

WHISTLEBLOWING POLICY & PROCEDURE

Date: July 2008

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1.0 Introduction

This Policy has been formulated in accordance with the provisions of the Public Interest Disclosure Act 1998. It also sets out the procedure for persons raising concerns regarding serious malpractice without fear of intimidation or recrimination and in the knowledge that any reports will be treated seriously, in confidence and be fully investigated (see Appendix 1).

Whistleblowing is an early warning system that can alert employers to such things as:

- a criminal offence has been / is being or is about to be committed;
- an employee is defrauding the organisation;
- the abuse of elderly residents in sheltered housing;
- faulty machinery that puts the safety of employees or customers at risk;
- the taking of payments in exchange for awarding contracts; or
- damage to the environment.

This policy and procedure aims to encourage both SLH employees and agency / contract workers delivering a service on behalf of SLH to raise their concerns about such possible malpractice at an early stage and in the right way.

2.0 Assurance to Employees

2.1 Personal Protection

SLH is committed to a Policy of openness and the prevention and exposure of serious malpractice. If you raise a genuine concern under the Policy, you will not be at risk of losing your job or suffering any form of retribution as a result. Provided you are acting in good faith, it does not matter if you are mistaken.

2.2 False or Malicious Allegations

While encouraging employees to bring forward matters of concern, SLH must guard against bogus claims. Consequently, if an employee makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken. However, if an employee makes a false, malicious or vexatious allegation this will be treated as a serious disciplinary offence.

2.3 Confidence to Report

SLH will not tolerate the harassment or victimisation of anyone raising a genuine concern. However, we recognise that you may want to raise a concern in confidence. Therefore, if you ask us to protect your identity by keeping your confidence, we will not disclose it without your consent. If the situation arises where we are not able to resolve the concern without revealing your identity (for instance because your evidence is needed in court), we will discuss with you whether and how we can proceed.

2.4 Anonymous Concerns

Concerns expressed anonymously are much less persuasive, nevertheless, anonymous allegations may be considered at the discretion of the responsible manager depending upon:

- the seriousness of the issues raised
- the credibility of the concern; and
- the likelihood of confirming the allegations from attributable sources.

3.0 How SLH will Handle the Matter

Once you have told the appropriate person (see section 4.0) of your concern, they will assess what action should be taken. This may involve an internal inquiry or a more formal investigation.

You will receive written confirmation advising you who is handling the matter, how you can contact them, whether your further assistance may be needed and a summary of your concern and how SLH proposes to handle it.

If you have any personal interest in the matter, we do ask that you tell us at the outset.

Whilst the purpose of this policy is to enable us to investigate possible malpractice and take appropriate steps to deal with it, we will give you as much feedback as we properly can. If requested, we will confirm our response to you in writing. Please note however, that we may not be able to tell you the precise action we take where this would infringe a duty of confidence owed by us to someone else.

4.0 Manager's Responsibility

It is a manager's responsibility to:

- Deal with any concerns that are raised in accordance with the policy ensuring that they are treated seriously and investigated as appropriate.
- Ensure that appropriate arrangements are made if the individual wishes to raise the matter in confidence.
- Ensure that anyone raising a concern in accordance with the terms of the policy is protected from harassment or victimisation. If evidence of harassment or victimisation is found, this will be dealt with through the disciplinary procedure.
- Notify the Business Support Manager of any concerns that are formally brought to their attention.

5.0 Procedures for Raising a Concern

5.1 Raising a concern internally

You are strongly advised to use internal means to resolve your concerns in the first instance.

Step One - Informal

If you have a concern about malpractice, raise it initially with your manager. This may be done verbally or in writing.

Step Two - Formal

If you feel unable to raise the matter with your manager, for whatever reason, please raise the matter, in writing with the next more senior, managerial level within your service. You should set out the background and history of the concern, giving names, dates and places where possible and the reason why the employee is particularly concerned about the situation. You should also indicate if you want to raise the matter in confidence so that appropriate arrangements can be made when taking the matter forward.

Although an employee is not expected to prove the truth of an allegation, they will need to demonstrate to the manager contacted that there are sufficient grounds for a concern to be raised and to enable the matter to be taken forward.

Employees may invite their Trade Union to raise the matter on their behalf.

Step Three

If these channels have been followed and;

- you still have concerns,
- if you cannot raise the matter in your service because you feel the people whom you would report it to may be involved in the malpractice or
- if you feel that the matter is so serious that you cannot discuss it with any of the above, please write to:

The Chief Executive
South Lakes Housing
Little Aynam House
Little Aynam
Kendal
Cumbria
LA9 7AH

Step Four

If you are dissatisfied with our response, remember you can go to the other bodies detailed in this Policy. While we cannot guarantee that we will respond to all matters in the way that you might wish, we will try to handle the matter fairly and properly.

5.2 Raising a concern if you work for a Contracting Organisation or Agency.

Contractor or Agency workers who become aware of possible malpractice within SLH should raise the problem in writing with the Business Support Manager. Employees of a contracting organisation who become aware of possible malpractice within their own organisation should use their own internal procedures for reporting the matter. However, if the issue is not resolved and is affecting the delivery of services to SLH, then the problem should be raised as above.

6.0 Independent Advice

If you are unsure whether to use this procedure or you want independent advice at any stage, you may contact:

- if applicable, your trade union
- the Business Support Manager

- the Dignity at Work Officer
- the independent charity Public Concern at Work on 0207 404 6609. Their lawyers can give you free confidential advice at any stage about how to raise a concern about serious malpractice at work.

7.0 External Contacts

Whilst we hope this policy gives you the reassurance you need to raise such matters internally or as a contract or agency worker, we would rather you raised a matter with the appropriate regulator than not at all. Therefore, provided you are acting in good faith, you feel you have exhausted or are unable to use internal channels to report the malpractice and you have evidence to back up your concern, you may also wish to contact:

- *The District Auditor* (if you believe there has been financial or procedural irregularity).
- *The Police* (if you believe that a criminal act is about to or has taken place).
- *Relevant professional bodies* (if you believe that professional misconduct has taken place).
- *The Health and Safety Executive* (if you believe that a serious breach of health and safety legislation has occurred).

8.0 Support for Complainants

SLH will arrange if required for independent and confidential counselling for complainants. Further details can be obtained from the Business Support Manager.

9.0 Information on and Communication of the Policy

SLH will publicise and communicate to employees through established lines of communication and training.

10.0 Review

This policy will be reviewed on a regular basis in the light of operating experience and/or changes in legislation or at intervals of two years.

Whistleblowing Procedure for Raising a Concern

<p>Step 1</p> <p><i>Informal</i></p>	<p>If you have a major concern about serious malpractice, unlawful conduct, financial irregularities or dangers to the public or the environment raise it initially with your manager. This may be done verbally or in writing.</p>
<p>Step 2</p> <p><i>Formal</i></p>	<p>If you feel unable to raise the matter with your manager, for whatever reason, you should raise the matter, in writing with the next more senior, managerial level within your service.</p> <p>You should set out the background and history of your concern, giving names, dates and places where possible and the reason why you are particularly concerned about the situation. You should also indicate if you want to raise the matter in confidence so that appropriate arrangements can be made when taking the matter forward.</p> <p>Although you are not expected to prove the truth of your allegation, you will need to demonstrate that there are sufficient grounds for the concern to be raised and to enable the matter to be taken forward.</p> <p>You may invite your Trade Union to raise the matter on your behalf.</p>
<p>Step 3</p>	<p>If the above steps have been followed and;</p> <ul style="list-style-type: none"> • you still have concerns, • if you cannot raise the matter in your service because you feel the people whom you would report it to may be involved in the malpractice or • if you feel that the matter is so serious that you cannot discuss it with any of the above, please write to: <p>The Chief Executive South Lakes Housing Little Aynam Road Little Aynam Kendal Cumbria LA9 4UQ</p>
<p>Step 4</p>	<p>If you are dissatisfied with our response, you can go to the other bodies detailed in this Policy.</p>