



## **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 fraud, misconduct or wrongdoing by the Company, Board members or employees. A Whistleblower could be an employee, a board member, agency worker, trainees on vocational and work experience schemes or anyone else who is contracted to perform personally any work or services for the Company, including involved customers and these 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.

Procedures to follow if a wrongdoing is suspected are 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. If a concern is in the public interest it may need to be reported externally in order that it can be properly and fully investigated. Workers 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 workers know what to do and where to go should they have a concern and the various routes and options available to them.

### 3. Review

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

We will review this policy every two years.

### 4. Responsibilities

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 aware of its existence and content.

### 5. Scope

The Whistleblowing Policy will:

- Encourage workers to raise concerns where they see an issue?
- Promote a culture of openness and accountability
- Provide 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.

### 6. Policy

The Company recognises that workers may need to come forward on a confidential basis where normal channels may not be appropriate and where they have a concern which 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 any contract between the Company and the worker.

## **6.1 What is Whistleblowing?**

Whistleblowing is the act of raising concerns about fraud, misconduct or wrongdoing within an organisation. The relevant types of concern are set out in section 5.3 below. Concerns may be about 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 where the whistleblower considers the matter to be of "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.

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

- Everyone should be aware of the importance of preventing and eliminating fraud, misconduct, or wrongdoing and maintaining a safe working environment. Workers should be alert to the potential for illegal or unethical conduct and report anything that they become aware of.
- NDH recognises the potential for victimization and the concerns that workers might have as a result of this. No worker will be victimised for raising a qualifying disclosure appropriately, in line with this policy.
- This means that the continued employment and opportunities for future promotion or training will not be prejudiced because they have 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 not felt appropriate, to the Chief Executive, Chair of the Group Audit and Risk Committee, Chair of the Group Board or in extreme cases 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 and wilfully 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 and protect a positive, honest and open working culture. It is expected where there are 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 cannot be dealt under the normal internal controls and safeguards that already exist.

### **6.3 Legal Requirements**

The Public Interest Disclosure Act 1998 (PIDA) amended the Employment Rights Act 1996 to provide protection to a worker from dismissal or detriment for blowing the whistle on certain types of fraud, misconduct or 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 are made in the public interest and 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

- 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 worker to have proof that such an act is being, has been, or is likely to be, committed – a reasonable belief is sufficient. The worker has no responsibility for investigating the matter – it is the responsibility of the Company to ensure that an investigation takes place.

Where a worker 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.

Where the worker believes the line manager to be involved in the fraud, misconduct or wrongdoing, they should raise their concerns with either a Director or the Head of HR directly.

#### **6.4 Protection from Reprisals**

Workers should not be discouraged from whistleblowing for fear of reprisals, whether formal or informal. Any worker who makes a disclosure and feels that as a result they have suffered detrimental treatment may raise a formal complaint in accordance with the Whistleblowing Procedures. 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 worker 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 Group 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.

#### **6.5 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 should use the internal Company procedure in the first instance, external advice may be sought, or workers may make disclosures to a specified external person(s) or body(s) - See [www.gov.uk/whistleblowing](http://www.gov.uk/whistleblowing). If a worker 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.

Workers should seek advice if they are thinking of raising their concern with the media as they will not have protection under whistleblowing laws unless certain conditions are met.

## **6.6 Confidentiality**

The Company hopes that workers will feel able to voice whistleblowing concerns openly under this policy. Completely anonymous disclosures are difficult to investigate. If a worker wants to raise a concern confidentially, the Company will make every reasonable effort to keep their 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.

## **6.7 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.



## 7. 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.	

## 8. Equality Impact Assessment

### 8.1 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"/>	

### 8.2 Does the Policy promote equality of opportunity?

Yes.

### 8.3 If “adverse impact” identified in table above is it?

N/A.

### 8.4 A full EIA is not required for this policy.

Not required.

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

N/A.

<b>Next review date</b>	
<p>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.</p> <p>The policy may also be updated or reviewed following relevant changes to government policy, regulation or legislation.</p> <p>Next review: March 2025.</p>	
	<b>Related Documents</b>
HEAD OF HR	<p>HP700 Complaints and Feedback</p> <p>BP110 Code of conduct</p> <p>RP211 Health &amp; Safety</p> <p>HP175 Gas Safety</p> <p>HP410 Fire Safety</p> <p>BP106 Probity, Hospitality and Interests</p> <p>RP210 Grievance</p> <p>RP209 Disciplinary</p> <p>RP201 Capability</p> <p>AP300 Money Laundering</p> <p>HP710 &amp; 720 Safeguarding policies</p> <p>AP150 Anti Fraud &amp; Bribery</p>