



Your Homes
Newcastle

Whistle-blowing Policy

April 2006

Whistle-blowing Policy

Introduction

YHN is committed to the highest possible standards of openness, honesty, transparency and accountability. We encourage employees and others with serious concerns about any aspect of YHN's business to come forward and voice those concerns. The Whistle-blowing Policy is intended to encourage and enable YHN staff and staff of firms, companies or other organisations providing goods and services to YHN to raise serious concerns within YHN rather than overlooking a problem or communicating the information to external sources.

The Public Interest Disclosure Act 1998 aims to promote greater openness in the workplace and, by amending the Employment Rights Act 1996, protects "whistle-blowers" from inappropriate treatment, i.e. victimisation or dismissal, for raising concerns about matters in the public interest.

The Act also makes it clear that everyone employed by YHN must not reveal any trade secrets or confidential information they have access to during their employment unless what they reveal is linked to one of the issues of concern covered by the Whistle-blowing policy.

What is a whistle-blower?

The term 'whistle-blower' is often used to describe someone in an organisation who witnesses behaviour that is either contrary to the mission of the organisation, or threatening to the public interest, and who decides to speak out publicly about it.

Although the term is not used in the Public Interest Disclosure Act the above definition describes in simple terms what the Act refers to as 'protected disclosures of information'. The term 'Whistle-blowing' is therefore used by most organisations to describe the policies and procedures that cover the terms of the Act.

For some people the term 'whistle-blower' does not have a good image and suggests that someone is a 'tell tale', or in some way disloyal to their employer. However, in practice most people who report serious concerns do so because they are loyal to the organisation that employs them - they do it to protect the organisation.

What types of issues are covered by the policy?

The policy is intended to deal with **serious or sensitive concerns about wrongdoings such as the following.**

- Fraud or corruption
- Clients, children or students, particularly children and adults in our care, being mistreated
- Unauthorised use of YHN or Council money
- A criminal offence or an unlawful act
- Any danger to health and safety
- The environment being damaged (for example, by pollution)
- A person abusing their position for any unauthorised use or for personal gain
- A person deliberately not keeping to a YHN policy, an official code of practice or any law or regulation
- A person failing to meet appropriate professional standards
- A person being discriminated against because of their race, colour, religion, ethnic or national origin, disability, age, sex, sexual orientation, class or home life
- Attempts to hold back or hide any information relating to any of the above.

Your concern may be about members of staff, people who work directly for YHN, suppliers, or people who provide services to the public for us.

What is not covered?

The Whistle-blowing policy does not cover matters that are covered by other procedures and policies.

Such procedures and policies include the following.

- Staff's complaints about their employment. These complaints are dealt with through our Grievance Procedure. You can get details from your letter of appointment / contract of employment, manager, trade union or from the following Intranet link: [Individual Grievance Procedure](#)
- Customers' complaints about our services. These complaints are dealt with through our Corporate Complaints Procedure. Details of this are available from the following Internet link: [Customer Complaints Procedure](#)
- Staff allegations of bullying or harassment that are not as a result of raising concerns under the whistle-blowing policy. These allegations are dealt with through our Dignity at Work policy. Details of this are available from the following Intranet link: [Dignity at Work Policy](#)

Safeguards

Harassment or Victimisation

YHN recognises that the decision to report a concern can be a difficult one to make, not least, because of the fear of reprisal from those responsible for the alleged malpractice. YHN will not tolerate harassment or victimisation and will take action to protect you when you raise a concern that you believe is true.

You should also know that any allegation you make will not influence, or be influenced by, any unrelated disciplinary action against you or any redundancy procedures that may affect you.

Confidentiality

YHN will do its best to protect your identity when you raise a concern and do not want your name to be disclosed. In other words we will not reveal your name or position without your permission or unless we have to do so by law. We would explain this at the time you raise a concern so you can decide whether or not to proceed.

It should be appreciated, however, that if an investigation is conducted as a result of whistle blowing, the investigation may reveal the source of the information and a statement by you may be required as part of the evidence.

Anonymous Allegations

Because we will protect you (as explained above), YHN encourages you to give your name when you make an allegation. Concerns raised anonymously tend to be far less effective and if, for example, we do not have enough information, we may not be able to investigate the matter at all.

If you feel that you cannot give your name, our Whistle-blowing Officer will decide whether or not to consider the matter. This will depend on:

- The seriousness of the matter;
- Whether your concern is believable; and
- Whether we can carry out an investigation based on the information you have provided.

Allegations which do not appear to be motivated by personal animosity and which, if true, would have serious implications for YHN or the Council are more likely to be considered, even though made anonymously.

Untrue Allegations

If you make an allegation which you believe is true, but it is not confirmed by the investigation, we will not take any action against you. If, however, you make an allegation which you know is untrue (i.e. malicious or vexatious allegations), disciplinary action may be taken against you.

How to raise a concern

If you work for YHN, you should first raise your concern with your immediate supervisor, line manager, or Head of Service (but obviously this will depend on the seriousness and sensitivity of the matter, and who is suspected of the wrongdoing). If the relevant manager cannot deal with the matter, he or she will refer the concern to our Whistle-blowing Officer.

If your concern involves your immediate supervisor, line manager, or Head of Service, or even if you would prefer not to contact them you should contact our Whistle-blowing Officer direct. You should also do this if you do not work for YHN.

You can contact our Whistle-blowing Officer direct in any of the following ways.

- By writing to the Whistle-blowing Officer at:-

Human Resources Section
Your Homes Newcastle,
YHN House,
Benton Park Road,
Newcastle Upon Tyne,
NE7 7LX

Write 'Private and confidential' on your envelope.

- By phoning the Confidential Reporting line on **0800 091 1615**. You can leave a voice-mail message 24 hours a day. Only the Whistle-blowing Officer (or the HR Advisor if the Whistle-blowing Officer is off work) can pick up the messages left.
- By sending an e-mail to: confidentialreporting@yhn.org.uk
(Do not send an e-mail if you want to remain anonymous.)
- By using the form on our website at www.yhn.org.uk
(Do not use this method if you want to remain anonymous.)

It is best to put your concerns in writing and give the Whistle-blowing Officer as much information as possible - including any relevant names, dates, places and so on. The earlier you raise a concern, the easier it will probably be to take effective action.

Although you will not have to prove beyond the shadow of a doubt that your allegation is true, you will have to show the Whistle-blowing Officer that there are good reasons for your concern.

Help for you

You can get confidential, independent advice from the charity Public Concern at Work on 0207 404 6609. Their website is at www.pcaw.co.uk

Alternatively, you may want to discuss your concern with a friend or colleague first. You may then find it easier to raise a concern if others share the same experiences or concerns.

If you work for YHN or Newcastle City Council, your trade union representatives can give you general support and advice, or act for you if this would help. This could be useful, particularly if you do not want the Whistle-blowing Officer to know who you are.

We will encourage the trade unions to support any member of staff who raises a concern with them.

How we respond to your concerns

The way we deal with the concern will depend on what it involves.

We will first make enquiries to decide whether we should carry out an investigation and, if so, how we should go about it. Throughout all our enquiries and any investigation, our main concern will be to put the interests of the public first. Your concern may be investigated by Your Homes Newcastle management, our internal auditors, or through the disciplinary process, or we may refer it to:

- The police;
- Other agencies (for example, if it involves the abuse of children or vulnerable adults it may be referred to the Director of Social Services);
- Our external auditor; or
- An independent investigator.

If your concern or allegation can be handled under any other procedure or policy, we will pass it on to the relevant person and let you know.

We may be able to settle some concerns without carrying out an investigation but by taking action agreed by you.

If we need to take urgent action, we will do this before carrying out any investigation.

Within 15 working days of you raising a concern, the Whistle-blowing Officer will:

- Acknowledge that we have received your concern;
- Explain how we will handle the matter; and
- Tell you what support is available to you.

It is difficult to set further timescales as they depend on the nature of the allegation and the type of investigation we need to carry out.

The amount of contact you have with the Whistle-blowing Officer will depend on the nature of your concern, the potential difficulties involved, and how clear the information you have given is.

If you need to have a meeting, you can be accompanied by a friend or a representative from a trade union or professional association. Meetings with the Whistle-blowing Officer will normally take place in his or her office but can be arranged elsewhere, but not in your home unless there are exceptional circumstances.

We will take steps to reduce any difficulties you may experience as a result of raising a concern. For instance, if you need to give evidence in criminal or disciplinary proceedings, we will arrange for you to get advice on the procedure.

We will usually give you feedback on the progress and outcome of any investigation.

The officer responsible for this whistle-blowing policy

The Human Resources Manager (HRM) is our Whistle-blowing Officer. The HRM is a senior officer in Your Homes Newcastle who can take an independent view of any concerns raised. That officer keeps a confidential record of all concerns raised and the outcomes and gives the Governance Committee a quarterly summary of all cases without revealing any specific details.

What if a concern involves an officer involved in the whistle-blowing procedure?

If a concern involves the Whistle-blowing Officer, or if you are concerned the Whistle-blowing Officer may be biased, the matter should be referred directly to the Company Secretary.

If a concern involves the Company Secretary it should be referred directly to the Chief Executive.

If a concern involves the Chief Executive, the matter should be referred to the Chair of Your Homes Newcastle's board (or the Deputy Chair if the Chair is not available).

If a concern involves the Chair of Your Homes Newcastle's board or a board member the matter should be referred to the Whistle-blowing officer.

If there are exceptional circumstances which make any of these routes uncomfortable, get advice from the Company Secretary or the Chair of the Governance Committee.

How you can take a matter further

We hope you will be satisfied with any action we take. If you're not, and you want to take the matter outside Your Homes Newcastle, you could contact:

- Our external auditor;
- The Audit Commission;
- Your local Citizens' Advice Bureau;
- Relevant professional bodies or regulatory organisations;
- A relevant voluntary organisation; or
- The police.

Monitoring and Review

The Whistle-blowing officer will maintain records of all matters raised through the Whistle-blowing Policy in order that an assessment may be made of the effectiveness of the policy and any emerging patterns.

The Whistle-blowing officer will give Governance Committee a quarterly summary of all cases without revealing any specific details.

Governance Committee will be responsible for undertaking a formal assessment of the effectiveness of the policy and any emerging patterns and reporting this to the Chief Executive.

The Head of Service in each division is responsible for divisional monitoring arrangements applicable to whistle-blowing.

The Chief Executive has overall responsibility for the Whistle-blowing Policy.


[YHN internet website](#)
[Your Choice Homes](#)
[Staff Information](#)

Individual Grievance Procedure

1 Preamble

Grievances can arise from a wide variety of sources, and therefore it is desirable that, in the first instance, and notwithstanding the individual's rights of representation, an employee should discuss the matter directly with their immediate supervisor in an attempt to resolve the matter informally.

2 General

- a) The procedure set out below is designed to deal with individual grievances or disputes. It is not intended that it should be applied to collective disputes.
- b) Any employee of the Company who has an individual grievance directly relating to their employment has the right to express that grievance. This procedure provides the machinery for resolving a grievance as speedily as possible.
- c) An employee has the right to be accompanied by a trade union representative at every stage of this procedure. Alternatively the employee may be accompanied by a fellow employee.
- d) This procedure sets time limits on each stage. If a grievance is not satisfactorily progressed within the time limits specified the grievance should be taken to the next stage of the procedure.
- e) Where a formal grievance is registered the 'status quo' which prevailed prior to events which occasioned the grievance shall continue and there should be no industrial action or other changes in working until this procedure has been exhausted.

3 Procedure

Stage 1

If an employee is unable to resolve the matter informally with their immediate manager they should complete a grievance form ([click here](#) to open the form). They should give this form to their immediate manager who will convene a formal interview within three working days. The results of the interview shall be confirmed by the manager completing their section of the grievance form and returning the whole form to the employee within two working days after the interview.

Stage 2

If the employee continues to be aggrieved on the matter they shall within ten working days of the formal notification send the grievance form to the relevant Head of Service. The Head of Service shall convene a meeting of the parties concerned, including any appropriate trade union representative or fellow employee within five working days of receipt of the grievance form.

The results of this meeting shall be confirmed in writing by the Head of Service within two working days. The letter will indicate to whom the employee should write if they wish to pursue the matter further.

Stage 3

If the matter is then not resolved within five working days the employee may refer the matter to the Appeals Panel within a further ten working days.

To refer the matter, the employee, or an appropriate representative should write to the Company Secretary who shall convene a meeting of the Appeals Panel within ten working days of receipt of notice.

The decision of the Panel shall be given at the end of the meeting and shall be confirmed in writing by the Company Secretary within five working days.

The decision will not prejudice the right of an individual to progress the grievance under appropriate external machinery. Accordingly the decision will not be conveyed outside the Company.

4 Procedure for Ex-Employees

Stage 1

The ex-employee must write to their line manager detailing the nature of the grievance. The line manager must make arrangements for a Hearing to take place at a reasonable time and place to discuss the grievance. After the Hearing the line manager must inform the ex-employee in writing about the decision made.

Stage 2

If the employee considers that the grievance has not been resolved satisfactorily, they must write to the Chief Executive within 10 working days of receiving the letter. The Chief Executive will then convene a meeting to hear the appeal. After the meeting the Chief Executive will write to the employee with their decision.

There is no further stage to this procedure

[grievanceprocedure](#)