

Whistleblowing Policy



Reference:	HS_POL_CHE_WHI_3.1	Author:	AD of Governance & Corporate Compliance
Scope:	Housing Solutions employees, contractors and agents	Approved by:	Board
Legislation:	Public Interest Disclosure Act 1998 Data Protection Act 2018 General Data Protection Regulation (GDPR) Human Rights Act 1998 Freedom of Information Act 2000 Equality Act 2010 Enterprise & Regulatory Reform Act 2013	Date of approval:	1 st March 2023
Regulatory/ Governance:	Code of Governance	Date of next review:	2026
Related Policies:	Anti-Fraud Theft & Bribery Policy Anti-Bullying & Harassment Policy Disciplinary Policy Employee Code of Conduct Equality & Diversity Policy Grievance Policy Probity Policy Safeguarding Adults at Risk & Children & Young People Policies and Procedures		

1. Policy Statement

- 1.1 It is Housing Solutions' policy to conduct its business with the highest standards of probity, transparency and accountability. The Whistleblowing Policy is intended to address concerns of serious mismanagement, financial malpractice (including bribery or impropriety see 2.2) which may affect the interests of Housing Solutions, our customers, other stakeholders or the wider public interest.
- 1.2 Housing Solutions is committed to being open, honest and accountable. It encourages a free and open culture in its dealings between the Board, management and employees. Housing Solutions recognises that employees may not feel comfortable about discussing their concerns regarding any possible wrongdoing internally.
- 1.3 This policy aims to help employees to raise any concerns they may have about colleagues or their employer with confidence and without having to worry about being victimised, discriminated against or disadvantaged in any way as a result. It is written in the context of the Public Interest Disclosure Act 1998 which protects employees who 'blow the whistle' on malpractices within their organisation. Contractors and consultants who work on behalf of Housing Solutions are similarly encouraged to raise any concerns about the

organisation's business activity under this policy on an informal basis, and will be taken forward accordingly. Further guidance is provided at Appendix 2.

- 1.4 Housing Solutions will respond promptly, impartially and effectively to all reports of suspected financial malpractice and impropriety.
- 1.5 Appendix 1 sets out how any complaint or disclosure under this policy will be responded to by Housing Solutions and the contact details for the relevant staff and Board members who can be contacted in different circumstances in accordance with the guidance below.

2. Scope & Protection

- 2.1 The Whistleblowing Policy provides a process for raising concerns about serious mismanagement of services, potential fraud, bribery or financial malpractice, involving persons employed by or acting on behalf of Housing Solutions. Concerns regarding malpractice can be raised with the assurance that they will be investigated and that whistle-blowers will be afforded protection under the Public Interest Disclosure Act and that there will be no detrimental effect upon the career or day to day work of the person making the report. Please refer to the Government website www.gov.uk/whistle-blowing
 - 2.2 The areas of malpractice which are in law appropriate for investigation under whistleblowing and for which protection is afforded for whistleblowers include, but are not limited to committed acts or attempts to conceal:
 - Financial malpractice, impropriety or fraud
 - Failure to comply with a legal obligation or statute
 - Failure to take action to mitigate or control recurrent and major risks relating to Housing Solutions' business
 - A major breach of health & safety law that could endanger staff, customers or members of the public e.g. abuse or neglect of vulnerable people
 - Criminal activity by Housing Solutions or an individual within it
 - A miscarriage of justice
 - Damage to the environment
 - Deliberately concealing any of the above.
 - 2.3 Instances where use of whistle-blowing may not be appropriate
 - 2.3.1 This Policy is not intended to facilitate questioning of correctly conducted and agreed business decision-making by Housing Solutions, by the Board, by executive or senior staff. It is not intended to allow reconsideration of decisions already reached under other appropriate procedures including disciplinary, grievance, harassment or complaints procedures.
 - 2.3.2 There may be incidents of misconduct or poor performance that do not amount to malpractice and are better dealt with through either the Disciplinary Policy or Anti-Bullying & Harassment Policy.
 - 2.3.3 Where there is uncertainty about how to proceed with a concern, guidance is available from the Director of Corporate Services for issues relating to governance matters, and the HR team for staff impropriety and malpractice. Please refer also to section 5 "Making a Disclosure".
- NOTE: Please also refer to the Government website – see Appendix 2.

3. Roles and Responsibilities

- 3.1 **Board:** The Board has overall responsibility for ensuring that disclosures are monitored and dealt with appropriately. The Board Chair and /or Chair of Audit & Risk Committee may, in circumstances where Board Members or Executive Directors are involved, be

directly involved in receiving and either directly pursuing or commissioning investigations ordinarily on the advice of the Chair of the Audit & Risk Committee. They may also refer investigations to an appointed Board Member. The appointed Board Member may also receive and investigate whistleblowing incidents from staff. Please request information from the Director of Corporate Services .

- 3.2 **Audit & Risk Committee:** On behalf of the Board, the Audit & Risk Committee will ensure, through report from the Company Secretary as delegated (3.4), that matters of financial malpractice or impropriety are investigated and dealt with appropriately. The Audit Committee is responsible for providing the Board with assurance on the arrangements for whistleblowing including those in relation to fraud, theft and bribery, and for ensuring their investigation and resolution through the Company Secretary, by responsible staff. The Audit & Risk Committee may within its Terms of Reference, be directly involved in receiving and commissioning investigations or requesting the appointed Board Member to act.
- 3.3 **Senior Independent Director (SID):** The SID will act as a point of contact for Board members and the CEO regarding any whistleblowing events relating to the Chair of the Board. Ordinarily s/he will be the investigating officer. To be available as an independent contact for whistleblowing within the organisation if normal channels have been exhausted or are inappropriate.
- 3.4 **Executive Team:** The Executive Team is responsible for overseeing the implementation of the Whistleblowing Policy including dealing with issues arising from whistleblowing reports.
- 3.5 **Director of Corporate Services:** The Director of Corporate Services can act as a point of contact for Board Members and for staff regarding all whistle blowing events. Ordinarily s/he will be the investigating officer unless the Executive Team or the Board make alternative arrangements – as above.
- 3.6 **Employees:** Employees have a vital role to play in the identification of incidents and reporting these through the Whistleblowing Policy where appropriate. They should report serious wrong-doing or malpractice to an appropriate person – see 4.1/2 below. Advice in expressing and handling whistleblowing matters will be provided if required through the Director of Corporate Services
- 3.7 **Other Persons & Parties:** Contractors, suppliers, partner organisations and others acting on behalf of Housing Solutions are required to maintain standards of probity and propriety. Each will be expected to comply with Association policies. If found to commit malpractice they will be removed from the suppliers list and legal action will be taken where evidence of criminal activity is identified.

4. Reporting a Concern

- 4.1 Employees should raise any concerns with their manager in the first instance. The issue will be treated in confidence, with only the employees and managers who need to know being informed. The exception will be if the manager feels there is an obvious need to breach confidentiality in order to stop or prevent, for example, criminal activity or abuse or clear danger.
- 4.2 If the employee reasonably feels that their manager is not an appropriate person to raise the concern with or is not sure who to raise the concern with, they should discuss the matter with an appropriate person who may be any one of the following; the Head of HR, the Director of Corporate Services, the Company Secretary, their responsible executive director or the Chief Executive.
- 4.3 If the concern involves the Chief Executive, it should be raised with the Chair of the Board or in his or her absence the Senior Independent Director .
- 4.4 If the concern involves the Chair of the Board, it should be raised with the SID.

- 4.5 The contact details for the above individuals are listed at Appendix 1.
- 4.6 Any concerns may be expressed verbally in the first instance. This will enable employees who are uncertain whether or not there is a real cause for concern to talk the matter over informally. The concern should preferably be expressed in writing / by e mail. It will be helpful to set out the background and history of the concern, giving names, dates and places (if known) and the reason why this concern has been raised. In order to ensure confidentiality, it is suggested that the letter/written note is sent in a sealed envelope to the relevant contact marked "Strictly Private & Confidential".
- 4.7 Housing Solutions encourages employees to put their name to any concern they may raise. Concerns expressed anonymously are far harder to address, but they may be considered at the discretion of the nominated individual dealing with the investigation of a concern. In exercising this discretion, the factors to be taken into account will include:-
- the seriousness of the issued raised
 - the credibility of the concern and
 - the likelihood of confirming the allegations from attributable sources.
- 4.8 Employees who believe that they have been penalised in any way for making whistleblowing disclosures should report the incident in line with Housing Solutions' grievance procedure.
- 4.9 Any colleague who tries to discourage someone from coming forward or criticises or victimises them after voicing a concern, will be dealt with under Housing Solutions' disciplinary procedure.
- 4.10 When requested and wherever possible reports will be kept confidential and details will only be accessible to people who are dealing directly with the case.

5. Handling Concerns/ Disclosures

- 5.1 All concerns will be investigated and dealt with appropriately. The investigating officer will ensure that the employee who raised the concern will be informed of the outcome of the investigations and what, if any, action has been taken.
- 5.2 The person designated to investigate, will write to the employee who raised the concern within 10 working days of the concern being received to acknowledge receipt of the concern.
- 5.3 The investigating officer will decide whether the matter should be dealt with under this procedure. If s/he considers that the matter should be dealt with under a different procedure, s/he will advise the person making the disclosure as to the appropriate steps to take.
- 5.4 The investigating officer will consider the information and decide whether there is a prima facie case to answer. They will decide whether an investigation should be conducted and what form it should take. This will depend on the nature of the matter raised and may be;
- Investigated internally by themselves
 - Referred to the internal auditors where there is financial impropriety
 - The subject of an independent enquiry.
- 5.5 If a meeting is required between the investigating person and the employee raising the concern, the employee will have the right to be accompanied by a Union or professional representative or a friend who is not involved in the area of work that the concern relates to.
- 5.6 If an employee is unhappy about the speed, conduct or outcome of the investigation, s/he should – as an appeal - put his/her concerns in writing to either a person in higher

authority/ the Chief Executive /or the Chair of the Board - if the concern was initially raised with the Chief Executive. He/she will consider the facts and reply to the employee in writing.

- 5.7 Some matters following investigation, may need to be referred to the relevant outside body, e.g. the Regulator of Social Housing, the police, the Financial Conduct Authority, the Charity Commission, the Information Commissioner, the Health & Safety Executive, the Environment Agency, HMRC, the Adult Protection Unit, or the Safeguarding Authority. Their contact details are at Appendix 1. Where the matter is of local / public concern the local council portfolio holders or a local or interested MP may be appropriate.
- 5.8 If the person to whom the disclosure is made decides not to proceed with the investigation, the decision will be explained as fully as possible to the individual. They will have the right to make the disclosure – as an appeal - to another individual in higher authority either internally or externally.
- 5.9 Untrue Allegations: If an individual makes an allegation which is not confirmed by subsequent investigation, no action will be taken against that individual. In making a disclosure the individual should exercise due care to ensure the accuracy of the information. If, however, an individual makes malicious or vexatious allegations, and particularly if he or she persists with making them, disciplinary action may be taken against that individual.
- 5.10 The disclosure of confidential information would normally constitute a disciplinary offence, which could result in disciplinary action. Accordingly, if the matter is taken outside Housing Solutions, employees should ensure that either no confidential information is disclosed or that there are wholly exceptional circumstances that justify the disclosure. It is unacceptable for an employee to disclose their concerns directly to the media, to do so may result in the disciplinary procedure being invoked (refer to Media Policy and Disciplinary Procedure).

6. Access to Training (for investigators) and Support

- 6.1 Any employee may speak confidentially to their line manager, a member of the HR team or the Director of Corporate Services if they require guidance on making a report.
- 6.2 Managers will be made aware of their role and how they can support the person making the accusation throughout investigations. Training and advice in conducting an investigation and reporting will be provided to individuals conducting a whistleblowing investigation including, where appropriate, access to Housing Solutions commissioned legal advice.
- 6.3 A Board Member may speak confidentially to the Chair where they are not involved in the malpractice; or another Board Member where they are; or the Company Secretary, where the issue is one of advice and process.
- 6.4 Independent and confidential advice is available via Public Concern at Work on 0207 117 2520 www.pcaw.co.uk Information on whistleblowing is also available on the Government website; www.gov.uk/whistleblowing

7.0 Equality & Diversity

- 7.1 Housing Solutions recognises the needs of a diverse population and always acts within the scope of its own Equality and Diversity Policy, the Human Rights Act 1998, and Equality Act 2010. Housing Solutions works closely with its partners to ensure it has a clear understanding of its resident community with clear regularly updated service user profiles. Housing Solutions will record, analyse and monitor information on ethnicity, vulnerability and disability.

8.0 Confidentiality

8.1 Under the Data Protection Act 2018, General Data Protection Regulation (GDPR) and the Human Rights Act 1998, all personal and sensitive organisational information, however received, is treated as confidential. This includes:

- anything of a personal nature that is not a matter of public record about a resident, client, applicant, staff or board member
- sensitive organisational information.

8.2 Housing Solutions' employees will ensure that they only involve other agencies and share information where there is a legal basis for processing the information.

9.0 Review

9.1 This policy will be reviewed on a 3 yearly basis or more frequently in response to changes in legislation, regulatory guidance, good practice or changes in other relevant Housing Solutions' policy.

9.2 Our performance in relation to the delivery of the services and activities set out in this policy will be monitored on an ongoing basis through our established reporting mechanisms to our Senior Management Team, Executive Team, Board and associated committees.

9.3 All cases of whistleblowing will be reported to the Audit Committee. Where this results in allegations being upheld and action being taken, this will be reported to the Board at the next meeting.

1. Appendices

Appendix 1 – Procedure for Handling a Disclosure

Appendix 2 – Whistleblowing for Employees

Appendix 1

Procedures for Handling a Disclosure

1. An investigation will be conducted as sensitively and speedily as possible. If the person to whom the disclosure is made is not the investigating officer, they may request an investigation to establish the relevant facts.
2. The investigating officer should ensure that the investigations are undertaken as quickly as possible without affecting the quality and depth of those investigations.
3. The investigating officer should, as soon as practically possible, send a written acknowledgement of the concern to the whistle-blower and thereafter report back to them in writing the outcome of the investigation and on the action that is proposed. If the investigation is a prolonged one, the investigating officer should keep the complainant informed, in writing, as to the progress of the investigation and as to when it is likely to be concluded.

NOTE: Where any actions breach the confidentiality of other affected parties then full disclosure to the whistle-blower will be withheld and explained.

4. All responses to the complainant should be in writing and sent to his/ her home address.
5. Persons appointed to undertake investigations under whistle-blowing disclosures should be given support by their superior and endeavour to prioritise the investigation to the report stage. Ordinarily this should be within 3 weeks.

NOTE: Any party who is the subject of the whistle-blowing incident should not be involved in either an investigation of determining the outcome following investigation.

6. The investigating officer should follow these steps:
 - Full details and clarification of the complaint should be obtained.
 - The investigating officer (or Board Member) should inform the employee(s)/ Board Member(s) against whom the complaint is made as soon as is practically possible.
 - The subject of investigation will be informed of their right to be accompanied by a trade union or other representative at any future interview or hearing held under these procedures.
 - At this stage, the investigating officer should consider the involvement of the police if criminal activity is at all evident or the internal auditors or other independent investigators. If in any doubt he/ she should consult with the Chief Executive/Chair as appropriate re other involvement.
 - The allegations should be fully investigated by the investigating officer with the assistance, where appropriate, of other individuals/bodies.

Reporting of Outcomes

1. A report of all disclosures and subsequent actions taken will be made by the person(s) deciding on the issues. This record should be signed by the Investigating Officer and the person who made the disclosure and dated. Where appropriate the formal record need not identify the person making the disclosure, but in such a case the person will be required to sign a document confirming that the complaint has been investigated. In all cases a report of the outcome will be made to the Executive Team which will refer the report on to the Audit Committee which will refer the report to the Board if appropriate to do so.

2. The Chief Executive/Chair/SID will decide what action to take. If the complaint is shown to be justified, then he/she will invoke the disciplinary or other appropriate procedures.
3. The complainant should be kept informed of the progress of the investigations and, if appropriate, of the final outcome.
4. If appropriate, a copy of the outcomes will be passed to the Audit & Risk Committee to enable them to consider whether they should request a review of the relevant procedures.
5. An official written/electronic record will be kept of each stage of the procedure and stored by HR in the relevant location(s). Records of whistleblowing will be kept for a specific period as determined by the investigator to a maximum of 5 years or as determined by law.
6. If the investigation finds the allegations unsubstantiated and all internal procedures have been exhausted, but the complainant is not satisfied with the outcome of the investigation, Housing Solutions recognises the lawful rights of employees and Board Members to make disclosures to prescribed persons (such as the Health and Safety Executive), or, where justified, the Regulator(s). please see section 5.7 of the whistleblowing policy and the government website here for the relevant bodies' contact information: [Whistleblowing: list of prescribed people and bodies - GOV.UK \(www.gov.uk\)](http://www.gov.uk).

Contact Details for Individuals referred to under this Policy

Chair of the Board	Liz Padmore	liz.padmore@housingsolutions.co.uk
Senior Independent Director	Angus McCallum	angus.mccallum2@housingsolutions.co.uk
Chief Executive	Orla Gallagher	orla.gallagher@housingsolutions.co.uk Tel : 07860 753800
Director of Corporate Services	Carol Lovell	carol.lovell@housingsolutions.co.uk Tel : 07788 391777
Head of HR	Caroline Hempstead	caroline.hempstead@housingsolutions.co.uk Tel : 07769 741217
Company Secretary	Mary Swaine	mary.swaine@housingsolutions.co.uk

Appendix 2 Whistleblowing for Employees

The following guidance is taken directly from the government website with links embedded within. Details of the website are given in section 2.1 of the policy.

What is a whistleblower

You're a whistleblower if you're a worker and you report certain types of wrongdoing. This will usually be something you've seen at work - though not always. *[All Housing Solutions employees will count as 'workers' as well as any contract or agency workers. Consultants and contractors would not generally be workers unless we have agreed to work with them personally rather than with their firm or company].*

The wrongdoing you disclose must be in the public interest. This means it must affect others, for example the general public.

As a whistleblower you're protected by law - you should not be [treated unfairly or lose your job](#) because you 'blow the whistle'.

You can raise your concern at any time about an incident that happened in the past, is happening now, or you believe will happen in the near future.

Who is protected by law?

You're protected if [you're a worker](#), for example you're:

- an employee, such as a police officer, NHS employee, office worker, factory worker
- a trainee, such as a student nurse
- an agency worker
- a member of a [Limited Liability Partnership](#) (LLP)

Get independent advice if you're not sure you're protected, for example from [Citizens' Advice](#).

A confidentiality clause or 'gagging clause' in a settlement agreement is not valid if you're a whistleblower.

Complaints that count as whistleblowing

You're protected by law if you report any of the following:

- a criminal offence, for example fraud
- someone's health and safety is in danger
- risk or actual damage to the environment
- a miscarriage of justice
- the company is breaking the law, for example does not have the right insurance
- you believe someone is covering up wrongdoing

Complaints that do not count as whistleblowing

Personal grievances (for example bullying, harassment, discrimination) are not covered by whistleblowing law, unless your particular case is in the public interest.

Report these under your [employer's grievance policy](#).

Contact the [Advisory, Conciliation and Arbitration Service \(Acas\)](#) for help and advice on resolving a workplace dispute.

Further Guidance

The Housing Solutions Whistleblowing Policy draws upon the government guidance.

You are protected if you make a qualifying disclosure to either:

- your employer - either directly or by using this procedure
- to another person who you reasonably believe to be solely or mainly responsible for the relevant failure

The Housing Solutions Procedure allows you to;

Discuss a concern which you believe may count as a whistleblowing event with your manager or HR or your executive director - see 2.3.3 of the Policy

Raise a concern directly – either verbally or in writing - with the Director of Corporate Services, or with the Board whistleblowing nominee. This is the Senior Independent Director.

The Whistleblowing Policy provides further guidance in sections 5 and 6.

Appendix 1 sets out how your complaint/ disclosure will be handled by Housing Solutions.