



WHISTLEBLOWING POLICY

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Homes in Sedgemoor Whistleblowing Policy

1. Policy Statement

- 1.1. Whistleblowing is the name given to the act of the disclosure of information to the employer or the relevant authority by an individual who knows, or suspects, that the Organisation is responsible for or taken part in some wrongdoing.

Those making qualifying disclosures are protected against dismissal or detriment by The Public Interest Disclosure Act 1998.

The Whistleblowing Policy encourages and enables colleagues to raise serious concerns within Homes in Sedgemoor. It allows colleagues to take matters further if they are dissatisfied with the Company's decision and it reassures colleagues that they will be protected from reprisals or victimisation for acting in good faith.

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

- 1.2. It is important to the business that any fraud, misconduct or wrongdoing by colleagues or officers of the organisation is reported and properly dealt with. We therefore encourage 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.
- 1.3. The policy does not replace the organisation's grievance procedure or managerial responsibilities. It does, however, allow colleagues to express serious concerns about aspects of service provision or the conduct of colleagues or others acting on behalf of Homes in Sedgemoor.

2. Purpose of Policy

- 2.1. The purpose of this Whistleblowing Policy is to:
- 2.2. Set out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

- 2.3. The law provides protection for workers who raise legitimate concerns about specified matters. These are called "qualifying disclosures". A qualifying disclosure is a disclosure of information that a colleague genuinely and reasonably believes is in the public interest and shows that the organisation has committed a relevant failure by:
- Committing a criminal offence;
 - Failing to comply with a legal obligation
 - a miscarriage of justice;
 - endangering the health and safety of an individual;
 - an act causing damage to the environment;
 - a breach of any other legal obligation; or
 - concealment of any information relating to the above.

These acts can be in the past, present or future, so that, for example, a disclosure qualifies if it relates to environmental damage that has happened, is happening, or is likely to happen. The organisation will take any concerns that a colleague might raise relating to the above matters very seriously.

The Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998) provides protection for workers who 'blow the whistle' where they reasonably believe that some form of illegality, injustice or breach of health and safety has occurred or is likely to occur. The disclosure has to be "in the public interest".

The colleague has no responsibility for investigating the matter – it is the organisation's responsibility to ensure that an investigation takes place.

- 2.4. A colleague who makes such a protected disclosure has the right not to be dismissed, subjected to any other detriment, or victimised, because they have made a disclosure.
- 2.5. The organisation encourages colleagues to raise their concerns under this Policy in the first instance. If a colleague is not sure whether or not to raise a concern, they should discuss the issue with their line manager or the Head of People and Communications. Should the concern not meet the requirement to be a qualifying disclosure, this should be raised under the Organisation's grievance policy. Where a concern is raised under the Whistleblowing Policy where it is not appropriate to do so, i.e. it relates to a personal grievance, the receiving manager will confirm that the matter will be addressed under the grievance policy.

3. Principles

- 3.1.
- Any matter raised under this Whistleblowing Policy will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the colleague who raised the issue.
 - No colleague will be victimised for raising a matter under this Policy. This means that the continued employment and opportunities for future promotion or training of the colleague will not be prejudiced because they have raised a legitimate concern.
 - Victimisation of a colleague for raising a qualified disclosure will be a disciplinary offence.
 - If misconduct is discovered as a result of any investigation under this procedure the organisation's disciplinary procedure will be used, in addition to any appropriate external measures.
 - Maliciously making a false allegation is a disciplinary offence.
 - An instruction to cover up wrongdoing is 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 Executive Team. Details are available on the intranet.

4. How to raise a concern

- 4.1. In the first instance, and unless the colleague reasonably believes their line manager to be involved in the wrongdoing, or if for any other reason the colleague does not wish to approach their line manager, any concerns should be raised with the immediate line manager. If they believe the line manager to be involved, or for any reason does not wish to approach the line manager, then the colleague should follow the process set out in 4.3.
- 4.2. The line manager will advise the Executive Team (ET) member who has responsibility for the directorate the whistleblowing relates to. They will then commence an investigation into the matter (either by investigating the matter personally or by involving the department manager). The investigation may involve the colleague and other individuals giving a written statement. Any investigation will be carried out in accordance with the principles set out above. The colleague's statement will be taken into account, and they will be asked to comment on any additional evidence obtained. The ET member or manager will then report their findings to the rest of the Executive Team.

They will then take any necessary action, including reporting the matter to any appropriate government department or regulatory agency and the Board. If disciplinary action is required, the ET member will report the matter to the People Team and start the disciplinary procedure. On conclusion of any investigation, the colleague will be told the outcome of the investigation and what ET or the Board, where appropriate, has done, or proposes to do. If no action is to be taken, the reason for this will be explained.

- 4.3 If the colleague is concerned that their line manager is involved in the wrongdoing, they should inform a member of the Executive Team, ideally, their directorate lead, who will arrange for the investigation to be carried out, make any necessary enquiries and make their own report to ET as set out in 4.2 above. Any approach to a member of ET will be treated with the strictest confidence and the colleague's identity will not be disclosed without their prior consent.
- 4.4 If on conclusion of the investigation the colleague reasonably believes that the appropriate action has not been taken they should report the matter to the Chair of the Audit and Risk Committee
Marie.Hide@homesinsedgemoor.org.
- 4.5 If fraud or any other wrongdoing is suspected against a Director the colleague should contact the Chief Executive who will undertake the investigation. The Chief Executive will also notify the Chair of the Board and the Chair of the Audit and Risk Committee. If the issue relates to the Chief Executive or if the colleague is not satisfied that the Chief Executive has taken appropriate action, the colleague should contact the Chair of the Audit and Risk Committee direct. If the colleague feels the matter involves the full Board then the following independent organisations can be contacted:

External Auditors – BishopFleming

Contact Nathan Coughlin, Partner on Telephone 01752 234333, mobile 07974 213567 or email ncoughlin@bishopsfleming.co.uk

Internal Auditors, SWAP

Contact Dan Newens, Assistant Director, on Telephone 02081 425030, mobile 07730198838 or email Daniel.newens@swapaudit.co.uk

Protect

Telephone 020 3117 2520, www.protect-advice.org.uk
Protect is an independent charity that provides free, confidential whistleblowing advice for employees who wish to express concerns about fraud or other serious malpractice.

5. Training and awareness

- 5.1 All colleagues will receive training on Confidential Reporting on an annual basis through E-learning via the Learning Management System. Regular awareness raising, no less frequent than six monthly, will also be promoted via the internal colleague newsletter Round Robin and information and links to this policy will be available on a dedicated section of the intranet.

6. Monitoring and Review

- 6.1. We will maintain a confidential record of any concerns raised under the Whistleblowing policy and ensure every concern is responded to as appropriate, subject to any legal constraints. An annual summary of any issues raised via the Whistleblowing Policy will be reported to Board in the Statutory and Other Registers document via the Company Secretary. In addition, the relevant ET member will provide a summary report to Board at the time of any incident occurring.

7. Homes in Sedgemoor – Whistleblowing Policy

- 7.1. This policy is drawn up with reference to the following legislation:

- Public Interest Disclosure Act 1998
- Employment Rights Act 1996
- Data Protection Act 2018
- General Data Protection Regulation 2018

8. Related Documents

- Grievance procedure – available on the intranet
- Disciplinary procedure – available on the intranet