

Policy Title: **Whistleblowing**

Policy Owner: **Chief Executive**

Accountable Lead: **Director of People, Culture and Organisational Develop**



Valleys to Coast

Policy Control



Policy Level	Operational
Policy Reference	PP01
Link to Strategy	Strategic Plan and People Plan
Version Control	V3 – updates policy to revised format December 2018 Effective from 28/01/2019 to 31/01/2022
Approved by	Executive Management Team
Consultation	December 2019
Equality analysis	EIA's will be done for all procedures and guides under this policy
Next review date	December 2021 or when legislation changes dictates

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1. Policy Statement and Aims

- 1.1 As part of our commitment to the highest standards of quality, probity openness and accountability, we encourage colleagues and other stakeholders with serious concerns about any aspects of our work to come forward and express those concerns.
- 1.2 Our commitment provides reassurance to those reporting such concerns that they will be able to do so confidentially and free from a fear of repercussions.

2. Scope

- 2.1 This policy applies equally to Board and Committee Members colleagues, involved residents and other relevant stakeholders, acting for, or on behalf of, Valleys to Coast (referred to as 'colleagues').
- 2.2 In many cases, concerns or complaints will be dealt with through our normal procedures, such as those for resolving grievances, disciplinary matters, or concerns relating to equal opportunities.
- 2.3 However, we recognise that in some cases colleagues and other stakeholders may need to come forward on a confidential basis to raise genuine concerns about malpractice (defined below).
- 2.4 This policy complies with the Public Interest Disclosure Act 1998, (as amended), and sets out how we manage concerns of malpractice. In doing so we will also have regard for the following:
 - 2.5 Data Protection Act 2018
 - 2.6 General Data Protection Regulation (EU) 2016/679
 - 2.7 The Housing Act 1985
 - 2.8 The Social Security Administration (Fraud) Act 1997
 - 2.9 European Directives
 - 2.10 Tenants' Guarantee
 - 2.11 The Employment Rights Act 1996
 - 2.12 Equality Act 2010

3. Definitions

- 3.1 *Malpractice* is wrong doing or misconduct that could seriously affect our operations or reputation. It includes, but is not limited to:
 - 3.2 A criminal offence that has been or is likely to be committed (for example fraud, financial irregularity, corruption, bribery, blackmail);
 - 3.3 Failing to comply with a legal or regulatory obligation;



- 3.4 Behaviour or events that may, or have, contributed to a miscarriage of justice;
- 3.5 Endangering the health or safety of an individual;
- 3.6 Endangering the environment;
- 3.7 Abuse or neglect of vulnerable people;
 - Damaging personal conflicts at a senior level;
 - Bullying, discrimination, harassment or victimisation relating to any of the above;
 - Concealing information relating to the above
- 3.8 Whistleblowing is the process for colleagues to come forward on a confidential basis to raise genuine concerns about malpractice. A 'whistleblower' is someone who reports such a concern.

4. Responsibilities

- 4.1 The Board and Leadership Team, through the Policy Owner, ensure that the policy delivers our strategic objectives and reflects our corporate values.
- 4.2 The Accountable Lead is accountable to the Chief Executive Officer for the effective implementation of the policy, so that:
 - the principles are achieved through appropriate team plans and objectives;
 - procedures – with responsibilities clearly defined – translate the policy objectives into practice;
 - Reports on the application of the policy are made to the Board and Chief Executive.
- 4.3 The Chief Executive and the Director of People, Culture and Organisational Develop are responsible for ensuring that any confidential report is dealt with fairly and quickly.
- 4.4 Managers are responsible for ensuring that this policy is applied within their own area, and will make sure that all colleagues know what is expected of them and what practices we regard as unacceptable.
- 4.5 All colleagues are responsible;
 - for understanding and complying with the policy and its supporting procedures;
 - Not to discourage, criticise or victimise anyone coming forward with a concern. In addition, all colleagues have a responsibility to ensure that they:
 - Inform a relevant manager, senior manager, or a member of the Leadership Team if they become aware of any inappropriate behaviour in the workplace, as defined by this Policy.

5. Principles

- 5.1 We encourage colleagues with serious concerns about any aspect of our work, behaviours or current practices to come forward and express them. We will support those who do so.
- 5.2 We recognise that it is not easy to report a concern, particularly one which may relate to fraud or corruption. We encourage colleagues to feel confident in coming forward at an early stage before problems have the chance to become serious and, in some cases, affect



others.

- 5.3 We will protect the anonymity of colleagues as far as possible. We will also take action to protect individuals from reprisal or victimisation.
- 5.4 Colleagues who come forward to report matters of concern can be confident that this will not affect their career or future enjoyment of their work. This applies equally if a colleague comes forward in good faith with a concern, which turns out later not to have been justified.
- 5.5 We will treat malpractice seriously and take appropriate steps, internally and externally, wherever we find evidence of it. We treat equally seriously, any attempts to discourage or prevent colleagues from reporting concerns.
- 5.6 We will consult and involve colleagues, trade unions and the Voices (our staff association group) in the development of our procedures and practices on whistleblowing and confidential reporting.

6. Application

- 6.1 Our colleague code of conduct and our whistleblowing procedures:
 - Ensure that colleagues are taken seriously when they report a concern;
 - Provide for a thorough investigation into the concerns which respect both parties;
 - Are clear that colleagues can report concerns confidentially and without fear of reprisal, victimisation or impact on their career;
 - Enable any colleague to have the support of a friend, colleague, trade union or staff association representative, or any other advisor where this will make them feel more confident in reporting a concern;
 - Take all practical steps (including the secure storage of documentation) to avoid disclosure of the identity of the whistleblower, whilst being clear that there may be circumstances where their identity may be deduced and that anonymity cannot be guaranteed;
 - Allow colleagues reporting a concern to be told the outcome of the investigation where they request it and insofar as it does not breach the confidentiality of others
- 6.2 Our internal procedures support the effective management of whistleblowing and malpractice by:
 - Treating as a disciplinary matter any discouragement of colleagues from coming forward with a concern, and any criticism, victimisation or harassment of a colleague who expresses a concern.
 - Treating deliberate and malicious abuse of our policies by raising false or unfounded allegations as a disciplinary matter, whilst reassuring colleagues that anyone reporting a concern in good faith has nothing to fear;
 - Ensuring that victimisation or harassment may also be referred to the statutory authorities as criminal offences under the Criminal Justice and Public Order Act 1995 or Protection from Harassment Act 1997 and covered within the Equality Act 2010 - www.gov.uk/guidance/equality-act-2010-guidance.
 - Where we find evidence of malpractice we take it seriously and deal with it in line with

our governance and probity policies. These include using our disciplinary procedures and, where appropriate, taking legal action ourselves or reporting it to the relevant criminal, statutory or regulatory authority.



- 6.3 Our induction and training programmes enable colleagues to recognise malpractice and explain the effect that it may have on individuals, on the organisation and on the services we provide. They explain what is expected of colleagues, where to go for advice and what to do if they are unsure. It is the responsibility of the Director of People to ensure that this policy is monitored and to report to the members of the Board and the Chief Executive in this respect. The Chief Executive will be responsible for initiating periodic reviews of this policy.
- 6.4 Our reporting procedures provide colleagues with clear guidance, direction and support enabling them to report concerns confidentially.

In most cases colleagues should be able to raise concerns with their line manager, if for any reason this is not possible, the matter should be raised with the most appropriate of the following:-

- the manager at the next level,
- the Director of People, Culture and Organisational Develop or
- The Chief Executive.

Depending on the circumstances, the person to whom the matter is reported may need to contact an external agency. It is not possible to give precise examples; however the following may act as a guide:

- In the case of any fraud- the external auditors and / or the Welsh Government,
- In case of abuse of public funds- the Welsh Government which is responsible for regulating all registered social landlords,
- In case of criminal offences- the police.

For confidential and independent advice, colleagues can also approach:

*Public Concern at Work CAN
Mezzanine 7 -14 Great Dover
Street London SE1 4YR*

Tel: 020 7404 6609 – the helpline is open 9am-6pm Monday to Friday. There is an answering machine out of hours.

Website: www.pcaw.co.uk

**Email: [UK enquiries: whistle@pcaw.co.uk](mailto:whistle@pcaw.co.uk)
[UK helpline: helpline@pcaw.co.uk](mailto:helpline@pcaw.co.uk)**



7. **Associated documents**

- Whistleblowing procedure
- Code of Conduct (for Colleagues)
- Code of Conduct (for Board members)
- Probity policy
- Disciplinary procedure
- Board member removal policy

8. **Measurement of Success**

All instances will be recorded as they occur. The Director of People, Culture and Organisational Develop will be responsible for reviewing, monitoring and reporting quarterly to the Leadership Team and annually to the Board, as part of the annual "People Report", unless circumstances dictate matters to be expedited earlier.

9. **Equality and Diversity Implications**

- 9.1 This policy framework will be assessed to understand how equality and diversity has been duly considered and any adverse impacts fully mitigated with regards to its scope, application and communication.