



Whistleblowing Policy

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1. Statement of commitment

- 1.1 The Executive Management Team (EMT) are committed to the highest possible standards of openness, honesty and accountability and will take appropriate action to address any fraud, abuse or malpractice that is reported from inside or outside the organisation. This open and honest culture is reinforced in the Codes of Conduct (comprising of the Employee Code of Conduct; Board and the Committee Member Code of Conduct and Values Code of Conduct).
- 1.2 As part of this commitment the Board and EMT encourage employees, Board, Committee and Values Members and other external stakeholders, including the public, (collectively referred to as 'key stakeholders' throughout this policy) who have serious concerns about any aspect of the organisation's operations and services to come forward and voice those concerns. In most cases, concerns or complaints will be dealt with via the organisation's agreed policies and procedures for resolving grievances, disciplinary matters or concerns relating to equal opportunities. We undertake, as far as practicable, to deal with concerns in a confidential manner.

2. Introduction

- 2.1 This policy has been prepared in accordance with the Public Interest Disclosure Act (PIDA) 1998 and the Enterprise and Regulatory Reform Act 2013. This legislation protects a worker¹ making disclosures in relation to certain matters of concern (where those disclosures are made in accordance with the provisions of the Act) from dismissal or a detriment short of dismissal; introduces a 'public interest test' and provisions in respect of compensation awards and employers liability.
- 2.2 Establishing clear channels of communication for the disclosure of concerns without fear of victimisation or dismissal will help to protect the organisation from claims arising under PIDA legislation.
- 2.3 Key stakeholders may be the first to identify that there is 'something not quite right'. In this event it is essential that anyone who has a concern speaks up and that they have confidence to do so without fear of victimisation.
- 2.4 In accordance with the Enterprise and Regulatory Reform Act 2013, whistleblowing claims will only be valid where a key stakeholder blows the whistle in relation to a matter for which the disclosure is genuinely in the public interest.

1 a **worker** is an individual who works, or worked, under a contract of employment or any other contract under which they agree to do or perform personally any work or services for another party to the contract. The term includes home workers, casual workers and people involved in training programmes or work experience.

3. Policy aims, objectives and principles

- 3.1 This policy aims to give key stakeholders the confidence to raise serious concerns and to provide a means for those concerns to be handled appropriately and consistently. The Board and EMT statement of commitment and guidance within this policy is intended to provide reassurance that key stakeholders will be protected from possible victimisation when reporting a whistleblowing claim.
- 3.2 The objectives of this policy are to:-
- encourage confidence to raise serious concerns at the earliest opportunity and to question and act upon concerns;
 - provide avenues to raise concerns and receive feedback on the action taken;
 - ensure a response is provided to all concerns and that further avenues are provided to escalate the concern if not satisfied;
 - provide reassurance regarding protection from possible victimisation if a disclosure is made in the public interest or in good faith.
- 3.3 The organisation will always deal seriously with any matters raised in good faith by key stakeholders. In particular any evidence of fraud or serious abuse will be vigorously pursued in line with the Anti-Fraud and Corruption Policy, Disciplinary Policies and if necessary through the courts.
- 3.4 Concerns will be handled in strict confidence, all key stakeholders will be treated fairly and the issues raised will be properly considered and investigated. It is the organisation's policy to support and protect any party who has volunteered information from victimisation.
- 3.5 If any victimisation takes place as a result of whistleblowing, the organisation will take firm action under the disciplinary procedures against any individual found to be acting unfairly towards the informant. However, believe housing will not tolerate malicious allegations. Any person found to be purposely making malicious allegations will find themselves subject to disciplinary action.
- 3.6 In line with the National Housing Federation (NHF) Code of Conduct 2012 recommended best practice to maintain the highest standards of probity and conduct - the organisation will ensure the Regulator of Social Housing (RSH) is informed at an early stage where a significant breach of legal or regulatory requirements is alleged or suspected or where any other serious concern arises.

- 3.7 Furthermore to ensure compliance with the RSH Regulatory Framework, specifically the Governance and Financial Viability Standard, we will provide an annual report to the RSH on any losses from fraudulent activity or a 'nil' report, as appropriate.

4. Information and awareness

- 4.1 We will raise awareness on the organisation's whistleblowing policy and procedures through our induction programmes, annual training plan, publications and staff briefing processes. This approach will ensure there is a sound knowledge and awareness on how to recognise potential problems and the effects they may have on the organisation, job roles and the services provided to our customers.
- 4.2 The organisation will make sure, via the mediums referenced in 4 that key stakeholders associated to the organisation know what is expected of them and what practices are regarded as unacceptable. In particular the requirements of the Codes of Conduct; the Board, Committee and Values Members Agreement for Services and the Statement of Obligations need to be understood. Any matters which are unclear or on which you are uncertain of what to do should be raised with a line manager or the Executive Director of Investment, Growth and Performance before any action is taken.

5. What is whistleblowing?

- 5.1 In this policy 'whistleblowing' means the reporting of suspected misconduct, illegal acts or a failure to act upon wrongdoing within the organisation.

GOV.UK describes whistleblowing as *"when a worker reports suspected wrongdoing at work. Officially this is called 'making a disclosure in the public interest'. A worker can report things that aren't right, are illegal or if anyone at work is neglecting their duties, including: someone's health and safety is in danger."*

- 5.2 Whistleblowing is viewed by the Board and EMT as a positive act that can make a valuable contribution to the organisation's efficiency and long-term strategic success. The Group is committed to achieving the highest possible standards of service and the highest possible ethical standards in public life and in all of its practices. To help achieve these standards the organisation encourages freedom of speech - it is not disloyal to colleagues to speak up where you have a genuine concern or suspicion.

- 5.3 If you are a key stakeholder and are considering raising a concern you should read this policy first. It explains:-

- the type of issues that can be raised;
- how the person raising a concern will be protected from any victimisation;

- how to raise a concern; and
- what believe housing will do to investigate a concern.

5.4 If as a member of staff you are aggrieved about your personal circumstances, you should refer to the Grievance Policy on the Intranet or for further support please seek advice from the Director of Strategy, Performance and Governance.

6. Reporting a concern

6.1 Key stakeholders should report any serious concerns that they have about the organisation's service provision or the conduct of any employees, Board, Committee and Values Members that:-

- make the stakeholder feel uncomfortable in terms of published or expected standards;
- are not in-keeping with the rules, policies and procedures of believe housing; or
- fall below established values, ethics, standards of practice or are improper behaviour.

6.2 We know it is never easy to report a concern, particularly one that may relate to possible fraud, corruption or any of the following areas, however key stakeholders are encouraged to come forward at an early stage and before these concerns have a chance of becoming serious:-

- Conduct which is an offence or a breach of the law (a criminal offence has been committed or failing to comply with any other legal obligation);
- Disclosures related to miscarriages of justice;
- Victimisation on the grounds of a personal protected characteristic;
- Breaches of an individual's or group of people's human rights;
- Health and safety of the public and / or other employees;
- Damage to the environment;
- Unauthorised use of public funds or other assets;
- Neglect or abuse of vulnerable customers, clients or colleagues;
- Bullying or victimisation;
- Other unethical conduct or behaviour.

6.3 If preferred, key stakeholders are encouraged to come forward with a colleague or Trades Union to report a concern.

6.4 Believe housing will provide support to concerned employees and protect them from any possible victimisation. The organisation will do everything possible to protect the confidentiality of the individuals raising a concern.

- 6.5 Should a key stakeholder be discouraged by another stakeholder associated to believe housing from coming forward to express a concern, the latter will be treated as a disciplinary offence. In the same way, we will deal severely with anyone who criticises or victimises an individual after a concern has been expressed, this is in line with the believe housing Disciplinary Policies.
- 6.6 Whistleblowing should not be used as a way of protesting against the organisation's legitimate activities or policies of which a key stakeholder happens to disapprove.

7. How to raise a concern

- 7.1 In most cases, as a first step it should be possible for a key stakeholder to raise concerns with a senior officer within the organisation. Key stakeholders can also raise concerns with Internal Auditors, the Chief Executive, the Executive Director of Investment, Growth and Performance, the Director of Strategy, Performance and Governance or Chair of the Board.
- 7.2 If concerns cannot be raised with anyone at believe housing key stakeholders can contact the Public Concern at Work (PCaW) helpline - **020 7404 6609** for free confidential and impartial advice or visit their website for further information at <http://www.pcaw.org.uk/> strengthens ethics and compliance agendas and ultimately helps to protect believe housing's customers, brand and reputation. In addition, the Ministry of Justice recommends whistleblowing hotlines as a way of demonstrating adequate procedures are in place to protect against malpractice and comply with the Bribery Act 2010.
- 7.3 Support is also available via an independent and free Confidential Telephone Counselling Service provided by DAS (Zurich Municipal) on behalf of believe housing on **0117 934 2121** for emotional support at any time, 24 hours a day. However, it should be noted that this service is operated separate to believe housing and therefore any concerns will still need to be reported via the reporting procedure outlined above.
- 7.4 Whether concerns are initially raised verbally or in writing the following information will need to be provided:-
- the background and history of the concern (giving relevant dates, names and evidence, where possible);
 - the reasons for the particular concern; and
 - if your statement is in writing it should be signed to confirm it is true and accurate to the best of your knowledge unless the claim is being made anonymously;
 - if the claim is being made anonymously then as much detail as possible should be included (refer to 8.8 below).

- 7.5 Although the key stakeholder will not be expected to prove 'beyond reasonable doubt' the truth of an allegation, they will need to demonstrate to the person contacted that there are reasonable grounds for the concern and that it is being made in the public interest. The earlier the concern is expressed the easier it is to take action.
- 7.6 If our policy and procedures are working effectively, you should not need to contact one of believe housing's Board Members or an external agency to express concerns. However, if you consider there are exceptional or urgent circumstances where it may be more appropriate to contact an external agency, this should be made with the appropriate 'prescribed person' which is the Regulator of Social Housing (RSH), the regulator of registered providers of social housing in England.

Regulator of Social Housing
Fry Building
2 Marsham Street
London
SW1P 4DF
Tel: 0300 1234 500
Email: enquiries@rsh.gov.uk

8. Responding to reported concerns

- 8.1 In order to protect individuals and those accused, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take.
- 8.2 Where appropriate, the concerns raised may be:-
- Investigated by an appropriate person highlighted in the 'How to raise a concern' section above or an Investigating Manager appointed by the Executive Director of Investment, Growth and Performance;
 - Referred to the Police;
 - Referred to the organisation's internal or external auditors;
 - Referred for independent inquiry by an appropriate third party;
 - Referred to the Board.
- 8.3 Where a whistleblowing allegation of financial irregularity involves an employee of believe housing the Executive Director of Investment, Growth and Performance will appoint an Investigating Manager and the Fraud Response Plan within the Anti-Fraud and Corruption Policy will be followed.
- 8.4 In the event of an employee suspension it is essential that the fraud investigation is kept separate and is concluded before any disciplinary process commences. These two processes

should not interfere with each other and there should be no overlap of team members across the two processes. There is no direct need for a disciplinary procedure to be undertaken before the investigation is complete and until the Investigating Manager has published the final outcome and agreed recommendations with the Executive Director of Investment, Growth and Performance.

8.5 Within 10 working days of a formal concern being received an appropriate responsible officer will contact the key stakeholder to:-

- Advise who is handling or has handled the reported concern;
- Indicate how it is proposed to deal with the matter;
- Provide an estimate in relation to how long it will take to give a final response;
- Advise whether any initial enquiries have been made and whether your further assistance will be required;
- Explain why no further action is proposed if that is the decision;
- This information will also be confirmed in writing to the key stakeholder.

8.6 Key stakeholders who are employees are entitled to be accompanied at any meeting by a work colleague or Trade Union representative. However, in the case of a work colleague, this must not be anyone whose presence may prejudice the meeting or where there is a conflict of interest.

8.7 If information is disclosed in accordance with this procedure, wherever practicable we will keep your identity confidential. We will investigate your allegation promptly. During the course of our investigation we may require your assistance.

8.8 We encourage stakeholders to put their name to your allegation whenever possible, unless there are specific circumstances that make this particularly difficult. Anonymous concerns are more difficult to investigate and substantiate without the whistleblower's open evidence. When investigating an anonymous complaint, we will take the following points into consideration:

- the seriousness of the issues raised;
- the credibility of the concern;
- the likelihood of confirming the allegation from attributable sources.

8.9 Anonymous concerns will be investigated as thoroughly as possible based on the information provided and will only be closed once we are satisfied that either there is no foundation to the allegation or that appropriate disciplinary action has been taken in the case of an employee being involved.

8.10 As outlined at paragraph 8.5 above, we will aim to keep the key stakeholder, who has reported the claim, informed of the progress of the investigation and its likely timescale.

However, sometimes the need for confidentiality may prevent the organisation from providing specific details of the investigation or any disciplinary action taken as a result. The reporting key stakeholders should treat information about the investigation as confidential.

- 8.11 While believe housing cannot always guarantee the outcome the reporting key stakeholder is seeking, it will try to deal with concerns fairly and in an appropriate way. Following this Policy will help the organisation to achieve this.
- 8.12 If you are not happy with the way in which your concern has been handled, as an employee you can raise it with the Executive Director of Investment, Growth and Performance or the Director of Strategy, Performance and Governance. Members of the public, Board, Committee and Values Members should contact the Director of Strategy, Performance and Governance.
- 8.13 Believe housing will inform the reporting key stakeholder of the outcome of the investigation as soon as practicable. Believe housing will take whatever action it considers to be appropriate following due consideration of the investigative evidence.
- 8.14 In the investigation of an allegation, believe housing, may seek advice from an external organisation where appropriate, for example, the Health and Safety Executive.

9. Recording concerns

- 9.1 The Executive Director of Investment, Growth and Performance with support from the Director of Strategy, Performance and Governance will maintain a register of all concerns raised under the Whistleblowing Policy, ensure accurate meeting minutes, investigation notes and signed witness statements (as appropriate) are maintained and will monitor the progress and outcomes.
- 9.2 This register will inform the quarterly reports to the Audit Committee on any reported instances of whistleblowing, alleged or actual fraud or statutory compliance breaches, including the action taken and the outcomes of the investigation.

10. Action believe housing may take

- 10.1 If there is a reasonable belief that the nature of a concern relates to any of the areas set out in the policy at paragraph 6.2 and the information is disclosed to the appropriate person; and that it is being made in the public interest, no action will be taken against the reporting key stakeholder for making the disclosure.
- 10.2 Believe housing will, however, take appropriate action against any person found to be:-

- victimising another person for using this procedure, please advise the Executive Director of Investment, Growth and Performance or the Director of Strategy, Performance and Governance if the reporting key stakeholder feels that they have been victimized;
- deterring any person from reporting genuine concerns under this procedure;
- making a disclosure / allegation maliciously, vexatiously or with a view to personal gain.

11. Policy Status

11.1 This policy does not give contractual rights to individual employees. Believe housing reserves the right to alter any of its terms at any time although we will notify key stakeholders in writing of any changes.

12. Related documents

12.1 Other documentation / policies relevant to whistleblowing matters are:-

- Codes of Conduct;
- Grievance Policy;
- Disciplinary Policies;
- Equality, Diversity and Inclusion Policy;
- Anti-Fraud and Corruption Policy;
- Anti-Money Laundering Policy.

13. Approval and review

13.1 This policy and its associated processes will be implemented following approval by the organisation's Audit Committee. In line with the specific responsibilities of the Audit Committee outlined in the Terms of Reference, the Committee will:-

- Approve the organisation's Whistleblowing Policy ensuring it complies with good practice; and
- Receive and assess any reports on whistleblowing, alleged or actual fraud, or statutory compliance breaches, which may have an effect upon believe housing and ensure that the impact on the organisation's framework of internal control is properly assessed and, where it considers necessary, recommend changes to strengthen the control framework.

13.2 The contents of this policy will be reviewed two years from the date of approval to ensure it remains accurate, appropriate and up-to-date with any changes in legislation / best practice.

- 13.3 The Audit Committee will review this policy on a periodic basis to ensure the ongoing appropriateness of the organisation's whistleblowing arrangements.
- 13.4 It is the responsibility of the Board to ensure this policy complies with believe housing's ethical and legal obligations, as required under the Public Interest Disclosure Act 1998 and the Enterprise and Regulatory Reform Act 2013.