

## **One25 Whistleblowing Policy**

(Making a Disclosure in the Public Interest)

### **Introduction**

One25 is committed to the highest standards of openness, probity and accountability. An important aspect of accountability and transparency is a mechanism to enable staff 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 an organisation then the employee may feel that it is in the public interest to disclose confidential information. One25 believes that it is reasonable to expect staff to raise concerns internally initially before they disclose information externally.

The Public Interest Disclosure Act 1998 (PIDA), gives legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns.

This policy outlines the procedures that One25 has put in place so that no members of staff should feel at a disadvantage in raising legitimate concerns or feel fear of reprisal. 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 by One25, nor should it be used to reconsider any matters which have already been addressed under harassment, complaint, disciplinary or other procedures.

### **Scope of Policy**

This policy is designed to enable employees of One25 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 which are in the public interest and may at least initially be investigated separately but might then lead to the invocation of other procedures e.g. disciplinary. These concerns could include

- Financial malpractice or impropriety or fraud
- Failure to comply with a legal obligation or statutes
- Dangers to Health & Safety or the environment
- Criminal activity
- Improper conduct or unethical behaviour
- Attempts to conceal any of these
- Safeguarding of individual

Comic Relief have their own procedures to raise concerns; if you wish to raise a concern with them you can do so here: <http://www.comicrelief.com/complaints>.

## **Safeguards**

### Protection

This policy is designed to offer protection to One25s employees 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.

### Confidentiality

One25 will respect the confidentiality of those who whistle-blow. However, the processes detailed in this procedure inevitably involve other people. They too have a responsibility to respect confidentiality. The number of people involved in any investigation will be kept to a minimum and the principle of "need to know" will be in force regarding each case of whistle-blowing.

In raising a concern about wrong doing, individuals may assume that only those investigating the issue will know their identity. One25 will not reveal the whistle-blowers' identity outside this group except:

- Where there is a legal obligations to do so:
- Where that information is already in the public domain
- On a strictly confidential basis to a professionally qualified lawyer or accountant in the course of obtaining professional advice: or
- Where legal duties under PIDA may fall on another organisation (e.g the employer of an agency worker or a contractor who whistle blows in respect of One25).

If there are any other circumstances in which One25 is required to reveal a whistle-blower's identity outside of the identified above, it will be discussed with the individual first. Under no circumstances should their identity be revealed otherwise.

### 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 One25.

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 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**

### Stage 1

Any concerns should be raised with the staff member's line manager unless the individual reasonably believes his/her line manager is involved in the wrong doing, or if for any other reason the worker does not wish to approach their line manager. In this case they should raise their concerns with any member of the senior management team.

### Stage 2

The manager receiving concerns of this nature will immediately pass these onto the Operations Manager who will advise on the matter and appoint a suitable investigator if appropriate. Concerns should be referred to the Chief Executive Officer if the complainant reasonably believes the Operations Manager is involved in the wrong doing, or onto the Chair of Trustees if the complainant reasonably believes the Chief Executive Officer is involved in the wrong doing.

### Stage 3

The investigator 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 or other representative at any future interview or hearing held under the provision of these procedures.
- The investigating officer should consider the involvement of the Company auditors and the Police at this stage (if at any stage in the investigation there is evidence of criminal activity then the investigating officer should inform the police). The Company will ensure that any internal investigation does not hinder a formal police investigation.
- 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 Chief Executive Office or Chair of the Board of Trustees as appropriate.
- The Chief Executive or Chair 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 Company 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 passed to the Company Auditors to enable a review of the procedures.

#### Stage 4

If on conclusion of stages 1,2, and 3 an employee of One25 reasonably believes that the appropriate action has not been taken, One25 recognises the lawful right of its employees to take the matter further, by contacting the appropriate persons prescribed under the Public Interest Disclosure Act. These include:

- HM Revenue & customs
- The Financial Services Authority
- The Office of Fair Trading
- The Health and Safety Executive
- The Environment Agency
- Serious Fraud Office
- Other relevant regulators including the Tenant Services Authority/Homes & Communities Agency/ Pensions Regulatory Authority and Care Quality Commission.

### **Timescales**

Due to the varied nature of these sorts of complaints, which may involve internal 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.

### **Support**

Employees and others who bring forward allegations in accordance with this procedure must accept that having done so it is their responsibility to co-operate fully in terms of the procedures and consequences. Equally One25 will ensure this takes place in a supportive, confidential and professional way in accordance with guidance set out in this procedure.

One25 will not tolerate any harassments or victimisation of a whistle-blower (including informal pressure). It will treat any evidence of this as a serious disciplinary offence which will be dealt with in accordance with the disciplinary policy and procedures. Similarly, it will not tolerate malicious whistle-blowing complaints that have no substance. One25 expects that all whistle blowing is done in good faith and malicious unsubstantiated whistle-blowing will not be tolerated.

### **Independent Advice**

If an individual needs independent advice they can contact the independent charity- Public Concern at Work (<http://www.pcaw.co.uk/index.htm>), on 0207 404 6609, or email [helpline@pcaw.co.uk](mailto:helpline@pcaw.co.uk). Public Concern give free and confidential advice on whistle-blowing matters.

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