

# Kingston Churches Housing Association

## *The Caring Professionals*

### **WHISTLEBLOWING POLICY AND PROCEDURE**

#### **Introduction**

Kingston Churches Housing Association is committed to the highest standards of transparency, probity, integrity and accountability.

An important aspect of accountability is a mechanism to enable staff and other members of the Association to voice concerns in a responsible, confident and effective manner. It is a fundamental term of every contract of employment that an employee will faithfully serve his or her employer and not disclose confidential information about the employer's affairs. Nevertheless, where an individual discovers information or behaviour which they believe shows serious malpractice or wrongdoing within the organisation then this information should be disclosed internally without fear of reprisal, and there should be arrangements to enable this to be done independently of line management (although in relatively minor instances the line manager would be the appropriate person to be told).

The Public Interest Disclosure Act 1998 gives legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns. The Association has endorsed the provisions set out below to ensure that no members of staff should feel at a disadvantage in raising legitimate concerns.

It should be emphasised that this policy is intended to assist individuals who believe they have discovered malpractice or impropriety. It is not designed to question financial or business decisions taken by the Association nor should it be used to reconsider any matters which have already been addressed under harassment, complaint, disciplinary or other procedures.

#### **Scope**

This policy is designed to enable employees of the Association to raise concerns internally and at a high level and to disclose information which the individual believes shows malpractice or impropriety. This policy is intended to cover concerns which are in the public interest and may at least initially be investigated separately but

might then lead to the invocation of other procedures e.g. disciplinary. These concerns should include:

- Conduct which is an offence or breach of the law
- Abuse of authority
- Alleged miscarriage of justice
- Serious Health and Safety risks
- Unauthorised use of public funds
- Possible fraud and corruption
- Sexual, physical or verbal abuse, or bullying or intimidation of employees, customers or service users
- Unethical behaviour
- Attempts to conceal any of these

## **Safeguards**

**Protection** – this policy is designed to offer protection to those employees of Kingston Churches housing Association who disclose such concerns provided the disclosure is made:

- in good faith
- in the reasonable belief of the individual making the disclosure that it tends to show malpractice or impropriety and if they make the disclosure to an appropriate person (see below). It is important to note that no protection from internal disciplinary procedures is offered to those who choose not to use the procedure. In an extreme case, malicious or wild allegations could give rise to legal action on the part of the persons complained about.

## **Confidentiality**

Kingston Churches Housing Association will treat all such disclosures in a confidential and sensitive manner. The identity of the individual making the allegation may be kept confidential so long as it does not hinder or frustrate any investigation. However, the investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the evidence required.

## **Anonymous Allegations**

The procedure encourages whistle-blowers to put their name to an allegation wherever possible as anonymous allegations may often be difficult to substantiate/prove. Concerns expressed anonymously are much less powerful, but they may be considered at the discretion of the Association Chief Executive/Committee member.

In exercising discretion to accept an anonymous allegation the following factors will be considered:

- Seriousness of the issue raised
- The credibility of the allegation; and

- Whether the allegation can realistically be investigated from factors or sources other than the complainant

### **Untrue Allegations**

If an individual makes an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against that individual. In making a disclosure the individual should exercise due care to ensure the accuracy of the information. If, however, the allegation is found to be malicious or vexatious, and in particular if the complaints persist, disciplinary action may be taken against the complainant.

### **Procedure for making an allegation**

It is preferable for allegations to be made to an employee's immediate manager to whom they report. However, this may depend on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if the whistle-blower believes that management is involved it would be inappropriate to raise it directly with them. The whistle-blower may then make an allegation direct to any of the following:

- The Chief Executive (CE)
- Committee member (CM)

If either of the above receives an allegation he/she will consider the allegation and may discuss with either the CE or other CM. The line manager (or either/or both) of the above, after consideration, will discuss with the whistle-blower and if they wish to proceed with the allegation being investigated.

### **Allegation**

Whether a written or oral report is made it is important that relevant information is provided including:

- The name of the person making the allegation and a contact point.
- The background and history of the allegation (giving relevant dates and names and positions of those who may be in a position to have contributed to the allegation);
- The specific reason for the allegation. Although someone making an allegation will not be expected to prove the truth of any allegations, they will need to provide information to the person they have reported to, to establish that there are reasonable grounds for the allegation.

Someone making an allegation may be accompanied by another person of their choosing during any meetings or interviews in connection with the allegation. However, if the matter is subsequently dealt with through another procedure the right to be accompanied will at that stage be in accordance with the relevant procedure.

### **Action on receipt of an allegation**

The line manager will record details of the allegation gathering as much information as possible, (within 5 working days of receipt of the allegation) including:

- The record of the allegation;
- The acknowledgement of the allegation;

- Any documents supplied by the whistle-blower

The investigator will ask the whistle-blower for his/her preferred means of communication and contact details and use these for all communications with the whistle-blower in order to preserve confidentiality.

If the allegation relates to fraud, potential fraud or other financial irregularity the Treasurer will be informed within 5 working days of receipt of the allegation. The Treasurer will determine whether the allegation should be investigated and the method of investigation.

If the allegation discloses evidence of a criminal offence it will immediately be reported to the Board of management and a decision will be made as to whether to inform the Police. If the allegation concerns suspected harm to children the appropriate authorities will be informed immediately.

If the issue is around suspected harm to vulnerable adults, the Vulnerable Adults policy and Safeguarding Policies should be referred to.

### **Timescales**

- An acknowledgement of the allegation in writing within 10 working days with
  - An indication of how the Association propose to deal with the matter
  - An estimate of how long it will take to provide a final response
  - An indication of whether any initial enquiries have been made
  - Information on whistle-blower support mechanisms
  - Indication whether further investigations will take place and if not, why not

Where the allegation has been made internally and anonymously, obviously the Association will be unable to communicate what action has been taken.

### **Support**

The Association will take steps to minimise any difficulties which may be experienced as a result of making an allegation. For instance, if a whistle-blower is required to give evidence in criminal or disciplinary proceedings the Association will arrange for them to receive advice about the procedure and advise on the support mechanisms that are available.

The Association accepts that whistle-blowers need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform those making allegations of the outcome of any investigation.

***An annual meeting will take place offering each member of staff the opportunity to meet with Board members to discuss their experience within the Association. The contents of the discussion will remain confidential, subject to any subsequent action required, and staff should feel confident in communicating any positive or negative experiences and fears.***

### **Responsibility for the Procedure**

The Chief Executive and Board of Management Committee have overall responsibility for the operation of this Procedure and for determining the administrative processes to be followed and the format of the records to be kept.

### **Monitoring**

A Register will record the following details:

- The name and status (e.g. employee) of the whistle-blower
- The date on which the allegation was received
- The nature of the allegation
- Details of the person who received the allegation
- Whether the allegation is to be investigated and, if yes, by whom
- The outcome of the investigation
- Any other relevant details

The Register will be confidential and only available for inspection by the Board Committee.

The CEO will report annually to the Board of Trustees on the operation of the Procedure and on the whistleblowing allegations made during the period covered by the report. The report will be in a form which does not identify whistle-blowers.