

Whistleblowing Policy and Procedure (Confidential Reporting)

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|-----------------|--------------|---------------|-------------|---------------|------------------|------------------|
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1. Introduction

- 1.1. Board Members, Employees and/or Contractors (which together will be referred to throughout this policy as Personnel) are often the first to realise that there may be something seriously wrong within their organisation. However, they may not feel comfortable expressing their concerns as they feel it would be disloyal or they are concerned about harassment or victimisation. It may seem easier to ignore rather than report a suspicion of wrongdoing.
- 1.2. Westmoreland Supported Housing Limited (WSHL) is committed to the highest possible standards of openness, probity, transparency and accountability. WSHL expects Personnel and others with serious concerns about any aspect of WSHL to come forward and voice those concerns. It is recognised that certain cases will have to proceed on a confidential basis. All Personnel are required to conduct themselves with integrity, trust and fairness.
- 1.3. This policy has been produced in accordance with the Public Interest Disclosure Act 1998 (PIDA), which protects colleagues and workers making disclosures about certain matters of concern (where those disclosures are made in accordance with the provisions of the Act) from dismissal or a detriment short of dismissal.

2. Purpose

- 2.1. The policy is intended to encourage and enable Personnel to raise serious concerns within WSHL rather than overlooking a problem or feeling they need to report the concern externally.
- 2.2. It sets out WSHL's approach to dealing with concerns raised by Personnel about any aspect of our work.

2.3. A *Whistleblower* is a person who raises a concern about a wrongdoing occurring in an organisation. Whistleblowing occurs when a member of Personnel raises serious concerns and/or provides certain types of information, usually to the employer or a regulator which has come to their attention through work.

3. Legal and Regulatory responsibilities (not exhaustive)

- Public Interest Disclosure Act 1998 and 2013 Guidance
- Data Protection Act 1998.

4. Scope

- 4.1. This policy applies to all Personnel operating within, with and for WSHL.
- 4.2. There are existing procedures in place to enable Personnel to lodge a grievance relating to their own employment. The Whistleblowing policy is intended to cover major concerns that fall outside the scope of other procedures.

5. Policy statement

- 5.1. WSHL will listen to all concerns, investigate further if necessary and protect individuals against reprisals, bullying or victimisation for speaking out.
- 5.2. At WSHL, openness and accountability inform everything we do. From time to time however, individuals may have concerns about performance, working practices, actions we propose to take or actions we have already taken.
- 5.3. Concerns raised may be about:
- theft, fraud, corruption or malpractice;
 - actual or potential criminal offences;
 - failure to comply with a legal obligation – such as those relating to health & safety;
 - failure to deliver proper standards of service;
 - damaging personal conflicts at senior level;
 - the sexual, physical or psychological abuse of clients;
 - bullying, harassment, discrimination or victimisation in the workplace;
 - damage to the environment;
 - something that is against WSHL's policies;
 - falls below established procedures or practices; or
 - anything else that the individual is concerned may constitute improper or unethical conduct.



- 5.4. If the concern cannot be addressed using the disciplinary, grievance or other processes, then individuals can use this Whistleblowing (Confidential Reporting) Policy to express their concern confidentially.
- 5.5. WSHL will:
- investigate all legitimate concerns;
 - pursue fraud and serious abuse via our disciplinary procedures or through the courts if necessary;
 - report all thefts and fraud to the Police;
 - remain committed to supporting colleagues who raise legitimate concerns;
 - treat as a disciplinary offence any colleague who discourages another from coming forward to express a concern; and
 - deal severely with anyone who criticises, bullies, harasses or victimises an individual after a concern has been raised.

6. Responsibilities

- 6.1. All Personnel are required to promptly report any issue of concern regarding any aspect of WSHL's business activities. In the majority of cases, this will be done through the usual Board and management arrangements.
- 6.2. To use the confidential reporting process, an individual is not required to 'prove' the truth of any allegation but will be expected to demonstrate that there are reasonable grounds for the concern. They will also be expected to co-operate with any investigation that takes place.

7. How to Raise Concerns

- 7.1. Concerns should normally be raised in writing and forwarded to the Finance Director. This may, however, depend on the seriousness and sensitivity of the issues involved and who is thought to be involved in the alleged wrongdoing or malpractice. If the matter concerns the Finance Director, Chief Executive or any other member of the Executive Team, then the whistleblower may forward details of the concerns to Cherry Dunk or Neil Timms, independent non-executive Board Members (or their replacements in post). Email addresses for these Board Members are available via WSHL's address book.
- 7.2. Concerns should be raised in writing without undue delay setting out the background and history of the concern, giving names, dates and places where possible, and the reason for the individual's concern.
- 7.3. Anything communicated under this policy, be it in writing or (initially) verbal, will be assumed as being confidential from the outset. No content will be discussed beyond the Finance Director and the complainant, or the Board Member and the complainant until and unless agreed with the complainant.



8. How WSHL will respond

- 8.1. The action taken by WSHL will depend on the nature of the concern. The matters raised may:
 - be investigated by management, audit, or through the disciplinary/grievance process
 - be referred to the police
 - be referred to the external auditor
 - form the subject of an independent inquiry
- 8.2. In order to protect individuals and WSHL, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take.
- 8.3. Concerns or allegations which fall within the scope of specific procedures (for example discrimination issues will normally be referred for consideration under those procedures). Some concerns may be resolved by agreed action without the need for investigation.
- 8.4. If urgent action is required, this will be taken before any investigation is conducted. The amount of contact between the individual who is investigating/considering the issues and the complainant will depend on the nature of the matters raised, the potential difficulties involved, and the clarity of the information provided.
- 8.5. Within ten working days of a concern being received, the recipient of the concern will write to the whistleblower:
 - acknowledging that the concern has been received
 - indicating how he/she proposes to deal with the matter
 - giving an estimate of how long it will take to provide a final response
 - informing whether any initial enquiries have been made, and what further investigations will take place, if any
- 8.6. WSHL will take steps to minimise any difficulties which the whistleblower may experience as a result of raising a concern. For instance, if it becomes necessary to give evidence in criminal or disciplinary proceedings, WSHL will provide the necessary advice about the procedure and give whatever practical support that is possible. Where possible, whistleblowers will receive feedback about the outcomes of any investigations.

9. Taking the Concerns Externally

- 9.1. This policy is intended to provide individuals with an avenue to raise concerns within WSHL. There may be circumstances where a whistleblower considers it necessary to raise the matter externally. This may be because, for example, there is a need to involve the appropriate external regulatory body, or where the complainant considers that the matter has not been properly addressed or believes it will be covered up.



9.2. If an individual believes that such a course of action is necessary, the following are possible contact points:

- Relevant professional bodies or regulator, e.g. RSH
- Trade union
- Solicitor
- Police

9.3. If an individual is unsure whether or how to raise a concern or wants confidential advice, contact can be made with the independent charity Protect (a whistleblowing charity) on 020 3117 2520 or at www.protect-advice.org.uk/contact-protect-advice-line/. Their lawyers can provide free confidential advice on how to raise a concern about serious malpractice at work.

10. Policy Monitoring and Review

10.1. The Finance Director has overall responsibility for the operation of this Policy. A record of all concerns raised, and the outcomes will be maintained in a secure area of WSHL's network, and will only be available to authorised individuals.

10.2. This policy will be reviewed every two years.