



Whistleblowing Policy

POLICY PURPOSE

Derby Homes knows that it faces the risk that something may go wrong or that someone may ignore our policies, our procedures or the law, resulting in some very serious consequences. Experience shows that employees, or others who work on behalf of an organisation, often have worries or suspicions and could, by reporting their concerns at an early stage, help put things right or identify and stop potential wrongdoing.

This Whistleblowing Policy is intended to provide employees with an avenue within Derby Homes to raise concerns.

Document Control

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1. Policy Statement

- 1.1. Employees are often the first to realise that there may be something seriously wrong within an organisation. However, they may not express their concerns because they fear harassment or victimisation. They may also feel that speaking up would be disloyal to their colleagues or to the organisation. In these circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 1.2. Derby Homes is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, we expect employees, and others that we deal with, who have serious concerns about any aspect of Derby Homes work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.
- 1.3. This Whistleblowing Policy makes it clear that you can do so without fear of victimisation, subsequent discrimination or disadvantage. This Whistleblowing Policy is intended to encourage and enable employees to raise serious concerns **within** Derby Homes rather than overlooking a problem or “blowing the whistle” outside. It is also designed to protect employees from malicious allegations.
- 1.4. This Whistleblowing Policy includes guidance for employees, board members, contractors and agency workers (“Employees”) who feel they need to raise issues of concerns about the business of Derby Homes. Employees are offered a number of alternative methods to raise issues to ensure that matters can be dealt with efficiently and fairly.

2. What is whistleblowing?

- 2.1. Whistleblowing is the term used when an employee passes on information concerning wrongdoing. In this policy, we call that “making a disclosure” or “blowing the whistle”. The wrongdoing will typically (although not necessarily) be something they have witnessed at work.
- 2.2. To be covered by whistleblowing law, an employee who makes a disclosure must reasonably believe two things. The first is that they are acting in the public interest. This means in particular that personal grievances and complaints are not usually covered by whistleblowing law.
- 2.3. The second thing that an employee must reasonably believe is that the disclosure tends to show past, present or likely future wrongdoing falling into one or more of the following categories:
 - criminal offences (this may include, for example, types of financial impropriety such as fraud)
 - failure to comply with an obligation set out in law
 - miscarriages of justice
 - endangering of someone’s health and safety
 - damage to the environment
 - covering up wrongdoing in the above categories

3. Grievances

- 3.1. It should be noted that this policy is not our grievance procedure. If you have a complaint about your own personal circumstances then you should use the grievance procedure. If you have concerns about malpractice within the organisation then you should use the procedure outlined in this policy.

4. Legislation

- 4.1. The Public Interest Disclosure Act 1998 protects Employees who speak out in the public interest about fraudulent, criminal or dangerous activities, wrong doings or malpractice at work. Whistleblowing law is located in the Employment Rights Act 1996 (as amended). It provides the right for a worker to take a case to an employment tribunal if they have been victimised at work or they have lost their job because they have 'blown the whistle'.

5. Procedure for Making a Disclosure

- 5.1. This Whistleblowing policy details a number of ways an employee may blow the whistle.
- 5.2. Employees should normally raise concerns with their immediate manager or their line manager. This depends however on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice.
- 5.3. You can call WorkplaceWellness and report any issues of concern in a confidential way to a third party. It is designed to assist us in promoting integrity in the workplace.
- 5.4. Ringing WorkplaceWellness enables employees to speak to a person who is independent of Derby Homes. They will take details of your issue and then agree with you how the matter should proceed.
- 5.5. The **WorkplaceWellness Whistleblowing number is 0800 1116 390**. It is a freephone number available 24/7.
- 5.6. If an employee believes that the whole of the line management is involved, there are a number of others they can contact. They include:
 - 5.6.1. The Managing Director of Derby Homes
 - 5.6.2. any Director
 - 5.6.3. any SMT Manager
 - 5.6.4. the Chair of Derby Homes
 - 5.6.5. the Chair of the Governance Committee

5.7. All allegations must be passed to the Finance Director and Company Secretary and/or the Chair of the Governance Committee.

The Head of Governance and Corporate Services & Company Solicitor will deputise for the Finance Director and Company Secretary's and/or the Chair of Governance's absence.

6. Confidentiality

- 6.1. All concerns will be treated in confidence. Every effort will be made to protect the whistle-blower's identity if that is their wish. At the appropriate time, however, it may be that we will need to ask the whistle-blower to be a witness. We will offer support in these circumstances.

7. Anonymous Allegations

- 7.1. There may be good reasons why an employee wishes their identity to remain confidential. The law does not compel an organisation to protect the confidentiality of a whistle-blower. However, it is considered best practice to maintain that confidentiality, unless required by law to disclose it.
- 7.2. It will help to manage the expectations of whistle-blowers if the risk that some colleagues may still speculate about who has raised the concern is explained to them.
- 7.3. Employees should be made aware that making a disclosure anonymously means it can be more difficult for them to qualify for protections as a whistle-blower. This is because there would be no documentary evidence linking the worker to the disclosure for the employment tribunal to consider.

8. Malicious Allegations

- 8.1. If you are found to have made allegations maliciously and/or not in good faith, a disciplinary process may be instigated against you. This may result in your dismissal from Derby Homes.
- 8.2. It is important to note that as long as you have raised a concern in good faith, you will not be subject to disciplinary action, even if the investigation finds your allegations to be unproven.

9. What we will do

- 9.1. After you have raised your concern we will decide how to respond in a responsible and appropriate manner. Usually this will involve making internal enquiries first but it may be necessary to carry out an investigation at a later stage which may be formal or informal depending on the nature of the concern raised.
- 9.2. If you have raised a concern we will, as far as possible, keep you informed of the decisions taken and the outcome of any enquiries and investigations carried out.

However, we will not be able to inform you of any matters which would infringe our duty of confidentiality to others.

10. **Related Council strategies, policies, and procedures**

- 10.1. This Policy links with Derby Homes Corporate Anti-Fraud Policy and Procedure, and makes it clear that concerns can be raised without fear of reprisals.