

# **SHREWSBURY HOUSE COMMUNITY ASSOCIATION**

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## **WHISTLEBLOWING POLICY**

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Charity No. 1011659

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## **"WHISTLEBLOWING" POLICY**

(Making a Disclosure in the Public Interest)

### **Introduction**

1. Shrewsbury House Community Association (SHCA) is committed to the highest standards of openness, probity and accountability.

An important aspect of accountability and transparency is a mechanism to enable staff and other members of the organisation to voice concerns in a responsible and effective manner. It is a fundamental term of every contract of employment that an employee will faithfully serve his or her employer and not disclose confidential information about the employer's affairs. Nevertheless, where an individual discovers information which they believe shows serious malpractice or wrongdoing within the organisation then this information should be disclosed internally without fear of reprisal.

2. The Public Interest Disclosure Act gives legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns. SHCA has endorsed the provisions set out below to ensure that no members of staff should feel at a disadvantage in raising legitimate concerns.
3. It should be emphasised that this policy is intended to assist individuals who believe they have discovered malpractice or impropriety. It is not designed to question financial or business decisions taken nor should it be used to reconsider any matters that have already been addressed (e.g. under harassment, complaint, disciplinary or other procedures).

### **Scope of Policy**

4. This policy is designed to enable employees to raise concerns internally and at a high level and to disclose information which the individual believes shows malpractice or impropriety. This policy is intended to cover concerns that are in the public interest and may at least initially be investigated separately but might then lead to the invocation of other procedures. These concerns could include:
  - Financial malpractice or impropriety or fraud
  - Failure to comply with a legal obligation
  - Dangers to Health & Safety or the environment
  - Criminal activity
  - A Safeguarding concern (*see also SHCA Safeguarding Policy for Adults & Children*)
  - Improper conduct or unethical behaviour
  - Attempts to conceal any of the above.

## Safeguards

5. **Protection:** this policy is designed to offer protection to those employees of SHCA who disclose such concerns provided the disclosure is made:
  - in good faith
  - in the reasonable belief of the individual making the disclosure that it tends to show malpractice or impropriety and if they make the disclosure to an appropriate person (see below). It is important to note that no protection from internal disciplinary procedures is offered to those who choose not to use the procedure. In an extreme case, malicious or wild allegations could give rise to legal action on the part of the persons complained about.
6. **Confidentiality:** SHCA 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 or frustrate 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.
7. **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 Board. 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
8. **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 or vexatious allegations, and particularly if he or she persists with making them, disciplinary action may be taken against that individual.

## Procedures for Making a Disclosure

9. On receipt of a complaint of malpractice, the member of staff who receives and takes note of the complaint, must pass this information as soon as is reasonably possible, to the appropriate designated individual as follows:
  - Complaints of malpractice will be investigated by the Centre manager unless the complaint is against the Centre Manager or

is in any way related to the actions of the Centre manager. In such cases, the complaint should be passed to the Chair of the Trustees.

- The Centre Manager/Chair will nominate an appropriate internal /external investigating officer, with the agreement of the Board of Trustees.

10. If there is evidence of criminal activity then the investigating officer should inform the police. The board of Trustees will ensure that any internal investigation does not hinder a formal police investigation.

### **Timescales**

11. Due to the varied nature of these sorts of complaints, which may involve internal / external investigators and / or the police, it is not possible to lay down precise timescales for such investigations. The investigating officer should ensure that the investigations are undertaken as quickly as possible without affecting the quality and depth of those investigations.

12. The investigating officer, should as soon as practically possible, send a written acknowledgement of the concern to the complainant and thereafter report back to them in writing the outcome of the investigation and on the action that is proposed. If the investigation is a prolonged one, the investigating officer should keep the complainant informed, in writing, as to the progress of the investigation and as to when it is likely to be concluded.

13. All responses to the complainant should be in writing and sent to their home address marked "confidential".

### **Investigating Procedure**

14. The investigating officer should follow these steps:

- Full details and clarifications of the complaint should be obtained.
- The investigating officer should inform the member of staff against whom the complaint is made as soon as is practically possible. The member of staff will be informed of their right to be accompanied by a trade union representative if they belong to one or a work colleague at any future interview or hearing held under the provision of these procedures. At the discretion of the investigating officer and dependant on the circumstances of the complaint an alternative representative may be allowed (e.g. the individual's legal representative).
- The investigating officer will consult with the Chair/Board of Trustees if appropriate
- The Board of Trustees will be kept apprised of all whistle blowing investigations.

- The allegations should be fully investigated by the investigating officer with the assistance where appropriate, of other individuals / bodies.
- A judgement concerning the complaint and validity of the complaint will be made by the investigating officer. This judgement will be detailed in a written report containing the findings of the investigations and reasons for the judgement. The report will be passed to the Chair and to the Board of Trustees.
- The Chair, with the support of the Board of Trustees, will decide what action to take. If the complaint is shown to be justified, then they will invoke the disciplinary or other appropriate procedures.
- The complainant should be kept informed of the progress of the investigations and, if appropriate, of the final outcome.
- If appropriate, a copy of the outcomes will be used to enable a review of SHCA's procedures.

15. If the complainant is not satisfied that their concern is being properly dealt with by the investigating officer, they have the right to raise it in confidence with the Centre manager/ Chair, or one of the Trustees.

16. If the investigation finds the allegations unsubstantiated and all internal procedures have been exhausted, but the complainant is not satisfied with the outcome of the investigation, SHCA recognises the lawful rights of employees and ex-employees to make disclosures to prescribed persons or body (e.g. the Health & Safety Executive). A full list of prescribed people and bodies can be found on the Government Website ([www.gov.uk](http://www.gov.uk)).

17. This policy should be read in conjunction with the following policies:

- SHCA Safeguarding Policy for Children & Vulnerable Adults
- SHCA Health & Safety Policy