



## **Introduction**

The Public Interest Disclosure Act 1998 provides legal protection of employees who disclose information (“blow the whistle”) about alleged wrongdoing within the workplace.

Homemaker is committed to the highest standards of openness and accountability, and an important aspect of this is to provide a means by which staff and other members of Homemaker are able to raise concerns about their colleagues in a responsible and effective manner.

This policy is intended to assist individuals, who believe they have discovered malpractice or impropriety within the organisation, to disclose this without fear of reprisal. It should not be used to consider any matters which would more appropriately be dealt with under other agreed procedures such as complaints, disciplinary or grievance.

## **Scope of Policy**

This policy is designed to enable staff or members of Homemaker to raise concerns, internally and at a high level, about matters which they genuinely believe show malpractice or impropriety. These could include:

- Financial malpractice or impropriety or fraud
- Failure to comply with a legal obligation or Statutes
- A miscarriage of justice
- Dangers to Health & Safety or the environment
- Criminal activity
- Improper conduct or unethical behaviour
- Behaviour which clearly contravenes agreed standards or policies
- Attempts to conceal any of the above

## **Safeguards**

### **Protection**

The organisation recognises that the decision to report a concern can be a difficult one to make. This policy is designed to offer protection to employees or members of Homemaker who disclose such concerns, provided the disclosure is made:

- in good faith
- in the reasonable belief (of the individual making the disclosure) that the reported action shows wilful malpractice or impropriety

Homemaker will not tolerate any harassment or victimisation, either directly or indirectly, formally or informally, which is attempted following a disclosure. Such

behaviour will be regarded as gross misconduct, and will be dealt with under the Disciplinary Procedure.

### **Confidentiality**

Homemaker 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 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, and should be informed of this at the time of raising the concern.

### **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 organisation.

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

### **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 allegations, disciplinary action may be taken against that individual.

### **Procedures for Making a Disclosure**

Concerns should initially be raised with the Line Manager, unless the issue relates to that person. On receipt of a complaint of malpractice, the member of staff who receives and takes note of the complaint, must pass on this information as soon as is reasonably possible to the Director, who will normally investigate all allegations.

- If the complaint is against the Director or a Board member, the complaint should be passed to the Chair of the Board who may appoint another Board member to investigate the matter.
- Complaints against the Chair should be passed to both the Company Secretary and the Director who will discuss the matter and appoint an appropriate person to investigate the matter.

If there is evidence of criminal activity then the investigating officer should inform the police prior to informing the person who has been complained about. Homemaker will ensure that any internal investigation does not hinder a formal police investigation. Although concerns may be raised verbally, staff should be encouraged to submit a written record, which would include the background to the issue, and why they are particularly concerned about the situation.

### **The Investigation**

The investigating officer should follow these steps, ideally within 7 days;

- Full details and clarification of the allegation should be obtained from the whistle-blower.

- The investigating officer should inform the member of staff against whom the complaint is made as soon as possible. The member of staff will be informed of their right to be accompanied by a trade union or colleague during any future interview or hearing held under the provision of these procedures.
- Depending on the nature of the allegation, the investigating officer should consider the involvement of Homemaker's auditors and the Police at this stage and should consult with the Chair or other Board member.
- The allegations should be fully investigated by the investigating officer with the assistance where appropriate, of other individuals / bodies.

### **Outcome**

A judgement concerning the complaint and validity of the complaint will be made by the investigating officer. The outcome will be detailed in a written report to the Chair or nominated Board member outlining the findings of the investigation, with recommendations for action.

- The Director/Chair will decide what action to take. If the complaint is shown to be justified, then they will invoke disciplinary procedures.
- The complainant should be kept informed of the progress of the investigations and of the final outcome.
- If appropriate, a copy of the outcome will be passed to Homemaker's Auditors to enable a review of the procedures, and/or to the Police if appropriate.

If the complainant is not satisfied that their concern has been properly dealt with by the investigating officer, they have the right to raise it in confidence with the Chair of the Board. Where stipulated in a contract, details of the issues may have to be reported to the funder/commissioner.

### **Follow-up action.**

Where an employee makes an allegation against a colleague, whether or not it is eventually substantiated, this may inevitably lead to difficulties in working relationships. Therefore Managers must be aware of the potential for conflict, and should consider carefully how this is handled. Confidentiality must be maintained at all times, and the matter not discussed with any other staff, unless this is deemed necessary as part of the investigation. A plan of action for ensuring that each member of staff is dealt with sensitively both during and following the investigation must be drawn up and monitored through supervision.

Date reviewed and approved by Board: January 2016

Date for next review: January 2018