

# **Railway Housing Association**

## **Whistleblowing Policy**

### **1. Introduction**

- 1.1 Railway Housing Association is committed to the highest standards of openness, probity and accountability. As employees (and others that we deal with) are often the first to realise that there may be something seriously wrong, it is expected that those who have serious concerns about any aspect of the association's work come forward and speak up without fear of reprisal.
- 1.2 It is recognised that it is an important aspect of accountability and transparency to provide a mechanism to ensure that no employee, or other person, feels at a disadvantage in raising legitimate concerns.
- 1.3 The Public Interest Disclosure Act 1998 provides legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns.
- 1.4 All current and former employees and Board members, contractors, suppliers, agency staff and representatives of other organisations that work with or for Railway Housing Association on its premises are covered by this policy.

### **2. Scope of the policy**

- 2.1 Whistleblowing occurs when an employee knows or suspects that there is some wrongdoing occurring within the organisation and alerts the employer or the relevant authority accordingly.
- 2.2 This policy is designed to enable employees of the association to raise concerns internally and at a high level to disclose information that the individual believes shows malpractice or impropriety. A number of policies and procedures are already in place, including those for resolving grievances, dealing with disciplinary matters and addressing equal opportunities issues, but this policy is intended to cover concerns that might be in the public interest and may (at least initially) be investigated separately, but might then lead to the commencement of such procedures. These concerns might include:
  - financial malpractice, impropriety or fraud
  - failure to comply with a legal obligation
  - dangers to health and safety or the environment
  - criminal activity
  - a miscarriage of justice
  - professional malpractice
  - improper conduct or unethical behaviour, and
  - attempts to conceal any of the above.

### **3. Safeguards**

- 3.1 Protection

This policy is designed to offer protection to those employees of the association who disclose such concerns provided the disclosure is made:

  - in good faith,
  - to an appropriate person/body, and
  - in the reasonable belief of the individual making the disclosure that it tends to show malpractice or impropriety.

The association will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect the individual when they raise a concern in good faith.

3.2 Confidentiality

All concerns will be treated in confidence and every effort will be made not to reveal the individual's identity if they so wish. However, at the appropriate time the individual may need to come forward as a witness.

3.3 Anonymous allegations

This policy encourages individuals to put their names to any disclosures they make. Although it is preferable that people reporting concerns are identified, concerns expressed anonymously will be considered and investigated further if found to be justified.

3.4 Untrue allegations

If an individual makes an allegation in good faith that is not confirmed by the subsequent investigation, no action will be taken against that individual. However, if the individual makes an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against the individual concerned.

**4. How to raise a concern**

4.1 The individual should always, in the first instance, raise concerns with their director or another senior manager. This information will be passed on as soon as is reasonably possible to the appropriate designated investigating officer as follows:

- Complaints of malpractice will be investigated by the Chief Executive unless the complaint is against the Chief Executive or is in any way related to the actions of the Chief Executive. In such cases, the complaint should be passed to the Chair for investigation or referral.
- If the complaint is against or in any way connected to both the Chief Executive and the Chair, the complaint should be passed to the Vice Chair for investigation or referral, and Vice Chair should be substituted for Chair in the implementation of this policy.
- In the case of a complaint that is in any way connected with but not against the Chief Executive, the Chair will nominate a director to act as the alternative investigating officer.
- The complainant has the right to bypass the line management structure and take their complaint direct to the Chair. The Chair however has the right to refer the complaint back to management if he feels that management, without any conflict of interest, can more appropriately investigate the complaint.

4.2 Although the individual is not expected to prove beyond doubt the truth of an allegation, they will need to demonstrate to the person contacted that there are reasonable grounds for their concern.

4.3 Concerns may be raised verbally or in writing. Any individual making a written report are invited to use the following format:

- the background and history of the concern (giving relevant dates)
- the reason why there is concern about the situation.

4.4 The earlier the individual expresses their concern, the easier it is to action.

- 4.5 On receipt of a disclosure the Chief Executive or Chair will consider the information made available to him or her and decide on the form of investigation to be undertaken. This may be to:
- investigate the matter by management, internal audit, or through the disciplinary process, or
  - refer the matter externally to the external auditor or the police.
- 4.6 Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.
- 4.7 The person who will have to reach the decision on the matter should not carry out the investigation. The responsible person will write to the individual concerned within ten working days of a disclosure being made. They will:
- acknowledge that the concern has been received
  - indicate how the matter will be dealt with
  - give an estimate of how long it will take to provide a final response
  - tell the individual whether any initial enquiries have been made
  - supply the individual with information on staff support mechanisms and
  - tell the individual whether further investigations will take place and if not, why not.
- 4.8 The amount of contact between the persons considering the issues and the individual will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from the individual concerned.
- 4.9 Where any meeting is arranged, the individual can be accompanied by a colleague, friend, trade union representative if applicable, or other advisor, and the meeting can be held off-site if preferred by the individual.

## **5. Outcomes of investigations**

- 5.1 Once all facts are established the Chief Executive or Chair will decide what action to take. If the complaint is justified, then they will invoke the appropriate procedures that the association already has in place or the disclosure may be referred to an external body.
- 5.2 The association intends that the individual will be satisfied with any action taken. If the individual is not satisfied with the response, he or she is entitled to contact a relevant external body to express their concerns. In doing so the individual should:
- have a reasonable belief that the allegation is based on correct facts
  - not be making any personal gain from the revelations
  - make the disclosure to a relevant body.
- 5.3 A relevant body is likely to be a regulatory body e.g. the Homes and Communities Agency or the Health & Safety Executive (contact details are attached at appendix 1). The media is not a relevant external body.
- 5.4 Disclosing information in an inappropriate way, e.g. contacting the media, could result in disciplinary action being taken which could include dismissal.

## **6. Responsibilities**

- 6.1 Directors are responsible for ensuring that this policy is provided to every employee and is discussed at team meetings.
- 6.2 The induction process will include raising awareness of this policy. The policy will be accessible to all current employees through the policies folder on the shared network, and to all former employees and other parties on the association's website.
- 6.3 In the event of an investigation, the investigating officer will respect confidentiality, investigate the concern thoroughly, and provide support and protection if necessary. The investigating officer will report back on the outcome of the investigation and, if possible, on any resulting action that is proposed.
- 6.4 The Chief Executive is responsible for the effective implementation of this policy.

## **7. Review**

- 7.1 This policy will be reviewed **triennially**.

**This policy can be made available on request in other languages,  
large type, Braille or in audio format.**

## **Appendix 1**

### **Relevant bodies:**

#### **The Homes and Communities Agency**

Referrals and Regulatory Enquiries Team

2nd Floor

Lateral

8 City Walk

Leeds LS11 9AT

National phone number (for all phone enquiries): 0300 1234 500

Email: [mail@homesandcommunities.co.uk](mailto:mail@homesandcommunities.co.uk)

#### **Health and Safety Executive**

An online form can also be completed at [www.hse.gov.uk](http://www.hse.gov.uk)

### **Further sources of information and advice:**

#### **ACAS**

Helpline: 0300 123 1100

[www.acas.org.uk](http://www.acas.org.uk)

#### **Public Concern at Work**

Tel (whistleblowing advice line): 020 7404 6609

Email: [whistle@pcaw.org.uk](mailto:whistle@pcaw.org.uk)