

Whistleblowing Policy

INFORMATION

Policy Name	Whistleblowing Policy
Effective Date(s)	May 2019 – May 2021
Approved By	Risk and Compliance Group
Approval Date	14/05/2019
Policy Owner/Dept	People Services
Policy Author	Michelle Morgan
Review Date	March 2021
Policy Framework Ref	HR3
Version Number	1.0

Your Housing Group Strategic Theme			
Operational Excellence	<input checked="" type="checkbox"/>	Customer Experience	<input type="checkbox"/>
Growth and Financial Strength	<input type="checkbox"/>	People and Culture	<input type="checkbox"/>

Relevant National Standards or Regulation	Please State if the Policy aligns to any of the Regulators Standards: <ul style="list-style-type: none"> • Governance and Financial Viability Standard
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Relevant Legislation	Please list any legislation applicable to the Policy; (e.g. Welfare Reform and Work Act; Equality Act 2010 etc.) <ul style="list-style-type: none"> • Public Interest Declaration Act 1998 • Employment Rights Act 1996 • Enterprise and Regulatory Reform Act 2013
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1. Purpose of the Policy

- 1.1 It is important to the business that any fraud, misconduct or wrongdoing by workers or officers of the organisation is reported and properly dealt with. Your Housing Group 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 business is run.
- 1.2 This policy sets out how YHG will address concerns where the interests of others, or the organisation itself, are at serious risk and making a disclosure is in the public interest.

2. Scope of the Policy

- 2.1 This policy applies to all employees of the organisation. Other individuals performing functions in relation to the organisation, such as agency workers and contractors, are encouraged to use it.

3. Definitions

- 3.1 **Whistleblowing** is the term used when someone who works within or for an organisation raises a concern about a possible fraud, crime, danger or other serious risk that could threaten customers, colleagues, the public or the organisation's own reputation. Whistleblowing is more formally known as 'making a disclosure in the **public interest**'
- 3.2 If workers bring information about a wrongdoing to the attention of their employers or a relevant organisation, they are protected in certain circumstances under the Public Interest Disclosure Act 1998. The types of disclosure that are eligible for protection are known as '**qualifying disclosures**'. The types of disclosure that may be classed as qualifying disclosures are outlined at section 5.4 of this policy.

4. Consultation

- 4.1 Consultation on this policy has taken place through Risk and Compliance Group.

5. Background and Context

- 5.1 Your Housing Group is committed to the highest standards of integrity and encourages all employees or others with serious concerns about any aspect of its work to express those concerns.
- 5.2 Everyone should be aware of the importance of preventing and eliminating wrongdoing at work, be watchful of illegal or unethical conduct and report anything of that nature that they become aware of.
- 5.3 In many cases, concerns or complaints will be dealt with through the Groups normal procedures for resolving grievances or disciplinary matters. However, in certain cases

the law provides protection for workers who raise legitimate concerns about specified matters. Under whistleblowing legislation these are called qualifying disclosures.

5.4 Whistleblowing is the disclosure of information which relates to suspected malpractice or dangers at work, such as:

1. Criminal activity
2. Failure to comply with any legal obligation or regulatory requirement
3. Miscarriages of justice
4. Danger to health and safety
5. Damage to the environment
6. Abuse or neglect of vulnerable people
7. Bribery
8. Financial fraud or mismanagement
9. Breach of any other legal obligation
10. Undisclosed conflicts of interest
11. Negligence
12. Unauthorised disclosure of confidential information
13. The deliberate concealment of any of the above

5.5 There is a requirement under legislation for those making whistleblowing reports to believe that the disclosure is in the public interest.

6. Policy Detail

6.1 The policy allows for all employees, officers, workers and contractors to raise any concerns that they may have about conduct or working practices.

6.2 It is not necessary to have proof that such an act is being, has been or is likely to be committed – a reasonable belief is sufficient.

6.3 Those disclosing concerns;
- must believe that what they are disclosing is in the public interest;
- must believe what they are disclosing is substantially true;
- must not act maliciously or make false allegations; and
- must not seek personal gain.

6.4 Your Housing Group ensures that all individuals know what is expected of them and what practices it regards as unacceptable, for example, as detailed in the Employee Code of Conduct.

6.5 Any matter raised under this policy will be investigated thoroughly, promptly and confidentially and the outcome of the investigation will be reported back to the person(s) who raised the issue where possible.

- 6.6 Concerns may be raised anonymously. However, if a concern is raised anonymously then it can be more difficult to investigate it properly.
- 6.7 An employee who makes a protected disclosure has the right not to be dismissed, subjected to any detriment, or victimised, because of making the disclosure. This means that the continued employment and opportunities for future promotion or training will not be prejudiced because he/she has raised a legitimate concern.
- 6.8 Victimisation of anyone for raising a qualified disclosure will be a disciplinary offence.
- 6.9 If misconduct is discovered as a result of any investigation under this Policy, the Group's disciplinary procedure will be used, in addition to any appropriate external measure.
- 6.10 An instruction to cover up a wrongdoing is a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, individuals should not agree to remain silent, they should report the matter.
- 6.11 This policy applies where a disclosure is made in good faith and where the whistleblower reasonably believes that the information disclosed is substantially true. Providing a disclosure is made with honest intent, no action will be taken against the whistleblower if the claims are not subsequently substantiated.
- 6.12 If a whistleblower raises malicious or unfounded concerns, this will be taken seriously. Maliciously making a false allegation is a disciplinary offence and the individual will be dealt with under YHG's Disciplinary Policy and Procedure.
- 6.13 Your Housing Group will deal with concerns seriously and will pursue allegations of fraud and abuse through its disciplinary procedures and if necessary, through the legal system. **In cases where fraud is suspected, Managers should utilise the Anti-Fraud and Bribery Policy.**
- 6.14 It is important to know the difference between a 'Whistle-blow' and a 'grievance.' A Whistle-blow has a public interest aspect to it, as it puts others at risk. A grievance has no public interest factors, as it is a complaint about a particular employment situation.
- 6.15 This policy should not be used for complaints relating to an employee's own personal circumstances at work. In those cases, employees should use the Grievance Procedure or Bullying and Harassment Procedure
- 6.16 The process for raising and responding to issues raised under this policy is set out in the Whistleblowing procedure.

7. Responsibilities under this Policy

- 7.1 It is the responsibility of line managers to report any whistleblowing concerns they are made aware of. Line managers should not seek to investigate these concerns themselves until informed to do so.
- 7.2 The Director of Human Resources (HRD) is the appointed independent person within YHG with responsibility for whistleblowing concerns and the person to whom managers should report whistleblowing concerns.
- 7.3 The Group Company Secretary (GCS) is responsible for receiving reports of whistleblowing if these involve the HRD or are unable to be reported to the HRD for any reason.
- 7.4 The Chief Executive Officer (CEO) is responsible for considering reports of whistleblowing if these involve the GCS.
- 7.5 The Chair of the Audit & Risk Committee is responsible for considering reports of whistleblowing where these involve the CEO.

8. Risk Management

- 8.1 This policy sets out how YHG will address concerns where the interests of others, or the organisation itself, are at serious risk. This may include disclosures involving criminal offences (e.g. fraud, bribery, corruption and theft); endangering the health and safety of employees, residents or the general public; risk or actual damage to the environment; improper conduct or unethical behaviour; failure to comply with any legal or professional obligation or regulatory requirement, including failure to disclose a serious conflict of interest; abuse or neglect of vulnerable people (safeguarding) or deliberately concealing any of the above.
- 8.2 The Audit & Risk Committee has responsibility for whistleblowing matters. Any whistleblowing concerns will be reported to that committee.
- 8.3 All serious disclosures where significant loss or reputational risk is suspected are also reported to the Executive Team, Chair of the Audit & Risk Committee and Board Chair within 48 hours of receipt.

9. Data Protection, Record Storage and Retention

- 9.1 When an individual makes a disclosure, the organisation will process any personal data collected in accordance with the YHG Data Protection policy. Data collected from the point at which the individual makes the report is held securely and accessed by, and disclosed to, individuals only for the purposes of dealing with the disclosure.

10. Equality and Diversity

- 10.1 This policy complies with the requirements of the Equality Act 2010 to ensure equality of treatment for all customers without discrimination or prejudice.
- 10.2 Where it becomes necessary to investigate allegations against an employee under this policy the same process and procedures will be consistently applied, regardless of the status, or protected characteristic(s) of the individual concerned.
- 10.3 An Equality Impact Assessment has been conducted on this policy.
- 10.4 On request, YHG will provide translations of all its documents, policies and procedures in various languages and other formats by contacting YHG.

11. Communication

- 11.1 This Policy will be communicated to all staff via the YHG intranet. A summary sheet outlining the main principles of the policy and associated procedure is also available.

12. Learning and Development

- 12.1 All staff will be made aware of their responsibilities under this policy.
- 12.2 Staff with line management responsibility will receive a copy of this policy as part of their induction.

13. Performance Management of this Policy

- 13.1 Incidents of whistleblowing will be monitored by the Audit and Risk Committee of the Group Board.

14. Review of this Policy

- 14.1 This policy will be reviewed by Human Resources on a two-year basis, or sooner if required by statutory, regulatory, best practice, emerging developments, or circumstances arising from reviews of other Group wide policies.
- 14.2 This Policy does not form any part of an employees' contract of employment and the Group may amend it at any time.

Related Documents

Document Type	Name
Connected Policies and Procedures	Whistleblowing Procedure Grievance Procedure Code of Conduct Disciplinary Policy and Procedure Anti-Fraud and Bribery Policy
Forms and Letters	
Leaflets/Publicity Material	
Training Materials Available	
Intranet/ Website Page	