

Whistleblowing Policy and Procedure

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1 Purpose

- 1.1 Herts Young Homeless (**hyh**) aims to always conduct our work with the highest standards of integrity and honesty. We expect all our employees and volunteers to maintain the same standards in everything they do. We therefore encourage anyone to report any perceived wrongdoing or misconduct by the organisation or its employees or volunteers that falls short of these principles.
- 1.2 We wish to create an atmosphere of openness in which employees and volunteers feel confident that they can raise any reasonable concern about our activities with us in the knowledge that it will be taken seriously, treated as confidential and that no action will be taken against them for raising the matter.
- 1.3 The policy aims to assist us in the early detection of any inappropriate behaviour or practices within our organisation and to provide all employees and volunteers with details of the “whistleblowing” procedure to follow when raising concerns about any wrongdoing or misconduct within our organisation which they believe has occurred, or is likely to occur. The contact details to be used for reporting a concern are set out in paragraph 4 of this policy. The policy complies with the Public Interest Disclosure Act 1998.
- 1.4 This policy is directed at our employees and volunteers, but, if any external individuals or service users wish to raise a concern, or to disclose relevant information, which they believe shows wrongdoing or misconduct they may use the contact details set out in paragraph 4 of this policy to do so. **hyh** also has a separate complaints procedure for our service users.

2 Scope

- 2.1 This policy and procedure applies to all employees and volunteers and former employees and volunteers of **hyh**. For this purpose, employees are treated as including those on fixed term contracts, casual workers and agency workers.

- 2.2 In particular, in accordance with the Public Interest Disclosure Act 1998, this policy aims to protect employees who make a 'protected disclosure' either during their employment or after it has ended, and also enables them to take action in respect of any victimisation. For an employee disclosure to be protected by law it must reasonably appear to the employee that the disclosure is in the 'public interest'.
- 2.3 Note that the scope of this policy does not cover any potential breaches of an individual's employment contract: these should be raised under the **hyh** grievance procedure. Nor is this policy intended to be used as a means of reconsidering any matters that have already been addressed under our bullying and harassment, grievance, disciplinary or other procedures.
- 2.4 This policy covers any wrongdoing or misconduct within our organisation including:
- a criminal offence
 - the breach of a legal obligation
 - a miscarriage of justice
 - a danger to the health and safety of any individual
 - environmental damage
 - any attempt to conceal any of the above.
- 2.5 The list below is not exhaustive but gives examples of the types of concerns that should be raised:
- misuse of assets (including equipment, vehicles, buildings, computer hardware and software)
 - failure to comply with appropriate professional standards
 - bribery, corruption, fraud or financial mispractice, including the receiving or giving of gifts or hospitality in breach of our procedures
 - falsifying records
 - failure to take reasonable steps to report and rectify any situation which is likely to give rise to a significant avoidable cost, or loss of income to our organisation or would otherwise seriously prejudice it
 - abuse of authority
 - unethical conduct
 - using the power and authority of our organisation for any unauthorised or ulterior purpose
 - abuse, bullying or intimidation of any employee or volunteer
 - abuse of any service users

- improper or inappropriate fundraising methods, communications, activities or procedures.

2.6 Employees and volunteers must also refer to and comply with the **hyh** Safeguarding Policy and Procedures in relation to any suspected case of abuse of a child or adult at risk and must refer to and comply with the **hyh** Fraud Prevention Policy in relation to any suspected case of fraud or corruption.

3 Responsibility

3.1 The Board of **hyh** has overall responsibility for ensuring the effectiveness of the organisation's whistleblowing policy and procedures. The Governance Committee of the Board is responsible for monitoring and assessing the effectiveness of the whistleblowing policy and procedures.

3.2 All managers and team leaders have a crucial role to play in encouraging employees and volunteers under their supervision to report any concerns they may have.

3.3 All employees and volunteers, irrespective of their job or seniority, are required not to subject any other employee or volunteer to any detrimental treatment nor harass or bully such an individual on the basis that they have raised a concern under this policy. They are also required not to encourage others to do so nor to tolerate such behaviour. Disciplinary action, including dismissal, may be taken against any employee found guilty of such behaviour. In addition, an employee or volunteer who has victimised a colleague may be personally liable for any victimisation.

4 Procedure and contact details for reporting a concern

4.1 Employees and volunteers are encouraged to 'blow the whistle' on wrongdoing or misconduct. By being alerted to any potential wrongdoing or misconduct at an early stage we can take the necessary steps to safeguard the interests of all employees and volunteers and protect our organisation.

- 4.2 An employee or volunteer does not have to be able to prove the allegations but should have a reasonable and genuine belief that the information being disclosed is true. Some allegations may prove to be unfounded, but we would prefer the issue or concern to be raised, rather than run the risk of not detecting a problem early on. Concerns may be raised anonymously but it should be noted that it is easier to follow up and to investigate complaints if the individual is prepared to give their name. Unsupported, anonymous allegations may not be able to be effectively investigated.
- 4.3 An employee or volunteer who is concerned about any form of wrongdoing or misconduct should, in the first instance, report their concern to their Line Manager or if they feel for any reason that they should not or cannot report their concern to their Line Manager, to the Director of Services. This can be done either verbally or in writing.
- 4.4 If an employee or volunteer feels for any reason that they should not or cannot report their concern about wrongdoing or misconduct to their Line Manager or the Director of Services then the issue should be reported in writing to the Chief Executive Officer of **hyh** or to the Chair of Trustees of **hyh** using the contact details set out below. If the concern is about the Chief Executive Officer of **hyh** or is about a Trustee of **hyh** then the issue should be reported in writing to the relevant person set out in the table below.

Concern About	Person to Contact	Email Contact details
Employee or volunteer where not appropriate to report to Line Manager or Director of Services	Chief Executive Officer or Chair of Trustees	CEO: helen.elliott@hyh.org.uk Chair: petermholland@gmail.com
Chief Executive Officer	Chair of Trustees	petermholland@gmail.com
Trustee other than Chair of Trustees	Chair of Trustees	petermholland@gmail.com
Chair of Trustees	Chair of Governance Committee	carol@shutkever.com

Reports can also be made by letter addressed to the relevant person in the table above, marked Strictly Private and Confidential and sent to: Herts Young Homeless Group, Gracemead House, 1st Floor, Woods Avenue, Hatfield, Herts, AL10 8HX.

5 Procedure after a report is made

- 5.1 Upon receipt of the report of a concern about wrongdoing or misconduct we will respond in a reasonable and appropriate manner. This may involve, in the first instance, making internal enquiries. It may be necessary to carry out an investigation which may be formal or informal, depending on the nature of the concern raised.
- 5.2 An initial confidential meeting may be arranged with the employee or volunteer who has raised the concern and the employee or volunteer may ask a work colleague to act as a companion for that meeting.
- 5.3 We will respect, so far as we can, the confidentiality of any whistleblowing report received and of the identity of the whistleblower, unless disclosure is with the whistleblower's consent. This includes not disclosing the identity of the whistleblower to those in the chain of reporting referred to in paragraph 5.3 below, unless such disclosure is essential in order to investigate or take action in relation to the concern. We cannot, however, guarantee that the investigation process will not result in colleagues speculating on the identity of the whistleblower.
- 5.4 Any manager, or other person listed in the table in paragraph 4 of this policy, who receives a report under this policy must as soon as possible:
- acknowledge receipt of the report
 - record details of the concern
 - gather as much information as is necessary in order to respond to the matter
 - keep the matter, including the identity of the whistleblower, strictly confidential
 - notify the Chief Executive Officer (or other appropriate person listed in the table in paragraph 4 of this policy) of the fact that a concern has been raised and of its nature and keep them informed of the progress in investigating the matter.
- 5.5 The Chief Executive Officer will keep the Chair of Trustees (or if that is not appropriate, the Chair of the Governance Committee) informed of any concern notified to them under this policy and of its nature.

- 5.6 In most cases, it should not be necessary to contact external agencies (e.g. the police) about a concern that has been raised. However, there may be exceptional or urgent circumstances where it might be appropriate to do so. For example, this may include whether there is a breach of a legal obligation or a criminal offence. Where an investigation involves an external agency this may cause some delay in the investigation.
- 5.7 The person raising the concern will, subject to any legal constraints, be kept informed of the outcome of any enquiries and investigations we conduct and what action, if any, has been taken to address the concern that has been raised. Where no action is taken, the person raising the concern will be informed and given an explanation as to why that is the case.

6 Protection for persons making a report

- 6.1 We undertake that no employee or volunteer who makes a report in good faith under this whistleblowing policy will be subjected to any detriment as a result and we will not condone any form of victimisation, bullying or other detrimental treatment of anyone who has raised a concern under this policy.
- 6.2 If any individual believes that they are being subjected to any detrimental treatment, bullying or harassment by any person within our organisation (including by their work colleagues and co-workers) as a result of their decision to invoke this whistleblowing procedure, they should inform their line manager or any of the other persons to whom whistleblowing reports can be made as soon as possible and appropriate action will be taken to protect them from any reprisals.
- 6.3 Any victimisation, bullying or detrimental treatment will be dealt with under our disciplinary policy.

7 Malicious claims

- 7.1 If it should become clear that the procedure has not been invoked in good faith, for example for malicious reasons or to pursue a personal grudge against another employee or volunteer, this will constitute misconduct and will be dealt with under our disciplinary policy.

7.2 Under the Public Interest Disclosure Act 1998, disclosures to persons outside our organisation should only be made if the individual honestly and reasonably believes the allegation to be true. The making of malicious allegations relating to our activities to external persons will constitute gross misconduct and disciplinary action (up to and including dismissal) and legal action may be taken against the person making the malicious allegation.

8 External referrals and disclosure

8.1 Protect is a charity that has been established in order to promote compliance with the law and good practice relating to whistleblowing. It offers free confidential advice about whistleblowing and can be contacted by any individual who is unsure whether to raise concern under this policy, or who needs advice as to how to do it (protect-advice.org.uk).

8.2 In exceptional or urgent cases, or if the matter is serious and our internal procedures have been exhausted, individuals have a right to contact the appropriate regulating authority relevant to the matter in question, including:

- the police
- the Charity Commission
- Herts County Council Children or Adult Services
- the Health and Safety Executive (HSE)
- Her Majesty's Revenue and Customs (HMRC).

8.3 We also reserve the right to make a referral to any appropriate regulating authority without the whistleblower's consent.

8.4 Disclosures without our consent to the press or other media will not be considered reasonable and may constitute misconduct which will be treated in accordance with our disciplinary policy.