

# The Institute of Workplace and Facilities Management Whistle Blowing Policy



## Introduction

This policy is intended to ensure all IWFM employees, members, Executive and Non-Executive Directors are able to raise genuine concerns about possible wrongdoing within the organisation without fear of reprisal and to reassure reporters of wrongdoing that such matters will be dealt with seriously, promptly and effectively by IWFM Management and the Audit & Risk Committee.

This policy is applicable to all IWFM employee's, members, volunteers, Executive & Non-Executive Director's and anyone else working or performing a function for, or on behalf of, the IWFM (hereafter referred to as 'relevant individuals'). This policy does not replace other policies, instead it should be read and operated in conjunction with and enhance the following:

- Articles of Association
- Board Regulations (which includes guidance in relation to complaints against IWFM staff, volunteers, members)
- Staff Handbook (which contains policy on the staff Grievance Procedure and staff Dismissal and Disciplinary Procedure)
- Members Code of Professional Conduct
- IWFM Policy re Bribery Act 2010
- IWFM Bylaws
- Members Complaints Procedure

This policy will be owned by the IWFM Audit & Risk Committee, who will maintain oversight of all allegations made under this policy. Any alterations to this policy will be approved by the Audit & Risk Committee.

## 1. Aim

IWFM conducts its business, at all times, with the highest standards of integrity and honesty. With our values of **Active and energetic - Confident and bold - Knowledgeable and in sync - Human and inspiring** guiding our standards of service, conduct and behaviour, the IWFM expects all its relevant individuals to maintain these high standards of behaviour in everything they do which is connected, in any way, with the work of the IWFM.

Workers are often the first to realise that there may be something seriously wrong within an organisation. However, they may feel they cannot express their concerns due to feelings of fear, victimisation or disloyalty. This policy is intended to enable relevant individuals within the organisation to raise concerns about malpractice in relation to financial reporting, financial control or any other matter.

This policy also seeks to balance the need to provide safeguards for employees who raise genuine concerns about malpractice with the need to protect other workers against uninformed or vexatious allegations. If anyone should try to criticise, discourage or victimise anyone because they have

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reported wrongdoing, the IWFM will treat this as a disciplinary matter and will be dealt with by way of the staff disciplinary procedure or Members Code of Professional Conduct. However, if it should become clear that the procedure under this policy has not been invoked in good faith (for example, falsely or for malicious reasons or to pursue a personal grudge against another employee), this will also be dealt with in accordance with the staff disciplinary procedure or Members Code of Professional Conduct. This said, anyone in the IWFM who, in good faith, makes allegations that turn out to be unfounded, should be confident that they will not be penalised for being genuinely mistaken.

## 2. The Public Interest Disclosure Act 1998

The Public Interest Disclosure Act 1998 amended the Employment Rights Act 1996 and provides protection for employees who raise legitimate concerns about specified matters. These are called "qualifying disclosures". A qualifying disclosure is one made in good faith by an employee who has a reasonable belief that:

- a criminal offence (including fraudulent and corrupt behaviour, e.g. theft, fraud or malpractice);
- a miscarriage of justice;
- an act creating risk to health and safety;
- an act causing damage to the environment;
- a breach of any other legal obligation;
- concealment of any of the above;

is being, has been, or is likely to be, committed. It is not necessary for the employee to have proof that such an act is being, has been, or is likely to be, committed (i.e. a reasonable belief is sufficient). The employee has no responsibility for investigating the matter - it is the organisation's responsibility to ensure that an investigation takes place (see also Section 3 4. below).

An employee who makes such a protected disclosure has the right not to be dismissed, subjected to any other detriment, or victimised, because he/she has made a disclosure (provided it is not a malicious allegation).

Any matters not covered by the Act and, therefore, this policy, will be dealt with by using IWFM's Staff Grievance Procedure, staff disciplinary procedure, Members Code of Professional Conduct or IWFM Complaints Procedure.

## 3. Reporting Procedure.

### 3.1 Raising Allegations.

The person wishing to report wrongdoing should do so, in confidence, in the following manner (depending upon their position/role within IWFM):

*Member of staff* – Should report matters of wrongdoing to their Head of Department, unless the Head of Department could be implicated in the allegation, in which case, they should report the matter to the Company Secretary, other senior manager or Chair of the Audit & Risk Committee.

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*Member of the Executive and/or Head's of Department's* - Should report matters of wrongdoing to the Company Secretary, Chief Executive or Chair of the Audit & Risk Committee.

*Member's* - Should report matters of wrongdoing to the Company Secretary, Chair of the Audit & Risk Committee or any other Member of the Audit & Risk Committee.

*Non-Executive Members of the IWFM Board* - Should report matters of wrongdoing to the Company Secretary Chair of the Audit & Risk Committee, any other Member of the Audit & Risk Committee or Chief Executive.

A member of staff or member reporting wrongdoing must not approach individuals involved in his/her allegation directly (whether to "tip them off" or otherwise) or attempt to investigate the matter personally.

Anyone reporting wrongdoing may take independent advice if they feel it is appropriate. Such advice can be taken from a Solicitor, Professional Association, Trade Union or charitable organisation specialising in supporting individuals in the workplace and/or offering legal advice. Disclosures to the press by the person reporting wrongdoing will not be considered reasonable under any circumstances. Such unauthorised disclosure is likely to constitute misconduct (if undertaken by a member of staff) or a breach of the Members Code of Professional Conduct (if undertaken by a member).

## 3.2 Anonymity

We prefer that people report their concerns to us personally but you may choose not to disclose your name when initially reporting an incident. However, it is not always possible for a reporter to remain anonymous throughout an investigation based on the following reasons:

- It could inhibit the IWFM's ability to fully investigate the allegation
- It is easier to provide protection to the whistle blower under the Public Interest Disclosure Act if concerns are raised openly
- It is harder to give the person reporting wrongdoing feedback, updates or results of the investigation
- Being anonymous does not stop others from speculating on who raised the concern
- It may be harder to stop the alleged malpractice from recurring in the future

The IWFM will take all care to safeguard and protect the reporter in all circumstances whether they report anonymously, ask to remain anonymous and/or report personally.

## 3.3 Dealing with Allegations of Wrongdoing – Support to the Reporter of Wrongdoing

Allegations raised in accordance with this policy will be treated in the strictest confidence. Allegations will not result in escalation or investigation without the employee's express consent, except where the senior post-holder receiving the allegation believes that the matter is so serious that further action is required to safeguard the organisation, an individual or a group of people from loss or harm. In most cases this will relate to allegations which, if proved, would amount to criminal conduct, gross misconduct or suspension of membership.

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It is vital that immediate and positive feedback and support is provided to any individual who reports wrongdoing. The reporter must be dealt with sensitively, with understanding and given the requisite level of welfare support. It is important to acknowledge that the reporter has 'done the right thing' at a very early stage. Appropriate support must be given to the person from the outset of the case and must continue until the issue is fully resolved (on some occasions, support may be required beyond the conclusion of the investigation). This includes:

- Providing proactive management support throughout (i.e. briefing first and/or second line managers, unless they are implicated in the allegation)
- Appointment of a named senior manager or member of the IWFM Audit & Risk Committee to whom the reporter of wrongdoing can contact if they feel they are experiencing victimisation, bullying or any other detriment because of their reporting of the alleged wrongdoing
- Provision of a documented Statement of Expectations which will lay out what will happen next, what support will be provided, who the reporter can contact if they believe they are suffering any form of detriment as a result of making the allegation
- Details of how they will be updated throughout the investigation

At any stage of the process the reporter of wrongdoing is entitled to be accompanied by a fellow member of the institute, work colleague or Trade Union official. Where the reporter of wrongdoing is so accompanied, they must make every effort to ensure that the person accompanying them treats the matter with strict confidentiality.

## **3.4 Dealing with Allegations of Wrongdoing – Investigation.**

The IWFM senior post-holder receiving the report of wrongdoing (see 3.1 above) will make a detailed record of the allegation and ask the reporter to provide a written statement describing the precise nature of the allegations. If the senior post-holder requires further information to conduct the investigation, the reporter may be required to attend a further meeting. Or there may be reason to invite other people involved to be invited to attend an interview as part of the investigation; such attendance will be with the consent of the reporter of wrongdoing, unless there are grounds to believe the reporter has been involved in malpractice or misconduct, in which case attendance will be obligatory in accordance with the IWFM's staff disciplinary procedures or Members Code of Professional Conduct.

Upon receipt of the full facts of the allegation, the senior post-holder receiving the allegation will:

- Conduct a documented severity assessment and decide on the most appropriate course of action, this will include full consideration of existing IWFM policies and working practices (including those in Section 1 above)
- Where the allegation involves a member of staff (whether as the reporter or someone suspected of wrongdoing), they must seek advice from the Company Secretary or CEO who may also take additional HR advice.
- Consider the best method to preserve evidence of the alleged conduct (for example saving documents, membership records, emails, etc.)

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- Decide if any other action is necessary to prevent any further instances of the alleged conduct, this could include restricting access to IT systems, files, cash-flow systems or emails
- Consider how the person(s) suspected of wrongdoing should be notified, always balancing the need to ensure any suspected member of staff is fully informed of the allegations against them with the need to secure and preserve evidence of the wrongdoing (including any possible future criminal investigation or external audit). When considering this point, the information contained within the staff disciplinary procedure or Members Code of Professional Conduct must be considered.

The senior post-holder may decide to progress the allegation in the following ways, depending upon the outcome of the review of the allegation(s) made and the severity assessment:

- No further action required
- Action to be taken under other IWFM policies and/or procedures (i.e. Grievance Procedure)
- An internal investigation in accordance with the IWFM Staff Handbook or IWFM Complaints Policy (applicable to staff and members)
- Make an allegation of crime to the police or other enforcement agency (i.e. Information Commissioners Office, HMRC, etc.)
- A referral to IWFM external auditors.
- An independent investigation by a third party with suitable skills to conduct such an investigation

Regardless of the decision made, the receiving senior post-holder will write to the alleged wrongdoer within five working days of making the decision. In their letter, they will acknowledge receipt of the report, provide information on how the matter will be progressed and provide details of who they should contact if they have any further questions.

Where an investigation ensues from the allegation made, the person reporting the wrongdoing will also be given appropriate progress updates and be provided with details of who the reporter of wrongdoing should contact if they have any further questions.

The senior post-holder dealing with the allegation must (within 24 hours of receiving any allegation under this policy) notify the Chair of the Audit & Risk Committee and provide regular updates. The method of notifying the Chair of the Audit & Risk Committee, and providing updates, will fully take account of the need for confidentiality, the need to support all the parties involved in the allegation and the need to preserve evidence of the alleged wrongdoing.

## 3.5 Outcome.

The person reporting the wrongdoing will be given a prompt and thorough explanation about the result of the investigation and any action IWFM is likely to take/has taken as a result. This will be in writing. Depending upon the type and nature of the allegation made, it may not be possible to disclose all the relevant information to the person reporting the wrongdoing. Issues which may not be disclosed include confidential information relating to fellow employees, financial information and ongoing investigations linked to the allegations made.

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Where IWFM proposes to take no further steps in relation to the report of wrongdoing, the reporter will receive reasons for this decision in writing.

All allegations made under this policy will be reviewed by the Audit & Risk Committee. As well as the reporting to the Chair of the Committee within 24 hours as detailed in Section 3.4 above (and updates of all allegations made under this policy), a confidential update report will be submitted to the Audit & Risk Committee each time the committee meets, detailing each current investigation taking place under this policy. In addition, a full report will be submitted to the Committee upon conclusion of each allegation made.

## 4. Appeals.

If the reporter of wrongdoing is not satisfied with the outcome of the investigation (or the decision of the senior post-holder receiving the allegation), they can appeal to the Company Secretary, CEO (staff) or Chair of the Audit & Risk Committee (any reporter of wrongdoing) or Chair of the IWFM Board (Members), whose decision is final and binding.

If the reporter of wrongdoing is still not satisfied with the outcome of the procedure after the appeal stage they have the rights as a private citizen to raise the matter on a confidential basis directly with the police, a Member of Parliament or other appropriate public investigative or regulatory authority (see also Section 3.1 above re unauthorised disclosures to the press). However, before taking such action the reporter of wrongdoing is requested to first notify the Company Secretary, CEO or Chair of the Audit & Risk Committee of their dissatisfaction with the procedure and of their intentions.

## 5. Corporate Learning.

Being a learning organisation, the IWFM will ensure that the outcome of all allegations made/investigated under this policy are formally reviewed by the Audit & Risk Committee. Actions or learning from such investigations will be incorporated in to future policies, working practices and other documentation to prevent a recurrence of the allegation made and safeguard the organisation in the future. Where necessary, this could include publicising the outcome of the investigation to staff and members as a deterrent to those who may engage in similar conduct in the future.

## Contact us

Any queries about the contents of the policy please contact:

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