

Policy and procedure

Whistleblowing Policy

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Has the Client Forum been consulted on this policy (if applicable)?	Not applicable
Who does the policy apply to	All staff / Board members

The following documentation can be relied on to supplement this policy:

- NHF Codes of Governance 2015
- NHF Code of Conduct 2012
- Financial Regulations
- Anti-Money Laundering Policy
- Bribery Policy
- Fraud Policy
- Probity Policy

Values

Respect <ul style="list-style-type: none"> ▪ Value diversity and fairness ▪ Act with honesty and integrity ▪ Treat people with care and compassion 	Empowerment <ul style="list-style-type: none"> ▪ Support the needs of each individual ▪ Encourage personal development and independence ▪ Provide safety, stability and security
Responsibility <ul style="list-style-type: none"> ▪ Work together, in partnership ▪ Take responsibility for our actions ▪ Continue learning and improving 	Excellence <ul style="list-style-type: none"> ▪ Provide a first-class service ▪ Deliver excellent value for money ▪ Explore innovative ways of working

Table of Contents

1. Introduction	3
2. Scope.....	3
3. Objectives	4
4. Whistleblowing Procedure	4
5. Monitoring and Reporting	6
6. Implementation.....	7
7. Roles and Responsibilities	7
8. Policy Review.....	7

1. Introduction

Context

- 1.1. This policy has been produced in accordance with the [The Public Interest Disclosure Act - GOV.UK \(www.gov.uk\)](http://www.gov.uk), which protects employees and workers making disclosures about certain matters of concern (where those disclosures are made in accordance with the provisions of the Act) from dismissal or a detriment short of dismissal. (See Appendix 1 for more information about the PIDA).
- 1.2. In adopting the NHF's Code of Governance (2015) for the organisation, the Board committed to ensuring that proper arrangements are made for the referral and determination of individual cases raising issues of conflicts, ethics or probity. These arrangements include a whistleblowing policy to allow all Board and committee members and staff to raise issues of serious concern without the fear of reprisal, while maintaining their duty of confidentiality.
- 1.3. It is a requirement of the Code of Conduct (NHF 2012) that we adopt a whistleblowing (confidential reporting) policy and 'response plan'.

Statement of Intent

- 1.4. Transform is committed to high standards of quality, probity, openness and accountability. We encourage a free and open culture in our dealings between our staff, involved clients, Board members and all people with whom we engage. We are committed to act on any allegations of fraud, abuse or malpractice whether the allegations are made from outside or inside the organisation.
- 1.5. This policy is designed to encourage and provide guidance to all those who work with or within the organisation, who feel that they need to raise issues or have serious concerns relating to the organisation. As a part of our commitment, we encourage people with serious concerns about any aspect of our work to come forward and express those concerns. In many cases, concerns or complaints will be dealt with through normal procedures, such as the mechanisms for resolving grievances, disciplinary matters, or concerns relating to equal opportunities. However, in some cases, we recognise that employees, involved clients or board members will need to come forward on a confidential basis. This policy statement is intended to underline our commitment to our colleagues that they can do so without fear of reprisal or victimisation; and its support for Board members or involved clients who come forward to express their concerns.
- 1.6. All Board and committee members, involved clients and colleagues will be made aware of this policy and the organisation's Whistleblowing Procedures for making a whistleblowing disclosure during their induction.
- 1.7. Our whistleblowing arrangements meet the requirements of the PIDA 1998.

2. Scope

- 2.1. The PIDA covers 'employees and workers'. In line with sector best practice, we have chosen to include Board and committee members within the scope of our whistleblowing policy. The text of the policy refers to 'employees'. The spirit of the policy applies to Board and committee members and involved clients but as they are not employees they cannot enjoy the legal protection afforded to workers by the PIDA.
- 2.2. Involved clients who are not Board or committee members are expected to follow our Complaints Policy and Procedure in the first instance if they wish to raise matters of concern.
- 2.3. To be covered by whistleblowing law, an employee who makes a disclosure must reasonably believe two things:
 - that they are acting in the public interest - this means in particular that personal grievances and complaints are not usually covered by whistleblowing law
 - that the disclosure tends to show past, present or likely future wrongdoing falling into one or more of the following categories:
 - i. criminal offences (this may include, for example, types of financial impropriety such as fraud)

- ii. failure to comply with an obligation set out in law
 - iii. miscarriages of justice
 - iv. endangering of someone's health and safety
 - v. damage to the environment
 - vi. covering up wrongdoing in the above categories.
- 2.4. The PIDA provides the right for an employee to take a case to an employment tribunal if they have been victimised at work or they have lost their job because they have 'blown the whistle'.
- 2.5. This policy applies to the following categories:
- i. Employees
 - ii. Board and committee members
 - iii. Agency and contract workers
 - iv. Self-employed contractors
 - v. Persons on work experience or training within the organisation, either under contract, or as part of a training programme agreed by the organisation
 - vi. Employees of any third party service provider (contractors, support providers, agency staff etc.)
 - vii. Volunteers

3. Objectives

- 3.1 This policy sets out what to do in order to raise serious concerns. It aims to empower employees to do this at the earliest opportunity without the fear of recrimination, victimisation or intimidation. Any employee who makes a whistleblowing allegation in good faith, under the terms of this policy, will not be subjected to any penalty for doing so.
- 3.2 Transform will not tolerate any victimisation, harassment or unfair treatment of any whistleblower. Any such behaviour or misuse of this policy will be dealt with through the Disciplinary Procedure.
- 3.3 Any matter raised under this policy will be investigated thoroughly, promptly and confidentially as far as possible. The outcome will be reported back to the whistleblower.

Definitions

- 3.4 Whistleblowing, legally, is the term used when a worker passes on information concerning perceived wrongdoing. In this policy, we call that 'making a disclosure' or 'blowing the whistle'. The wrongdoing will typically (although not necessarily) be something they have witnessed at work.

4. Whistleblowing Procedure

How to raise concerns

- 4.1. If you become concerned about something at work, you should in the first instance discuss this with your line manager. If the concern involves your line manager or someone senior to them, then you should contact one of the designated senior persons shown below.
- 4.2. We encourage individuals to raise concerns in the first instance within the organisation. In most cases, employees should be able **to raise concerns with our designated appropriate senior persons** which are the Company Secretary and the Director of People.
- The Company Secretary (Head of Governance & Assurance), Mandy Arnold, can be contacted by emailing marnold@transformhousing.org.uk or by calling 01372 387124
- The Director of People, Simone Bartley, can be contacted by emailing sbartley@transformhousing.org.uk or by calling 01372 387115
- 4.3. Alternatively, employees should contact the Chair of the Finance and Audit Committee, Paul Rees, by emailing paul.g.rees@btconnect.com
- 4.4. If, for whatever reason, you feel unable to raise concerns within the organisation, you may contact the internal or external auditors:

- Director of Audit, RSM: Mark.Jones@rsmuk.com
 - Associate Director, Assurance and Business Services, Smith & Williamson (Evelyn Partners): Adrian.wild@smithandwilliamson.com
- 4.5 If you can, it is best to support your concerns by putting it in writing, giving names, dates, places, events etc. as they appear to you and why you are concerned about the situation.
- 4.6 It is recognised that it may not be an easy decision to report a concern at work, especially if you fear reprisals. However, Transform will take measures to protect whistleblowers from victimisation or harassment. Any measures taken will be with your agreement and of such a nature that you do not feel disadvantaged.
- 4.7 In view of this commitment to protect whistleblowers, you are encouraged to put your name to your concerns so that the person investigating can clarify any points with you and add credibility to the disclosures. Concerns expressed anonymously are much less powerful and can be difficult to substantiate.
- 4.8 If you choose to remain anonymous, Transform will respect this as far as possible. However, you should be aware that any investigation into the matter is likely to reveal the source of the information and you may be required to make a statement which will form part of the evidence.
- 4.9 Points to remember:
- Make an immediate note of your concerns
 - Convey your suspicions to one of the people listed above
 - Deal with the matter promptly
 - Don't be afraid of raising your concerns
 - Don't approach or accuse individuals directly
 - Don't attempt to investigate the matter yourself.

What will happen next

- 4.10 Once the matter has been reported to the appropriate person and depending on the nature of the concern raised, an investigation may need to be undertaken. You will receive written confirmation of how your concern will be dealt with within ten working days of your concern being received. At this time you will also be advised if an investigation will be undertaken, by whom and an estimate of the length of time it is likely to take to conclude.
- 4.11 The investigation may require you and other individuals involved giving a written statement. Your statement will be taken into account, and you will be asked to comment on any additional evidence obtained. The person who carries out the investigation will report their findings to the Finance and Audit Committee, who will consider the outcome and any further actions. We will keep you informed of progress.
- 4.12 In the event that an investigation results in criminal or disciplinary proceedings, you may be required to attend a hearing. Transform will support and advise you through the process.
- 4.13 On conclusion of any investigation, subject to any legal or confidentiality restraints, you will be told the outcome of the investigation and what action has been taken or is proposed to be taken. If no action is taken, the reason for this will be explained.
- 4.14 If on conclusion of our internal procedure, you reasonably believe that the appropriate action has not been taken, you should report the matter to the proper authority. The PIDA sets out a number of **Prescribed People and Bodies** to which qualifying disclosures may be made. A full and up to date list of **Prescribed People and Bodies** can be accessed at <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies>

These include but are not limited to:

- the Charity Commission;
- HM Revenue & Customs;
- the Health and Safety Executive;

- the Financial Services Authority;
- the Office of Fair Trading;
- the Environment Agency

- 4.15 We are committed to following the Charity Commission's Guidance CC20 (7 June 2016) which obliges all charities to follow the Fundraising Regulator's Code of Fundraising Practice. The Code itself obliges all fundraising organisations to have a Whistleblowing Policy. We encourage anyone with concerns about our fundraising activities, to discuss them with us in the first instance, as outlined in this policy. If they feel the matter is not resolved, then the Fundraising Regulator can be contacted by using [their complaints process](#).
- 4.16 In following the procedure members of staff have the right to be accompanied by a trade union representative, a colleague or friend. The employee assistance programme may offer additional support. You can access this on Milo [Employee Assistance Programme \(EAP\) \(sharepoint.com\)](#).

Confidentiality

- 4.17 Any data held or collated within the scope of this policy will be handled in accordance with the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 and our Data Protection Policy and Procedures

Abuse of the Policy

- 4.18 This policy is not intended for malicious use. Anyone found to be knowingly raising unfounded allegations or consistently using the policy to raise matters of a trivial nature may be liable to investigation under our Disciplinary Procedure.

Further Information and Support

- 4.19 Should any Board or committee member or employee wish to seek independent advice whilst they are considering making a disclosure, Protect may be able to help.
- 4.20 Protect is a charity which aims to help make whistleblowing work so that dangers, wrongdoing and serious risks that threaten the public good are deterred or at least detected before serious damage is caused. It pursues this aim through its free confidential advice line, the support and services it provides to organisations, its policy work and public education activities.
- 4.21 Through these activities it promotes the role of whistleblowing in furthering organisational accountability, individual responsibility and public confidence.
- 4.22 You can contact Protect as follows:
- Protect advice line: 020 3117 2520 (* option 1)
 - General enquiries: 020 3117 2520 (*option 2)
 - Web: [Protect - Speak up stop harm \(protect-advice.org.uk\)](http://protect-advice.org.uk)
- 4.23 If a whistleblower believes that they have been unfairly treated because they have blown the whistle they may decide to take their case to an employment tribunal. The process for this would involve attempted resolution through the Advisory, Conciliation and Arbitration Service (acas).
- 4.24 You can contact acas as follows:
- Website: [Dispute resolution | Acas](#)
 - Helpline: Telephone: 0300 123 1100
 - Helpline: Textphone: 18001 030 0123 1100
- 4.25 The Department for Business, Energy and Industrial Strategy (BEIS) has produced **Whistleblowing: Guidance for Employers and Code of Practice** (March 2015).

5. Monitoring and Reporting

- 5.1 Any allegations, reported either internally or externally, will be confidentially monitored by the **Company Secretary** on behalf of the **Finance and Audit Committee**. The Company Secretary will maintain a confidential register of whistleblowing allegations, investigations and outcomes in

line with best practice guidelines, and will report whistleblowing activity to the Finance and Audit Committee in the appropriate way.

6. Implementation

- 6.1 This policy applies to every Board and committee member, involved clients and colleagues. It is important that anyone who has any concerns understands that it is encouraged, and they are empowered to raise those concerns without any fear of recrimination, victimisation or intimidation. Any employee who makes a whistleblowing allegation in good faith, under the terms of the policy will not be penalised.

7. Roles and Responsibilities

- 7.1 The Head of Governance & Assurance as the Company Secretary has overall responsibility for the implementation and reporting of this policy.
- 7.2 The Finance and Audit Committee has in its Terms of Reference the responsibility to scrutinise reports on all cases of whistleblowing and ensure that appropriate action is taken.

8. Policy Review

- 8.1 We will review the operation of this policy in consultation with our staff and relevant stakeholders (where appropriate), in light of current best practice, amending the policy where required.

Appendix 1

WHISTLEBLOWING POLICY THE PUBLIC INTEREST DISCLOSURE ACT (PIDA)

1. PIDA inserts a framework of protection into the Employment Rights Act 1996 against detriment or dismissal in connection with 'blowing the whistle' on illegal practices in the workplace. The statutory protection applies to employees and workers, which for these purposes include agency workers and home workers, trainees and contractors. There is no length of service requirement before the protection for these groups begin. Volunteers and the genuinely self-employed are not covered by the law.
2. The PIDA covers 6 categories of wrongdoing. The law states that the employee/worker must have a reasonable belief that one of six situations has occurred, is occurring or is likely to occur and must actually make a disclosure (which could be in writing or verbally and might also include simple handing over information (e.g. a video). The six situations are:
 - (i) Criminal activity
 - (ii) Miscarriages of justice
 - (iii) Danger to health and safety
 - (iv) Damage to the environment
 - (v) Failure to comply with a legal obligation or regulatory requirements
 - (vi) The deliberate concealment of any of the above matters.
3. A worker is legally protected for raising a concern with their employer, provided they do so honestly and reasonably. Workers are also legally protected for raising a concern with a 'prescribed person' provided they have some substance to the concern.
4. Apart from their employers and prescribed persons, employers/workers can be protected when they whistleblow to other people, such a specifically identified third parties (such as hotlines set up by their employer or offered by them as part of an employee assistance programme); responsible persons (e.g. people who have a legal responsibility for the malpractice such as accountants who see malpractice in a client they are working for); the persons legal adviser and government ministers. Different rules apply to disclosures to these different bodies.
5. Even though the people and the disclosures highlighted above attract legal protection for workers and employees, most whistleblowing policies encourage anyone who needs to whistleblow, protected or not, to do so. The point staff need to be aware of is that only those people and disclosures highlighted above will be protected in law.

How does the law protect whistleblowers?

9. PIDA protects an employee or worker from detrimental treatment by their employer as a result of raising a concern in good faith. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment in connection with raising a concern. Employers and their staff must also not victimise an employee or worker a result of their disclosures.
10. Victimisation or harassment may take a number of forms, such as denial of promotion or training opportunities which the employer would otherwise have offered. Employees who are protected by the provisions of the PIDA may make a claim for unfair dismissal, the compensation for which, if proven, is unlimited.