



WHISTLE BLOWING POLICY

Policy: Whistleblowing

Revised Policy
Approved by Audit & Risk 3 November 2009

Southway Housing Trust

Whistleblowing Policy

Throughout this document the reference to “staff” and “employee(s)” should be read as including other personnel (such as agency and consultant staff) engaged by the Trust.

1 Introduction

- 1.1 Southway Housing Trust is committed to the highest standards of openness, probity and accountability. It is important that any fraud, corruption or malpractice by staff or Board Members of Southway Housing Trust is reported and properly dealt with. The Trust encourages all individuals to raise any concerns that they may have about the conduct of others in the business or the way in which the business is run. This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.
- 1.2 This policy applies to all employees and officers of Southway Housing Trust. Other individuals performing functions in relation to the Company, such as agency workers and contractors, are also encouraged to use it.
- 1.3 Once the whistleblowing procedures are in place, it is considered reasonable to expect staff to use them rather than air their complaints outside the Company.

2 Background

- 2.1 The Public Interest Disclosure Act 1998 amended the Employment Rights Act 1996 to provide protection for employees who raise legitimate concerns about specified matters. These are called 'qualifying disclosures'. A qualifying disclosure is one made in good faith by an employee who has a reasonable belief that:
 - a criminal offence;
 - a miscarriage of justice;
 - an act creating risk to health and safety;
 - an act causing damage to the environment;
 - a breach of any other legal obligation;

- concealment of any of the above. It is not necessary for the member of staff to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient. The member of staff has no responsibility for investigating the matter - it is the organisation's responsibility to ensure that an investigation takes place.
- 2.2 A member of staff who makes such a protected disclosure has the right not to be dismissed, or subjected to victimisation, because he/she has made the disclosure.
- 2.3 Everyone should be aware of the importance of preventing and eliminating malpractice at work. Employees should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.
- 2.4 The Trust encourages staff to raise their concerns under this procedure in the first instance. If a member of staff is not sure whether to raise a concern, he/she should discuss the issue with his/her line manager or the Human Resources Manager.

3 Principles

3.1 Confidentiality

The Trust 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.

3.2 Anonymous Allegations

This policy encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously are much less credible, but they may be considered at the discretion of the Trust.

In exercising this discretion, the factors to be taken into account will include:

- The seriousness of the issues raised
- The credibility of the concern
- The likelihood of confirming the allegation from attributable sources

3.3 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, an individual makes malicious or vexatious allegations, and particularly if he or she persists with making them, disciplinary action may be taken against that individual.

4 Procedure

- 4.1 This procedure is for disclosures about matters other than a breach of an employee's own contract of employment. If an employee is concerned that his/her own contract has been, or is likely to be, broken, he/she should use the grievance procedure.
- 4.2 It is important that a member of staff informs an appropriate person within Southway Housing Trust of any concerns in order that the problem can be addressed. It would not normally be appropriate to disclose concerns externally unless the procedure within this policy has first been followed.
- 4.3 The Trust will treat all disclosures in a confidential and sensitive manner. The identity of the member of staff may be kept confidential provided this does not hinder the investigation.
 - a) In the first instance, it should be possible to raise any concerns with the employee's immediate line manager or colleague who has been identified and trained as a Staff Support Officer.
 - b) Where the concerns include suspicions of fraud or theft the matter ought to be raised in line with the separate Fraud Response Policy. The employee (together with anyone with whom the matter has been discussed under (a) above) should therefore speak with the SMT Manager who is in the employee's management line
 - c) An employee may however raise a matter with a Director. Where the concerns might include fraud or theft this ought to be the Director of Finance & Resources.
 - d) Where the matter concerns fraud or theft, the investigation mechanism will be in accordance with the Fraud Response Policy. In all other cases, the line manager will agree with their Director how the matter is to be investigated.

- (e) If, on conclusion of the procedure, the member of staff reasonably believes that the appropriate action has not been taken, he/she should report the matter to the proper authority. The legislation sets out a number of bodies to which qualifying disclosures may be made (see below)

5 Procedure to Follow if the Chair and /or Chief Executive are implicated in the matter of concern

In this case the employee should raise their concerns with any of the following:

- Another member of the Board
- Southway's Internal Auditor
- Southway's External Auditor
- The Tenant Services Authority
- H M Revenue & Customs
- The Financial Services Authority
- The Office of Fair Trading
- The Health & Safety Executive
- The Environment Agency

6 Linkages with Other Southway Policies

This policy should be read in conjunction with the following policy/policies:

- Accounting
- Governance
- Risk Management
- Code of Conduct for Employees
- Standing Orders and Financial Regulations
- Anti Fraud

Links to Tenant Services Authority Regulatory Code:

Properly Governed: 2.3.1, 2.3.3, 2.3.4, 2.4.2, 2.4.2

Properly Managed: 3.2.1, 3.2.2, 3.2.3

<u>POLICY IMPLEMENTATION AND REVIEW HISTORY</u>	
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<u>Amendment(s) Made/Reason</u>	
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