO meets with individual against whom the complaint is against to discuss the issues and receive their response. The IO should write to this individual giving notice of the meeting and advising the individual of his/her right to representation.**

**Step 6 - IO meets with any witnesses as appropriate. The IO should write to these individuals giving notice of the meeting and advising them that their involvement as a witness is voluntary and they may refuse to act as a witness if they so wish but if they wish to act as a witness then they are entitled to representation by a work colleague or trade union.**

**Step 7 - The IO reviews all the evidence gathered and if there are gaps/further queries arranges to meet again with complainant, the individual against whom the complaint is made or the witnesses. If the IO is satisfied that the evidence collected is sufficient then he/she will produce a final report of the findings. The report will include the IO’s conclusions and recommendations for consideration.**

**Step 8 - Presentation of report to the Director/Chief Executive or Chair of the Board who will consider whether a) to request that the IO do some further investigation (for example where it is considered that the report is unclear or gaps in evidence have been identified) or b) accept the report as presented and decide whether there is a case to answer and what action should be taken.**

Possible outcomes may include:-
- No further action
- Disciplinary Action (and therefore a transfer into the disciplinary process)
- Further Investigation by an external investigation (e.g. counter fraud, police etc.)

It should be noted that cases relating to suspected criminal activity including but not limited to fraud may be referred to the counter fraud office and or police at any stage of the investigation and will then be investigated by an external investigator.