

Raising Concerns and Whistleblowing Policy and Procedure

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Valleys to Coast Housing Group Board

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Introduction

As part of our commitment to the highest standards of quality, probity, trust, openness and accountability, we encourage colleagues and other stakeholders with serious concerns about any aspect of our work to come forward and express them.

Our commitment provides reassurance to those reporting such concerns that they will be able to do so confidentially and free from fear of repercussion.

It is important to the organisation that any fraud, misconduct or wrongdoing by colleagues is reported and properly dealt with. The organisation therefore encourages all individuals to raise any concerns that they may have about the conduct of others in the business or the way in which the organisation is run. This policy and procedure sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

Sorting out issues and concerns about safety and protecting the organisation from risks is part of the day to day work of all colleagues and is “business as usual”. This policy and procedure only comes into play in those rare circumstances where there is a breakdown in the quality of our service and concerns are not being dealt with properly or where, due to the nature of the concern, it should be escalated.

Equality, Diversity and Inclusion (EDI) Statement

Valleys to Coast Group will take a mosaic approach to EDI recognising individuality but at the same time celebrating the picture that is the sum of

all the pieces. Our approach aims to embed EDI in all we do, making it part of our fabric and not just a tick box exercise.

This approach brings together ideas, thoughts and ways of working to ensure that different backgrounds, experiences and identities are represented and all voices are heard. This fosters a culture of creativity and innovation and supports better decision making which in turn benefits our customers and colleagues)

Who is this policy and procedure for?

This policy and procedure applies to all employees (anyone who works directly for Valleys to Coast Group). Other individuals performing functions in relation to the organisation, such as agency workers and contractors, are encouraged to use it.

This Policy does not form part of any employee's contract of employment and we may amend it from time to time.

What is the scope of this policy and procedure?

This policy and procedure applies equally to Board and Committee Members, employees, officers, consultants, contractors, volunteers, casual workers and agency workers, involved customers and other relevant stakeholders, acting for, or on behalf of, Valleys to Coast Group (referred to as 'colleagues').

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. 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).

This policy and procedure 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:

- Data Protection Act 2018;
- General Data Protection Regulation (EU) 2016/679;
- The Housing Act 1985;
- The Social Security Administration (Fraud) Act 1997;
- European Directives;
- Tenants' Guarantee;
- The Employment Rights Act 1996;
- Equality Act 2010.

What is our approach to raising concerns and whistleblowing?

We welcome and encourage all colleagues to raise concerns using this policy and procedure. We expect colleagues, the internal and external auditors and the Board to do so when they have a concern. As part of their commission, the internal and external audit services are required to raise any immediate concerns with the Chief Executive or Chair of the Audit and Risk Committee whether or not these relate to the scope of their commissioned work.

All whistleblowing allegations are reported by a member of the Leadership Team to the Audit and Risk Chair on a monthly basis and to the Audit and Risk Committee as part of the governance cycle.

We encourage all colleagues to be open and transparent about their concerns, but if you are reporting a concern and you have legitimate worries about being identified then we will seek to investigate and address the issue without identifying the source of the concern.

A person reporting a concern under this policy and procedure in good faith will not suffer any detriment as a result of reporting it. On the contrary, colleagues are to be encouraged and applauded for raising legitimate concerns as it protects individuals and Valleys to Coast Group from risk.

What is malpractice and whistleblowing?

Malpractice is wrongdoing or misconduct that could seriously affect our operations or reputation. It includes, but is not limited to:

- A criminal offence that has been or is likely to be committed (for example fraud, financial irregularity, corruption, bribery, blackmail);
- Failing to comply with a legal or regulatory obligation;
- Behaviour or events that may, or have, contributed to a miscarriage of justice;
- An act creating risk to health and safety;
- An act causing damage to the environment;
- Abuse or neglect of vulnerable people;
- Damaging personal conflicts at a senior level;

- Bullying, discrimination, harassment or victimisation relating to any of the above;
- A breach of any other legal obligation;
- Concealing information relating to the above.

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.

Who is responsible for this policy and procedure?

The Audit and Risk Committee has overall responsibility for this policy, and for reviewing the effectiveness of actions taken in response to concerns raised under this policy.

The Head of People has day-to-day operational responsibility for this policy, and must ensure that all managers and other staff who may deal with concerns or investigations under this policy receive regular and appropriate training.

Managers are responsible for ensuring that this policy and procedure 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.

All colleagues are responsible for:

- understanding and complying with this policy and procedure;
- not discouraging, criticising or victimising anyone coming forward with a concern under this policy and procedure;

- informing a relevant manager, senior manager, or a member of the Leadership Team if they become aware of any suspected wrongdoing, danger or inappropriate behaviour in the workplace, as defined by this policy and procedure.

What are the core principles of this policy and procedure?

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.

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.

We will protect the anonymity of colleagues as far as possible. We will also take action to protect individuals from reprisal or victimisation.

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. A colleague who makes such a protected disclosure has the right not to be dismissed, subjected to any detriment, or victimised, because they have made a disclosure. This applies equally if a colleague comes forward in good faith with a concern, which turns out later not to have been justified.

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.

How will this policy and procedure be applied?

Our Raising Concerns and Whistleblowing Policy and Procedure:

- Ensures that colleagues are taken seriously when they report a concern;
- Provides for a thorough investigation into the concerns which respect both parties;
- Is clear that colleagues can report concerns confidentially and without fear of reprisal, victimisation or impact on their career;
- Enables any colleague to have the support of a colleague or trade union representative where this will make them feel more confident in reporting a concern;
- Takes 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;
- Allows 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.

Our internal policies and 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 Policy and Procedure and, where appropriate, taking legal action ourselves or reporting it to the relevant criminal, statutory or regulatory authority.

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 Head of People to ensure that this policy and procedure 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 and procedure.

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 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 Corporate Director of People, Culture and Organisational Development;
- a member of the Leadership Team; or
- the Chair of the Audit and Risk Committee.

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 the case of abuse of public funds - the Welsh Government which is responsible for regulating all community landlords;
- In the case of criminal offences - the police.

An instruction to cover up wrongdoing is in itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, colleagues should not agree to remain silent. They should report the matter to a member of the Leadership Team or the Chair of the Audit and Risk Committee.

How do I raise a concern?

All concerns will be treated sensitively and with due regard to confidentiality and where possible every effort will be made to protect your identity if you so wish. Nevertheless, this information will need to be passed on to those with a legitimate need to have this information and it may be necessary for the whistleblower to provide a written statement or act as a witness in any subsequent disciplinary proceedings or enquiry. This will always be discussed with you first.

Step 1

If you wish to raise a concern you should normally raise it with your line manager. This can be done in person or in writing.

We recognise that sometimes it may be inappropriate for you to approach your line manager with your concern. In these circumstances, a number of alternatives are available depending on the nature of your concern, as detailed above.

Although you are not expected to prove beyond doubt the truth of your concerns, you will need to demonstrate that you have sufficient evidence or other reasonable grounds to raise them.

Step 2

The person with whom you have raised your concern will acknowledge its receipt as soon as possible and will write to you within 14 calendar days to let you know:

- how the concern will be dealt with;
- an estimate of how long it will take to provide a final response;
- whether any initial enquiries have been made;

- whether further investigations will take place, and if not why not; and
- information about support available for you.

The person with whom you have raised your concern will at the same time notify the Head of People, the Governance Team and the Leadership Team (as appropriate) that a whistleblowing allegation has been made. All whistleblowing allegations are then reported by a member of the Leadership Team to the Audit and Risk Committee Chair on a monthly basis and to the Audit and Risk Committee as part of the governance cycle.

Step 3

Initial enquiries will be made to decide whether an investigation is appropriate. Where an investigation is necessary, it may take the form of one or more of the following:

- an internal investigation by the manager, which may, for example, take the form of a disciplinary investigation;
- an investigation by the People Team or a member of the leadership team;
- an investigation by the Audit and Risk Committee;
- the setting up of an external independent inquiry; and/or a referral to the Welsh Government or the Police.

If we conclude that a whistle-blower has made false allegations maliciously, the whistle-blower will be subject to disciplinary action.

Step 4

You will be informed of the outcome of any investigation, in writing, and/or of any action taken, subject to the constraints of confidentiality and the law. If you do not feel your concern has been addressed adequately you may raise it with one of the other personas listed above or alternatively, the Chief Executive or the Chair of the Board. Contact details are set out at the end of this policy.

External disclosures

The aim of this policy is to provide an internal mechanism for reporting, investigation and remedying any wrongdoing in the workplace. In most cases you should not find it necessary to alert anyone externally.

The law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body such as:

- a regulator;
- the Police;
- Welsh Government;
- Equality and Human Rights Commission.

It will very rarely if ever be appropriate to alert the media. We strongly encourage you to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Protect, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern. Their contact details are at the end of this policy.

You must make a disclosure “in the public interest”; and in the circumstances it must be reasonable for you to make the disclosure. If

there is an issue of an exceptionally serious nature which you believe to be substantially true, then you may disclose the issue to someone other than those listed above. In determining whether it is reasonable for you to have made a disclosure the identity of the person to whom the disclosure is made will be taken into account. Disclosures to anyone outside of the recognised bodies specified may not be protected disclosures under the Act.

Where can I obtain external confidential advice?

You have a duty to Valleys to Coast Group not to disclose confidential information.

For confidential and independent advice, colleagues can 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

UK helpline: helpline@pcaw.co.uk

INTERNAL CONTACT DETAILS

Amanda Davies – Chair of the Board – Amanda.Davies@v2c.org.uk

Gill Lewis – Chair of the Audit and Risk Committee –

gill.lewis@v2c.org.uk

Joanne Oak – Chief Executive Officer – Joanne.Oak@v2c.org.uk

Gail Walker – Director of People – Gail.Walker@v2c.org.uk