

**RESOURCES, REMUNERATION & REGENERATION
COMMITTEE
15 NOVEMBER 2012**

ITEM B5

WHISTLE BLOWING POLICY – REVIEW

Report of the Chief Executive of Derby Homes

1. SUMMARY

The Whistle Blowing Policy has been reviewed in accordance as part of the three yearly review of key policies.

2. RECOMMENDATION

To agree the amended Whistle Blowing Policy.

3. MATTER FOR CONSIDERATION

- 3.1 The original policy was developed following a significant review of Whistle Blowing within Derby Homes. This Policy review took place in 2008 and resulted in procuring an external Whistle Blowing helpline.
- 3.2 The Review in 2008 ensured our policy was consistent with best practice in Whistle Blowing within the workplace. This review has not sought to change the basic framework of the Policy but some amendments have been made. These are shown in the Policy at Appendix 1 with tracked changes.
- 3.3 The proposed changes address the following
 - Consistency of writing style – making reference to the “employee” rather than “you”
 - Updating language used eg replacing “child / adult protection” with “Safeguarding”
 - Giving additional examples of when to blow the whistle and emphasising theft, fraud and protection of Derby Homes resources.
- 3.3 We have shared the changes with the trade unions and with our employee equality groups.

4. FINANCIAL AND BUSINESS PLAN IMPLICATIONS

None

5. LEGAL AND CONFIDENTIALITY IMPLICATIONS

- 5.1 The Public Interest Disclosure Act 1998 protects workers who speak out in the public interest about fraudulent, criminal or dangerous activities, wrong doings or malpractice at work. This means an employee can blow the whistle without

receiving penalties such as dismissal, victimisation, or denial of promotion, facilities or training opportunities.

- 5.2 It is important that employers have a Policy to inform and guide employees on the process of Whistle Blowing.

6. PERSONNEL IMPLICATIONS

As contained within the report.

7. EQUALITIES IMPACT ASSESSMENT

- 7.1 We have discussed this Policy with the employee equality groups.
- 7.2 An Equalities Impact Assessment has been carried out and is attached at Appendix 2.

8. POLICY REVIEW IMPLICATIONS

This is a key policy of Derby Homes and will be included in the Key Policy Review Schedule. It will be reviewed no later than 3 years from the date of this meeting.

The areas listed below have no implications directly arising from this report:

Council
Consultation
Environmental
Health & Safety
Risk

If Board Members or others would like to discuss this report ahead of the meeting please contact:

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Background Information: None
Supporting Information: None

Derby Homes

WHISTLE BLOWING POLICY

1. This Whistle Blowing Policy includes guidance for employees who feel they need to raise issues of concerns about the business of Derby Homes. Employees are offered a number of alternative methods to raise issues to ensure that matters can be dealt with efficiently and fairly.
- 1.1 The Public Interest Disclosure Act 1998 protects workers who speak out in the public interest about fraudulent, criminal or dangerous activities, wrong doings or malpractice at work. This means an employee can blow the whistle without receiving penalties such as dismissal, victimisation, or denial of promotion, facilities or training opportunities.
- 1.2 Employees are often the first to realise that there may be something seriously wrong within an organisation. However, they may not express their concerns because they fear harassment or victimisation. They may also feel that speaking up would be disloyal to their colleagues or to the organisation. In these circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 1.3 Derby Homes is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, we expect employees, and others that we deal with, who have serious concerns about any aspect of Derby Homes work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.
- 1.4 This Whistle Blowing Policy makes it clear that you can do so without fear of victimisation, subsequent discrimination or disadvantage. This Whistle Blowing Policy is intended to encourage and enable employees to raise serious concerns **within** Derby Homes rather than overlooking a problem or “blowing the whistle” outside. It is also designed to protect employees from malicious allegations.
- 1.5 The Code applies to all employees and those contractors working for Derby Homes on our premises for example, agency staff, builders, drivers and cleaners. It also covers suppliers and those providing services under a contract with Derby Homes in their own premises.
- 1.6 These procedures are in addition to Derby Homes Complaints and Grievance Procedures and other statutory reporting procedures.
- 1.7 Employees can receive support and guidance about Whistle Blowing from the Personnel Manager or their trade union representative.

2. SAFE CALL

- 2.1 This Whistle Blowing policy details a number of ways an employee may blow the whistle. To try and improve the options available we ~~have engaged~~ [have](#)

[a Partnership arrangement with](#) a Company called Safe Call to enable employees to report any issues of concern in a confidential way to a third party. It is designed to assist us in promoting integrity in the workplace. Ringing Safe Call enables employees to speak to a person who is independent of Derby Homes. They will take details of your issue and then agree with you how the matter should proceed.

- 2.2 **The Safe Call number is 0800 915 1571** . It is a free phone number available 24/7. Policies and leaflets detailing how to contact Safe Call are available in all Derby Homes Work Locations and are on our Intranet. Details are also available and from Personnel. All employees have been given their own personal copy of contact details and advice about the service.

3. THE MONITORING OFFICER

- 3.1 The Monitoring Officer has overall responsibility for the maintenance and operation of this Whistle Blowing Code. They will maintain a record of concerns raised and the outcomes, in a form which does not endanger confidentiality, and will report as necessary to Derby Homes.
- 3.2 The Monitoring Officer for Derby Homes is the Company Secretary.

4. AIMS AND SCOPE OF THIS POLICY

- 4.1 This Code aims to:

- encourage employees to feel confident in raising serious concerns and to question and act on concerns about practice
- provide an avenue for employees to raise those concerns and receive feedback on any action taken
- make sure that employees receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied
- reassure employees that they will be protected from possible reprisals or victimisation if they have a reasonable belief that you have made any disclosure in good faith.

- 4.2 There are existing procedures in place to enable you to lodge a grievance relating to your own employment. This Whistle Blowing Policy is intended to cover major concerns that fall outside the scope of other procedures. Employees are encouraged to blow the whistle on issues like:

- conduct which is an offence or a breach of law
- disclosures related to miscarriages of justice
- health and safety risks, including risks to the public as well as other employees
- damage to the environment
- the unauthorised use of public funds
- [possible theft,](#) fraud and corruption
- [damage or misuse of Derby Homes property and / or resources](#)

- [Safeguarding concerns such](#) sexual or physical abuse of [tenants](#), clients, or [any other adult or child](#)
- other unethical conduct.

4.3. Employees can report any serious concerns that they have about any aspect of service provision or the conduct of officers, Board Members or others acting on behalf of Derby Homes.

This may be about something that:

- makes you feel uncomfortable in terms of known standards you experience or the standards you believe Derby Homes subscribes to; or
- is against Derby Homes Constitution and policies; or
- falls below established standards of practice; or
- amounts to improper conduct.

4.4 This Code does **not** replace the Derby Homes Complaints and Grievance Procedure.

5. HARASSMENT OR VICTIMISATION

5.1 Derby Homes is committed to good practice and high standards and wants to be supportive of employees.

5.2 Derby Homes recognises that the decision to report a concern can be a difficult one to make. If what ~~you are an employee~~ saying is true ~~or you genuinely believe to be true, you should employees~~ have nothing to fear because you ~~will be they are~~ doing ~~your their~~ duty to ~~your their~~ employer and ~~those for whom you are providing a service and our customers~~.

5.3 Derby Homes will not tolerate any harassment or victimization, including informal pressures, and will take appropriate action to protect employees who raise issues in good faith.

5.4 All employees should be allowed to contact Safecall free from harassment or pressure not to do so. Preventing or actively discouraging an employee from contacting Safecall could be considered as harassment and may be subject to a formal disciplinary investigation.

5.5 Any investigation into allegations of potential malpractice will not influence or be influenced by any active disciplinary or redundancy procedures.

6. CONFIDENTIALITY

6.1 All concerns will be treated in confidence. Every effort will be made to protect the whistle blowers identity if that is their wish. At the appropriate time, however, it may be that we will need to ask the whistle blower to be a witness. We will offer support in these circumstances.

7. ANONYMOUS ALLEGATIONS

- 7.1 Employees are encouraged to put their name to allegations whenever possible. This is because concerns expressed anonymously are much less powerful and difficult to investigate.
- 7.2 Employees who are considering making an anonymous allegation should consider ringing Safe Call - Free phone 0800 915 1571.
- 7.2 Employees may also consider discussing their concern with a colleague as it may be easier to raise an issue if there are two, or more, who have had the same experience or concerns. However, be careful not compromise another employee.
- 7.3 We will take anonymous allegations seriously and we will consider them at our discretion. In exercising this discretion, the factors to be taken into account would include the:
- seriousness of the issues raised
 - credibility of the concern
 - likelihood of confirming the allegation from attributable sources.
- 7.4 Anonymous complaints will always be reported to the Chief Executive, the relevant Director and the Monitoring Officer. Allegations about the Chief Executive and Directors will be reported to the chair of Derby Homes Board.
- 7.5 Potential Whistle Blowers can receive support and guidance at any time from the Personnel Manager.

8. UNTRUE ALLEGATIONS

- 8.1 Employees must be sure not to make untruthful or inaccurate allegations. To do so could lead to [action under our Disciplinary Procedure](#).
- 8.2 Disciplinary action will not be taken against employees who voice suspicions in good faith but are not confirmed by the investigation.
- 8.3 If the investigation concludes that you have fabricated the allegations, disciplinary action may be taken.

9. HOW TO RAISE A CONCERN

- 9.1 ~~You~~ [Employees](#) should normally raise concerns with ~~your~~ [their](#) immediate manager or their line manager. This depends however on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice.
- 9.2 If [and employees you](#) believes that the whole of the line management is involved, there are a number of others ~~you~~ [they](#) can contact. They include:

- The Chief Executive
- any Director
- any SMT Manager
- Chair of Derby Homes
- Safe Call - Free phone 0207 696 5957.

9.3 If the issues relates to a member of SMT or Executive you employees should contact the Chief Executive. ~~If~~ the issue relates to the Chief Executive you should contact the Chair of the Board, the Personnel Manager or. ~~Alternatively you can~~ telephone Safe Call - Free phone 0800 915 1571 .

9.4 ~~If you are in any doubt about how to raise a concern, you should consult the Personnel Manager~~

9.5 ~~Concerns may be raised~~ You can blow the whistle orally or in writing. If you wish to make a written report you should use the following format:

- the background and history of the concern, giving relevant dates if possible.
- the reason why you are particularly concerned about the situation.
- Anything else that you believe to be relevant

9.6 The earlier you express the concern, the easier it is to take action.

9.7 Although employees are 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 your concern.

9.8 Employees may also seek assistance from their trade union. The union can offer advice on whistle blowing and can also help you raise an issue.

9.9 You may invite your trade union, professional association representative or a friend to be present during any meetings or interviews in connection with the concerns you have raised.

9.10 Support is also available from the Personnel Manager about any aspect of this Policy. Employees may also contact our Counselling Information and Advice Line. This service is free, confidential and available 24/7. The telephone number is freephone 0800 116 387.

10. HOW DERBY HOMES WILL RESPOND

10.1 Derby Homes will respond to your concerns. Do not forget that testing out concerns is not the same as either accepting or rejecting them.

10.2. Where appropriate, the matters raised may:

- be investigated by management, internal audit, or through the disciplinary process
- be referred to the Police

- be referred to the external auditor
- form the subject of an independent inquiry
- be referred to the Standards Committee if a Member of the Board is the subject of the allegation.

10.3 In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which Derby Homes will have in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures, such as [Safeguarding of children and adults](#) or ~~as child / older people protection~~ or discrimination issues, will normally be referred for consideration under those procedures.

10.4 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.

The key officers responsible for responding to whistle blowing complaints are:

- | | |
|--|------------------------|
| • Chief Executive | 888520 |
| • Director Investment & Regeneration | 888524 |
| • Director of Housing & Customer Service | 888522 |
| • Company Secretary and Director of Finance | 888523 |
| • Personnel Manager | 888406 |

10.5 Within ten working days of a concern being raised, the Chief Executive, or one of the other officers mentioned in paragraph 8.4 will write to you:

- acknowledging that the concern has been received
- indicating how the matter is to be progressed
- giving an estimate of how long it will take to provide a final response
- advising whether any initial enquiries have been made
- supplying information about employee support mechanisms
- advising whether further investigations will take place and, if not, why not.

10.6 The amount of contact between the officers considering the issues and the whistle blower will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, Derby Homes will seek further information from the whistle blower.

10.7 Where any meeting is arranged, employees can be accompanied by a union, or professional association representative, or a friend. Meeting arrangements will be made sensitively and can include meeting off site or in a neutral, mutually agreed place.

10.8 Derby Homes will take all practical steps to minimise any difficulties which [you employees](#) may experience either at the time, or in the future as a result of raising a concern. For instance, if required to give evidence in criminal or

disciplinary proceedings, Derby Homes will arrange for employees to receive advice about the procedure and will offer someone to attend for support.

- 10.9 Derby Homes accepts that you need to be assured that the matter has been properly addressed. Subject to legal constraints, we will inform ~~you~~ [employees](#) of the outcome of any investigation.

11. HOW THE MATTER CAN BE TAKEN FURTHER

- 11.1 This [Whistle Blowing Policy](#) is intended to provide ~~you~~ [employees](#) with an avenue within Derby Homes to raise concerns. Derby Homes hopes ~~you~~ [employees](#) will be satisfied with any action taken. If you are not, and ~~if you~~ [employees](#) feel it is right to take the matter outside Derby Homes, the following are possible contact points:

- Safe Call - Free phone 0800 915 1571
- the external auditor
- ~~your~~ trade union
- ~~your~~ local Citizens Advice Bureau
- relevant professional bodies or regulatory organisations
- a relevant voluntary organisation
- the Police.
- CrimeStoppers tel: 0800 555111

- 11.2 If ~~employees decide you do to~~ take the matter outside ~~of~~ Derby Homes, ~~you they~~ -should make sure that ~~you they~~ do not disclose confidential information. ~~You should~~ [Employees can](#) check with the organisation you have chosen to contact for advice on confidentiality. [Preferably they should seek advice from an officer at Derby Homes or ring Safecall on 0207 696 5957](#)

12. SUMMARY OF AVAILABLE EMPLOYEE SUPPORT

- 12.1 It is recognised that becoming aware of bad practice can itself be stressful. Deciding how and when to blow the whistle can be equally difficult. Employees finding themselves in this position can contact any of the following for support and advice:

- The Personnel Manager tel: 01332 888406
- any member of Executive or SMT
- a Trade Union Representative – Unison, [UCATT and Unite](#) ~~and TGWU~~.
- Safecall tel 0800 915 1571

- 12.2 Counselling and Support is available from Right Core Care. It is confidential, free and available 24/7. The telephone number is 0800 116 387.



Equality Impact Assessment form

1) Name the Strategy, Policy, and Procedure or Function being assessed.

Whistle Blowing Policy

2) What are the aims of the strategy, policy, procedure or function being assessed?

Whose need is it designed to meet?

Are there any measurable elements such as time limits or age limits?

The Policy sets out the procedure to be followed by employees if they want to report wrong doing in the workplace.

3) Who has been consulted?

The trade unions and our employee equality groups.

4) Identify potential impact on each of the of the diversity 'groups' by considering the following questions. There may be other questions you need to think about which are specific to the strategy, policy, procedure or function you are assessing.

- Might some groups find it harder to access the service?
- Do some groups have particular needs that are not well met by the current service, policy, procedure or function?

- What evidence do you have for your judgement (e.g. monitoring data, information from consultation / research / feedback)?
- Have staff / residents raised concerns and or complaints?
- Is there any local or national research to suggest there could be a problem?

Please use the table below to record your findings / answers

Strand	No Impact	Negative Impact	Positive Impact	Comments / Evidence
Age			x	Whistle Blowing can be used to raise issues of discrimination.
Disability			x	As above
Gender			x	As above
Race			x	As above
Religion & Belief			x	As above
Sexual Orientation			x	As above
Transgender			x	As above
Marital Status			x	As above

5) Does the strategy, policy, practice or function promote equality of opportunity?

- Does it link to Derby Homes Core objectives
- Can any positive impacts be promoted as best practice

The Policy encourages employees to blow the Whistle. There are many different ways to blow the whistle. We have engaged an external Whistle Blowing Telephone service called safecall. This allows for an employee to report an issue anonymously to a third party. All of these measures ensure easy access for all employees to whistle blowing options.

6) If 'adverse Impacts' are identified is it?

- Legal (i.e. not discriminatory)
- What is the level of impact?

7) Are there any changes you could introduce which make this strategy, policy, procedure or function, work better for this group of people? Detail the actions planned and any further research or consultation required and how the actions will be monitored.

The Disability Network group identified that not all employees can use a telephone because of their disability therefore their access to the Whistle Blowing line is limited. As a result of this consultation the Safecall has given us a Derby Homes email address to assist with communications.

8) If actions / suggestions for improvement have been identified, what should the positive outcome be for Derby Homes customers?

We hope that the changes made will improve access for employees with certain disabilities.

9) Do you consider a full Equality Impact Assessment is required or do the actions identified and planned meet the adverse impacts identified?

No

Monitoring

Review / New EIA (date or Timeframe)	2016
Name of person/s completing this form	Christine Hill
Date assessment completed	October 2012.
Name (and signature) of manager approving EIA	