



## **Group Whistleblowing Policy**

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## 1. Purpose

The purpose of this policy is to set out the key principles and framework the Company will apply should someone wish to report any wrongdoing by the Company, Board members or employees. A Whistleblower could come from any of these and are collectively referred to as “workers” under the terms of this policy. The term ‘Company’ refers to North Devon Homes and any of its subsidiary companies.

A quick overview of how to use the policy and the process to follow if a wrongdoing is suspected is set out in Appendix A.

The Company recognises that raising a concern can be daunting and wants to ensure that there is an open and accessible process available. The company will provide support, protection and transparency in the way it deals with any Whistleblowing issues.

The Whistleblowing policy forms part of an important control framework that helps ensure a good working environment which is in everyone's interest.

## 2. Principles

The Company is fully committed to upholding the highest standards of probity, ethics, integrity, openness and honesty in all activities.

The Company encourages workers with any concerns to raise them so they can be investigated and dealt with. Where a concern is one that is in the public interest to raise these may need to be reported externally in order they can be properly and fully investigated. Employees are protected when raising a public interest disclosure under employment law which can also provide anonymity and protected rights for specific public interest disclosures.

This policy aims to ensure that there is a clear and accessible framework to help employees know what to do and where to go should they have a concern and the various routes and options available to them.

## 3. Responsibilities

This policy is a reserved policy that can only be changed by the Board.

The Head of HR will be responsible for ensuring that reviews of this policy are undertaken, that appropriate consultation takes place and that any proposed revisions are reported to the Board for its approval.

The Head of HR will ensure that this policy is communicated and implemented and that new and existing staff are suitably trained and informed of its content.

## 4. Scope

This policy applies to employees, board members, agency workers, connected customers, service providers and contractors.

The Whistleblowing Policy will:

- Encourage employees to raise concerns where they see any
- Demonstrate a culture of openness and accountability
- Provides a framework and process that supports a worker with genuine concerns
- Deter criminal activity
- Identify and resolve conflicts
- Reduce the crisis management risks
- Reassure that those with concerns will not be victimised and help and support will be given.

## 5. Policy

The Company recognises that employees will need to come forward on a confidential basis where normal channels may not be appropriate and concern is serious and genuine. This policy statement makes it clear that they can do so without fear of reprisal or victimisation. This Whistleblowing Policy does not however provide a route through which employees can publicly question or disclose financial information or sensitive business decisions.

This policy statement is non-contractual and does not form part of the employment contract between the Company and the employee.

### 5.1 What is Whistleblowing?

Whistleblowing is the act of “raising concerns about misconduct within an organisation”. This misconduct may be the action of a manager or another staff

member. It can also relate to actions of a third party, customer, supplier or service provider.

Whistleblowing is generally used for matters where there is a “public interest” and the issue is sufficiently serious and not merely a trivial matter. Certain issues that can be raised which are in the public interest are referred to as protected disclosures and are set out below.

Whistleblowing can also relate to non-public interest issues and these are generally internal matters that will need to be investigated or resolved. Most internal issues can be escalated and resolved appropriately through an existing policy or process. It is worth seeking advice from your manager, another manager, Head of HR or a Director in the business in the first instance if you feel you are able to do so.

There may be a personal interest involved in the issue which could be performance related, concern bullying or harassment, unfair treatment, a disagreement or could be a misunderstanding. Where there is a direct personal interest of the whistleblower involved the issue would normally be dealt with under an existing policy see below.

Whistleblowing should not be seen or used as another route to use where there is an existing or ongoing grievance or issue with another staff member, manager or the company. Generally, a disclosure made by a whistleblower relates to something that may not personally impact on the individual but affects the employer or a third party.

## **5.2 Key points to be aware of:**

- Everyone should be aware of the importance of preventing and eliminating wrongdoing or dangers at work. Workers should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.
- No worker will be victimised for raising a qualifying disclosure under this procedure appropriately. 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 or qualifying disclosure.
- Victimisation of a worker for raising a qualifying disclosure will be 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, a worker or employee should not agree to remain silent. They should report the matter to a Director or if appropriate to a third party.

- If misconduct is discovered as a result of any investigation under this policy and associated procedures, the Company's disciplinary procedure may be used, in addition to any appropriate external measures.
- Maliciously making a false allegation is also a disciplinary offence.
- Any matter raised will be investigated thoroughly, promptly and confidentially.

This policy is intended to help the Company achieve a positive, honest and open working culture. It is expected where there any issues, these can be routinely raised and dealt with quickly and appropriately as part of a normal functional business environment.

This policy is therefore intended to cover those issues which are sufficiently serious that can't be dealt under the normal internal controls and safeguards that already exist.

### **5.3 Legal Requirements**

The Public Interest Disclosure Act 1998 (PIDA) amended the Employment Rights Act 1996 to provide protection to an employee from dismissal or detriment for blowing the whistle on wrongdoing at work. The law provides protection for employees and workers who raise legitimate concerns about specified matters. These are called "qualifying disclosures". Certain kinds of disclosure may qualify for protection and are disclosures of information which the person reasonably believes tend to show one or more of the following matters is either happening now, took place in the past or is likely to happen in the future.

- A criminal offence
- The breach of a legal obligation or regulatory requirements
- A miscarriage of justice
- An act creating risk to health and safety
- Damage to the environment
- A breach of any other legal obligation; or concealment of any of the above.

In addition to those categories covered by the Act we also extend this to cover serious financial irregularities.

It is not necessary for the employee to have proof that such an act is being, has been, or is likely to be, committed – a reasonable belief is sufficient. The employee has no responsibility for investigating the matter – it is the responsibility of the Company to ensure that an investigation takes place.

Where an employee raises concerns with their line manager, the line manager has a responsibility to investigate or escalate the matter as a priority.

It is the responsibility of the line manager to keep the relevant Director informed of any issues raised.

The Act applies not only to employees but also contractors providing services, agency workers, home workers, connected customers and trainees on vocational and work experience schemes.

#### **5.4 Protection from Reprisals**

Workers should not be discouraged from whistle blowing for fear of reprisals, whether formal or informal. The Company will attempt to ensure that any employee or worker who makes a disclosure and feels that as a result they have suffered detrimental treatment may raise a formal complaint. The complaint should be directed in writing to the Finance Director. The Finance Director, or a suitable senior manager, will investigate the complaint fully and will take the appropriate action. In cases where the complaint is upheld against the individual(s) responsible, action taken may be in accordance with the disciplinary policy and procedure.

Where the employee is not satisfied with the outcome of the issue raised they may contact the Chairman of the Group Audit and Risk Committee or Chairman of the NDH Board.

The Group Audit and Risk Committee is responsible for the oversight of the internal control environment as well as compliance and standards. The Chairman of the Audit & Risk Committee has specific responsibilities and duties to ensure probity and integrity across the whole company including the Board itself. They can be contacted directly either through email or by phone and their contact details are on the intranet.

#### **5.5 Making a Disclosure to an external person or body**

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases workers or employees should not find it necessary to alert anyone externally.

The law recognises that in some circumstances it may be appropriate for the employee or worker to report concerns to an external body such as a regulator. The Company strongly encourages employees or workers to seek advice before reporting a concern to anyone external.

Whilst, wherever possible workers or employees should use the internal Company procedure in the first instance, external advice may be sought, or employees or workers may make disclosures to any of the specified external person(s) or body(s) listed below. If an employee makes a qualifying disclosure to such a person, they will be protected providing they make the disclosure in good faith. If the Company concludes that a Whistleblower has made a false allegation maliciously, the Whistleblower may be subject to disciplinary action.

## **5.6 External bodies**

Internal auditors:

RSM Risk Assurance Services LLP, 6<sup>th</sup> Floor, 25 Farringdon Street, London EC4A 4AB

Regulator of Social Housing, Referral and Regulation:

1<sup>st</sup> Floor – Lateral, 8 City Walk, Leeds, LS11 9AT

Up to date web links, email, contact numbers and nominated representatives can be found in the Documents tab of the intranet at HR\HR\HR Procedures.

## **5.7 Confidentiality**

The Company hopes that employees will feel able to voice whistleblowing concerns openly under this policy. Completely anonymous disclosures are difficult to investigate. If an employee or worker wants to raise a concern confidentially, the Company will make every reasonable effort to keep the employee's identity secret and only reveal it where necessary to those involved in investigating a concern. If an individual is under inquiry, that person will usually be entitled to know the nature of the allegations being made and any person criticised as a result of an inquiry has the right to be told the nature of the evidence upon which the criticism has been based.

While the Company will take every reasonable step to try and ensure that a whistleblower's identity is not revealed without their consent, in some cases the nature of the allegations or evidence may give an indication as to their source.

## **5.8 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. If, however, an individual makes malicious allegations and particularly if he or she persists with them, disciplinary action may be taken against the individual concerned. The decision as to whether the allegation was made maliciously will be decided after a fact-finding inquiry in accordance with the Disciplinary procedure.

## 6. Consultation

Who has been consulted in developing the Policy?

Date	Consultation methodology	Challenge / impact / result
	Staff will be consulted via staff forum about the changes to this policy.	

Identify potential impact on each of the diversity "groups"

Strand	No impact	Negative impact	Positive impact	Comments / evidence
Race	<input checked="" type="checkbox"/>			
Disability	<input checked="" type="checkbox"/>			
Gender	<input checked="" type="checkbox"/>			
Gender Reassignment	<input checked="" type="checkbox"/>			
Sexual orientation	<input checked="" type="checkbox"/>			
Religion or belief	<input checked="" type="checkbox"/>			
Age	<input checked="" type="checkbox"/>			
Rural issues	<input checked="" type="checkbox"/>			
Social Inclusion issues	<input checked="" type="checkbox"/>			
Pregnancy and maternity	<input checked="" type="checkbox"/>			
Marriage and civil partnership	<input checked="" type="checkbox"/>			

Does the Policy promote equality of opportunity?

Yes

If "adverse impact" identified in table above is it?

N/A

A full EIA is not required for this policy.

Not required.

If suggestions for improvement have been suggested, what should the positive outcome be for North Devon Homes' customers and stakeholders?

N/A.

**Next review date**

We will review this policy every 2 years to ensure that it continues to operate within best practice, achieve measurable results, and achieve continuous service improvement.

The policy may also be updated or reviewed following relevant changes to government policy, regulation or legislation.

Next review: January 2022

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**Related Documents**

HP700 Complaints and Feedback  
BP110 Code of conduct  
RP211 Health & Safety  
HP175 Gas Safety  
HP410 Fire Safety  
BP106 Probity, Hospitality and Interests  
RP210 Grievance  
RP209 Disciplinary  
RP201 Capability  
RP212 Integrity at work  
AP300 Money Laundering  
HP710 & 720 Safeguarding policies  
AP150 Anti Fraud & Bribery

