



TAI CANOLBARTH CYMRU MID-WALES HOUSING

Yn barod **amdani** **Equal** to the challenge Group Whistleblowing Policy

Strategic Aim:	To promote the Association's core value of EXCELLENCE. <i>"We believe in positively changing the attitude towards social housing and promise to provide affordable homes to a high standard and through making the best use of our resources."</i>
Reference No:	Group Whistleblowing Policy (v1) May 2015
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Departments Affected:	All Departments
Approved By/Date:	Nominations Committee May 2015
Lead Officer:	Charles Brotherton, Director of Finance
Statutory Compliance:	<ul style="list-style-type: none"> - CHC Code of Governance – March 2015 - Public Interest Disclosure Act 1998 - Schedule 1 of Housing Act 1996
Related Policies and Procedures	<ul style="list-style-type: none"> - Procedures for making a disclosure - Equal Opportunities and Dignity at Work - Confidentiality Procedures - Disciplinary Procedures - Grievance Procedures

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Title: WHISTLEBLOWING POLICY

Introduction

The Group strives for excellent governance. A key element of that excellence in governance is in having the highest standards of openness, probity and accountability. The adoption of a Whistleblowing Policy is a demonstration of that commitment to openness, probity and accountability.

The Group has adopted the CHC Code of Governance and the Board has approved a Code of Conduct. The Board expects the highest standards of conduct amongst Board Members, Executives, Employees and Volunteers. The Whistleblowing Policy is a key element in upholding those high standards.

Policy Statement

The Group is committed to the highest standards of openness, probity and accountability. It expects all Board Members, Executives, employees and volunteers to act with the same high standards and observe the Group's Code of Conduct.

Where an individual discovers something which they believe shows serious malpractice or wrongdoing within the Group, then this should be disclosed internally. This can be done without fear of reprisal, and there are arrangements to enable this to be done independently of line management or senior management.

This policy is intended to assist individuals who believe they have discovered malpractice or impropriety. It is not designed to question financial or business decisions taken by the Group nor should it be used to reconsider any matters which have already been addressed under harassment, complaint, disciplinary or other procedures.

Disclosures in the Public Interest (Whistleblowing)

The Public Interest Disclosure Act 1998 protects employees who raise legitimate concerns about specified matters from being dismissed by the organisations within the Group or from being subjected to detrimental treatment or victimised by either the organisation or work colleagues as a result, provided certain criteria are met. The Act makes provision about the kinds of disclosure which may be protected and the circumstances in which disclosures are protected. These rules are therefore intended to comply with the Act by encouraging employees and others to make disclosures about fraud, misconduct, bribery or other wrongdoing to the organisation, without fear of reprisal, so that problems can be identified, dealt with and resolved quickly.

The Group's policy is to support workers and others who raise protected disclosures. Employees must not victimise, subject to detrimental treatment, or retaliate against an employee who has made a protected disclosure.

Employees are protected provided they reveal information of the right type (known as a “qualifying disclosure”) and they reveal that information to the right person and in the right way (known as making a “protected disclosure”).

Qualifying disclosures

Certain kinds of disclosure qualify for protection. These are disclosures of information which an individual reasonably believes are made in the public interest and tend to show one or more of the following relevant failures is either currently happening, took place in the past, or is likely to happen in the future:

- a criminal offence, including offences such as theft, fraud or acts of bribery;
- the breach of a legal obligation;
- a miscarriage of justice;
- a danger to the health and safety of any individual;
- damage to the environment; and
- deliberate concealment of information tending to show any of the above five matters.

Only disclosures of information that fall within one or more of these six categories qualify for protection.

The belief must be reasonable, but it need not be correct. It might be discovered subsequently that an individual was, in fact, wrong or mistaken in their belief, but they must be able to show that they held the belief and that it was a reasonable belief to hold in the circumstances at the time of disclosure. Note that it is not an individual’s responsibility to investigate the matter. That is the Group’s responsibility.

An individual must also reasonably believe that the disclosure is made in the public interest. It will therefore not include disclosures which can properly be characterised as being of a personal, rather than a wider public interest, for example, a disclosure about a breach of the terms of a contract of employment.

Protected disclosures

For a qualifying disclosure to be a protected disclosure, an individual needs to make it to the right person and in the right way. There are a number of methods by which a protected disclosure can be made, but the Group always encourages all employees and others to raise any disclosure internally in the first instance.

Employees are protected if they make a qualifying disclosure to either:

- the Group; or
- where they reasonably believe that the relevant failure relates solely or mainly to the conduct of a person other than the organisations within the Group or any other matter for which a person other than the organisations within the Group has legal responsibility, to that other person.

Individuals are encouraged to raise any qualifying disclosures that they may have by following the Disclosure in the Public Interest procedures.

If the concern relates to a breach of an employee's contract of employment, an individual should use the Group's grievance procedure instead, as these types of disclosure are not made in the public interest and are therefore not covered by this policy.

Anonymous Allegations

This policy encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously are much less credible, but they may be considered at the discretion of the Group.

In exercising this discretion, the factors to be taken into account will include:

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

Untrue Allegations

If an individual makes an allegation in good faith, 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.

General principles

All employees and other individuals should be aware of the following general principles:

- be aware of the importance of eliminating fraud, misconduct, bribery or other wrongdoing at work. Report anything that you become aware of that is illegal or unlawful;
- you will not be victimised, subjected to a detriment or dismissed for raising a protected disclosure under this procedure;
- victimisation of an employee or worker, or subjecting them to any form of detrimental treatment or retaliation (including bullying and harassment), for raising a protected disclosure under this procedure will not be tolerated by the Group, is a disciplinary offence and will be dealt with under the Group's disciplinary procedure. Depending on the seriousness of the offence, it may amount to potential gross misconduct and could result in summary dismissal;
- be aware that you can also be held personally liable for any act of victimisation or detrimental treatment of an employee or worker on the ground that they made a protected disclosure;
- you should immediately draw the attention of your line manager to suspected cases of victimisation or detrimental treatment related to either you or another employee or worker having made a protected disclosure.

- covering up someone else's wrongdoing is also a disciplinary offence. Never agree to remain silent about a wrongdoing, even if told to do so by a person in authority, such as your line manager;
- your right to make a protected disclosure under this procedure overrides any confidentiality provisions in your contract of employment;
- finally, maliciously making a false allegation is a disciplinary offence.

Please refer to the Disclosures in the Public Interest Procedures.

Key Performance Areas:

The Director of Finance, as Company Secretary, in conjunction with the Governance Officer, are responsible for ensuring excellence in Governance and acting as the contact points for 'raising a concern'.

The Association will consult the Welsh Government Regulator concerning the Whistleblowing Policy and Procedure.

The Director of Finance, as Company Secretary, in conjunction with the Governance Officer will instruct any external investigations concerning inappropriate actions or malpractice.

Strategic Risk Factors	Without a robust and secure Whistleblowing Policy and procedure there is a risk of poor and inappropriate practises arising which are not tackled.	
Equality Impact Assessment	<i>How does/will this policy ensure needs are met fairly, particularly with regard to race, gender, disability etc?</i>	The policy aims to address concerns of inappropriate action or malpractice regardless of who raises the concern.
	<i>Is it felt that this policy might affect different groups adversely. If so, what is the justification for this and is it legally permissible?</i>	No groups or individuals are expected to be adversely affected.
	<i>Have any representative groups in the locality been asked for their opinion and if so, what was the outcome?</i>	No.
Tenant Engagement	<i>How does/will this policy ensure the needs of tenants are met?</i>	N/A.
	<i>How is it felt this policy will impact on the rights and obligations of tenants?</i>	It is not envisaged that this policy will adversely affect tenants' rights and obligations.
	<i>Have tenants been consulted and were the outcomes of that consultation taken into account when considering the introduction of this policy?</i>	At this time, tenants have not been consulted on this policy.

Procedures for Making a Disclosure

This procedure applies to all permanent and temporary employees, workers and Board Members. In addition, third parties such as agency workers, consultants and contractors and any others who perform functions in relation to the Group should use it.

The procedure is as follows:

1. If you wish to make a qualifying disclosure, you should, in the first instance, report the situation in writing to your line manager, setting out in detail the nature of your disclosure. If you do not wish to contact your line manager, you can instead contact an alternative manager, the HR Manager or the Chair of the Board of Management
2. Should none of the above routes be suitable or acceptable to you, then you may approach one of the following individuals who have been designated as independent points of contact under this procedure. They can advise on the avenues of complaint open to you:
 - Jonathan Maddock – TIAA
 - John Fletcher – Whittingham Riddell
3. Such disclosures should be made promptly so that investigation may proceed and any action taken expeditiously.
4. All qualifying disclosures will be treated seriously. The disclosure will be promptly investigated and, as part of the investigatory process, you will be interviewed and asked to provide a written witness statement setting out the nature and details of your qualifying disclosure and the basis for it. Confidentiality will be maintained during the investigatory process to the extent that this is practical and appropriate in the circumstances. However, in order to effectively investigate a disclosure, the Group must be able to determine the scope of the investigation and the individuals who should be informed of or interviewed about the disclosure. The Group reserves the right to arrange for another manager to conduct the investigation other than the manager with whom you raised the matter.
5. Once the investigation has been completed, you will be informed in writing of the outcome and the Group's conclusions and decision as soon as possible. The Group is committed to taking appropriate action with respect to all qualifying disclosures which are upheld.
6. You will not be penalised for raising a qualifying disclosure even if it is not upheld, unless the complaint was both untrue and made with malice.
7. Once the Group's conclusions have been finalised, any necessary action will be taken. This could include either reporting the matter to an appropriate

external government department or regulatory agency and/or taking internal disciplinary action against relevant members of staff. If no action is to be taken, the reasons for this will be explained to you.

8. If, on conclusion of the above stages, you reasonably believe that appropriate action has not been taken, you may then report the matter externally to the proper authority in accordance with the provisions of the Act. The Act sets out a number of prescribed external bodies or persons to which qualifying disclosures may be made and you can access these at:
<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>.

However, the Group always encourages all employees to raise their concerns directly in the first instance, rather than externally. This enables issues to be dealt with promptly and speedily.

The Investigating Procedure

The investigating officer should follow these steps:

1. Full details and clarifications of the complaint should be obtained.
2. The investigating officer should inform the member of staff against whom the complaint is made as soon as is practically possible. The member of staff will be informed of their right to be accompanied by a trade union or other representative at any future interview or hearing held under the provision of these procedures.
3. The investigating officer should consider the involvement of the Company auditors and the Police at this stage and should consult with the Chair/Chief Executive.
4. The allegations should be fully investigated by the investigating officer with the assistance where appropriate, of other individuals/bodies.
5. A judgement concerning the complaint and validity of the complaint will be made by the investigating officer. This judgement will be detailed in a written report containing the findings of the investigations and reasons for the judgement. The report will be passed to the Chief Executive or Chair as appropriate.
6. The Chief Executive/Chair will decide what action to take. If the complaint is shown to be justified, then they will invoke the disciplinary or other appropriate Company procedures.
7. The complainant should be kept informed of the progress of the investigations and, if appropriate, of the final outcome.
8. If appropriate, a copy of the outcomes will be passed to the Company Auditors to enable a review of the procedures.