



# Whistleblowing Policy

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## 1. Introduction & purpose

- 1.1 Employees or Board Members are often the first to realise that there may be some form of serious inappropriate conduct within the Company. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Company. They may also fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of misconduct, but this can have serious consequences if wrongdoing goes undetected.
- 1.2 The Company is committed to the highest possible standards of openness, probity, accountability and honesty. In line with that commitment, we expect employees, Board Members and others that we deal with who have serious concerns about any aspect of the Company's work to come forward and voice those concerns. If an employee is not sure whether to raise a concern, he/she should discuss this with his/her line manager or the HR department.
- 1.3 This policy applies to all employees, Board Members and members of the public. Other individuals performing functions in relation to the organisation, such as agency workers, volunteers and contractors, are encouraged to use it.
- 1.4 This policy document makes it clear that employees and Board Members can do so without fear of victimisation, subsequent discrimination or disadvantage. This Whistleblowing Policy and Procedure is intended to encourage and enable employees and Board Members to raise serious concerns within the Company rather than overlooking a problem or 'blowing the whistle' outside. With the exception of employment related grievances, this policy will apply to any act of Whistleblowing, as defined by the charity Public Concern at Work to mean: "A disclosure of confidential information which relates to some danger, fraud or other illegal or unethical conduct connected with the workplace, be it of the employer or of its employees." Examples of these matters are given below in paragraph 2.3.
- 1.5 These procedures are in addition to the Company's complaints procedures and other statutory reporting procedures. Officers are responsible for making customers aware of the existence of these procedures, including via the website.
- 1.6 An employee who makes such a protected disclosure has the right not to be dismissed, subjected to any other detriment, or victimised, because he/she has made a disclosure. This means that the continued employment and opportunities for future promotion or training for the employee will not be prejudiced because he/she has raised a legitimate concern.
- 1.7 The Public Interest Disclosure Act 1998 and the provisions of the Employment Right Act 1996, give legal protection to employees against being dismissed or penalised by their employer as a result of publicly disclosing certain serious concerns provided that they are disclosed under procedures identified in the Act. It is a fundamental term of every contract of employment that an employee will faithfully serve his or her employer and not disclose confidential information about the employer's affairs. However, where an individual discovers

information that they believe shows malpractice/wrongdoing within the organisation then there should be identified procedures to enable the individual to disclose this information without fear of reprisal, and it may be necessary for the disclosures to be made independently of line management. This policy has been discussed with the relevant trade unions and has their support.

## **2. Aims and scope of the policy**

### **2.1 This policy aims to:**

- a. encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice without fear of recrimination.
- b. provide avenues for you to raise those concerns and receive feedback on any action taken
- c. ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied
- d. reassure you that will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made any disclosure in good faith.
- e. advise you of the support that the Company will provide if you raise concerns in good faith.
- f. give assurance that matters raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the individual who raised the issue.

### **2.2 There are a number of procedures in place including the grievance procedure, Code of Conduct, and guidelines for dealing with bullying and harassment and other issues relating to your own employment.**

### **2.3 This Policy is intended to cover concerns that are in the public interest and may (at least initially) be investigated separately but might then lead to the use of such procedures. These might include:**

- a. conduct which is an offence or a breach of law
- b. disclosures related to miscarriages of justice
- c. failure to comply with a legal obligation
- d. health and safety risks, including risks to the public as well as other employees
- e. damage to the environment
- f. the unauthorised use of public or Company funds
- g. possible fraud and corruption
- h. unethical or improper conduct or behaviour
- i. unacceptable business risks.
- j. attempts to conceal any of the above

This is not intended to be a comprehensive list and any matter raised under this policy will be considered seriously.

### **2.4 This concern may be about something going on now, in the past or likely to happen and that:**

- a. makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the Company subscribes to; or
- b. is against the Company's procedure rules and policies; or
- c. falls below established standards of practice; or
- d. amounts to improper conduct.

### **3. Safeguards**

#### **Harassment or victimisation**

- 3.1 The Company is committed to good practice and high standards and wants to be supportive of employees and Board Members.
- 3.2 This policy is designed to offer protection to you if you disclose such concerns provided the disclosure is made:
  - i in accordance with the procedures laid down
  - ii in good faith, and
  - iii in the reasonable belief that it tends to show malpractice
- 3.3 The Company will not tolerate the harassment or victimisation of any person who raises a concern. The Company's disciplinary procedures will be used against any employee who is found to be harassing or victimising the person raising the concern and such behaviour by a Board Member will be reported under the Board Members' Code of Conduct.
- 3.4 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you if you are an employee.
- 3.5 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, employees should not agree to remain silent. They should report the matter as set out in Clause 4.1.

#### **Confidentiality**

- 3.6 All concerns will be treated in confidence and the Company will do its best to protect your identity if you do not want your name to be disclosed. If investigation of a concern discloses a situation that is sufficiently serious to warrant disciplinary action or police involvement, then your evidence may be important. Your name will not however be released as a possible witness until the reason for its disclosure at this stage has been fully discussed with you.

#### **Anonymous allegations**

- 3.7 This policy encourages you to put your name to your allegation whenever possible. If you do not provide your name when making an allegation then the organisation will be unable to inform you of the outcome of the investigation.

- 3.8 Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Company.
- 3.9 In exercising this discretion, the factors to be taken into account would include the:
- a. seriousness of the issues raised;
  - b. credibility of the concern; and
  - c. likelihood of confirming the allegation from alternative attributable sources.

## **Untrue Allegations**

- 3.10 If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If however, the investigation shows an individual has made malicious or vexatious allegations, and particularly if he/she persists with making them, or for personal gain, disciplinary action may be taken against you, or if you are a Board Member a complaint may be made under the Board Members' Code of Conduct.

## **4. How to raise a concern**

- 4.1 You should normally raise concerns with the Director of Business Improvement or Head of Finance. However if your concern relates to one of these officers you should raise your concerns with the Chief Executive or the Chair of the Finance and Audit Committee.

Alternatively, you can ring the Anti-fraud telephone number 07834788710, which will be a 24-hour answer phone that will be dealt with by a senior member of the HR team.

Alternatively, you can email your concerns to the HR team at [HR@cbhomes.org.uk](mailto:HR@cbhomes.org.uk)

## **5. How the Company will respond**

- 5.1 The Company will respond to your concerns. Do not forget that testing out your concerns is not the same as rejecting them.
- 5.2 Where appropriate, the matters raised may be:
- a. investigated by management, internal audit, or through the disciplinary process
  - b. referred to the police
  - c. referred to the Company's external auditor
  - d. the subject of an independent inquiry.
- 5.3 In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle, which the Company will have in mind, is the public interest.

- 5.4 Some concerns may be resolved by agreed action without the need for investigation.
- 5.5 Within **five** working days of a concern being raised, one of the Officers named at 4.1 above will write to you:
- a. acknowledging that the concern has been received
  - b. indicating how it is proposed to deal with the matter
  - c. giving an estimate of how long it will take to provide a final response
  - d. informing you whether any initial enquiries have been made
  - e. supplying you with information on staff support mechanisms, and
  - f. informing you whether further investigations will take place and if not, why not.
- 5.6 The amount of contact between the officers considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Company will seek further information from you.
- 5.7 Where any meeting is arranged, which could be off-site where appropriate, if you so wish, you can be accompanied by a union or professional association representative or a friend, or another Member if you are a Board Member.
- 5.8 The Company will take steps to minimise any difficulties, which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings the Company will arrange for you to receive advice about the procedure and will help you with the preparation of statements.
- 5.9 The Company accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will receive information about the outcomes of any investigation.

## **6. Responsible Officer**

- 6.1 The Director of Business Improvement has overall responsibility for the maintenance and operation of this policy. That officer maintains a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will provide an annual report on the operation of the policy to the Finance & Audit Committee.

## **7. How the matter can be taken further**

- 7.1 This policy is intended to provide you with an avenue to raise concerns within the Company. The Company hopes you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside the Company, the following are possible contact points:
- a. your local Citizens Advice service
  - b. relevant professional bodies or regulatory organisations
  - c. the Police

d. Local Government Ombudsman

7.2 If you are considering taking the matter outside of the Company, you should ensure that you are entitled to do so and that you do not disclose confidential information. If in making a disclosure you are breaching company confidentiality, you will need to ensure that your action is a protected disclosure. An independent charity, Public Concern at Work, can offer independent and confidential advice. They can be contacted on ☎ 020 3117 2520 or by email at [whistle@protect-advice.org.uk](mailto:whistle@protect-advice.org.uk)

## 8. Review

This policy will be reviewed every two years.

## 9. References

Public Concern at Work [www.pcaw.org.uk](http://www.pcaw.org.uk)  
Public Interest Disclosure Act 1998  
Employment Right Act 1996.

## 10. Related documents

Prevention of Fraud, Corruption and Money Laundering Policy  
Board Member Code of Conduct  
Staff Code of Conduct  
Disciplinary rules and procedures  
Grievance procedure  
Bullying & harassment Policy  
Safeguarding Policy  
Information and Confidentiality Policy  
Hospitality and Gifts Policy  
Terms and conditions of employment  
Standing Financial Instructions  
Scheme of Delegation  
Operational Scheme of Delegation  
Register of Members' interests  
Organisational behaviours.

### Document control sheet

<b>Title</b>	CBH Whistleblowing Policy – July 2020					
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### Document amendment history

<b>Version</b>	<b>Type</b>	<b>Date</b>	<b>Brief description of changes</b>
1.0	New	Feb 2012	New policy approved by F&A
1.1	Minor revision	April 2014	Minor amendments approved by Board
1.2	Minor revision	May/June 2015	Minor amendments approved F&A Committee and Board
1.3	Minor Revision	April 2016	Minor amendment change of Anti-Fraud/ Whistleblowing telephone number
1.4	Minor Revision	March 2017	Minor amendments
1.5	Minor Revision	April 2019	Minor amendments
1.6	Minor Revision	July 2020	Minor amendments