

1.0 INTRODUCTION

- 1.1 All organisations face the risk of things going wrong or of unknowingly harbouring malpractice.
- 1.2 The Association takes malpractice very seriously. We are committed to conducting our business with honesty and integrity and we expect all staff to maintain exacting standards too. We encourage open communication from all those who work for us, and we want everyone to feel secure about raising concerns.
- 1.3 All staff have protection under whistleblowing laws if they raise concerns in the correct way. This policy is designed to give staff that opportunity and protection.
- 1.4 It does not matter if an individual who raises a concern is mistaken about it—staff do not have to prove anything about the allegation they are making but they must reasonably believe that the disclosure is made in the public interest and that the information they have tends to show malpractice.
- 1.5 Individuals will not be at risk of losing their job or suffering any form of reprisal as a result of raising a concern under this policy. The Board and SLT will not tolerate the harassment or victimisation of anyone raising a genuine concern and consider it a disciplinary matter to victimise anyone who has raised a genuine concern.

2. PURPOSE

- 2.1 This policy sets out the procedures for dealing with a protected disclosure. In broad terms it sets out who will be afforded protection and how protected disclosures will be dealt with.

3. SCOPE

- 3.1 This policy applies to all employees, officers, consultants, contractors of the Association and to other workers within the Association including agency workers, casual workers, volunteers, and home workers.

- 3.2 This policy does not form part of any contract of employment and the Company may amend it at any time.

3.3. When to use this policy

- 3.3.1. There is a difference between whistleblowing and raising a grievance:
- 3.3.2. whistleblowing is where an individual has a concern about a danger or illegality that has a public interest aspect to it, for example because it threatens customers, third parties or the public generally; but
- 3.3.3. a grievance is a complaint that relates to an individual's own employment position or personal circumstances at work.

- 3.4. This policy does not set out the procedure that applies to general grievances. If an employee has a complaint about their own personal circumstances, then they should use the Association's Grievance Procedure instead.

4. MALPRACTICE COVERED BY THIS POLICY

- 4.1. Whistleblowing is the reporting of suspected malpractice, wrong-doing or dangers in relation to the Association's activities.

- 4.2. The kinds of malpractice covered by this policy include:

- criminal offences
- injustices
- danger to the health and safety of any individual
- damage to the environment
- breach of any legal or professional] obligation
- deliberately concealing any of the above.

- 4.3. This policy also covers matters which are specific to the Company, namely Charitable Community Benefit Society registered with the Financial Conduct Authority Register Number 20853R, Social Housing Regulator Registered Number LH1388

5.0 OUR GUARANTEE

- 5.1. Adullam Homes Housing Association Ltd. is committed to the principles set out in this policy. If an employee uses this policy to raise a concern the Association gives them its assurance that they will not suffer any form of retribution or detrimental treatment.

- 5.2. The Association will treat their concern seriously and act according to this policy.

- 5.3. If an individual asks for a matter to be treated in confidence, the Association will respect this request and, unless the law requires otherwise, will only make disclosures to third parties or other staff with the individual's consent.

6. PROCEDURE FOR RAISING A CLAIM

- 6.1.** If an individual is concerned about any form of malpractice covered by this policy, the individual should normally raise the issue with their immediate superior.
- 6.2.** If an individual feels they cannot tell their immediate superior, for whatever reason, they should raise the issue with
- Ceri Murphy, Assistant Director, People – 0121 500 2841/07960614165
 - Rehman Mazher, People Partner - 07717715206
 - Cleo Holsgrove, People Partner - 07842017523
- 6.3.** If an individual has raised concerns and is still concerned, or the matter is so serious that they feel they cannot discuss it with either of the two persons named above, they should raise the matter with the following member of the board of management:
- Alison Sargent, Chief Executive Officer, 0121 500 2820/0771 7518794
- 6.4** A concern can be raised by telephone, in person or in writing. It is preferable if it is made in writing. Although the individual is not expected to prove the truth of their concern beyond doubt or provide evidence, the individual will need to provide the following information as a minimum:
- 6.4.1.** The nature of the concern and why the individual believes it to be true; and
- 6.4.2.** The background and history of the concern (giving relevant dates where possible).
- 6.5.** The Association has a Whistleblowing Disclosure Form to use for this purpose, which can be obtained from Policy Hub (see Appendix 1).
- 6.6.** An individual may wish to consider discussing their concern with a colleague before raising it formally under this policy but remember that once an individual has raised a concern formally (alone or with a colleague), in the interests of everyone involved, this is a confidential process.

7. RESPONDING TO CONCERN RAISED

- 7.1.** The Association is committed to ensuring that all disclosures raised will be dealt with appropriately, consistently, fairly, and professionally.
- 7.2.** The Association will arrange a meeting as soon possible to discuss the concern raised. The individual may bring a colleague or trade union representative to any meeting that takes place. The companion must respect the confidentiality of the disclosure and any subsequent investigation. The Company may ask the individual for further information about the concern raised, either at this meeting or at a later stage.

- 7.3. The concern raised will be registered and assigned a complaint number and incorporated into the Association's risk register (Appendix 2)
- 7.4. After the meeting, the Association will decide how to respond. Usually this will involve making internal enquiries first, but it may be necessary to conduct an investigation at a later stage which may be formal or informal depending on the nature of the concern raised. Where necessary support will be sought externally and an external investigator may be brought in to undertake the investigation. The Association will endeavour to complete investigations within a reasonable time (Appendix 3).
- 7.5. The Association will keep the individual who raised the concern informed of the progress of the investigation carried out and when it is completed and give an indication of timings for any actions or next steps Adullam will take, but the Association will not be able to inform the individual of any matters which would infringe any duty of confidentiality owed to others.

8. CONFIDENTIALITY

- 8.1. All concerns raised will be treated in confidence and every effort will be made not to reveal the identity of an individual who raises a concern if that is their wish. If disciplinary or other proceedings follow the investigation, it may not be possible to take action as a result of a disclosure without the help of the individual who raised the concern, so the individual may be asked to come forward as a witness. If they agree to this, they will be offered advice and support.
- 8.2. The Company hopes that all staff will feel able to voice their concerns openly under this policy. Although a concern may be made anonymously, the Company encourages individuals to put their name to their allegation whenever possible. If this is not done, it will be much more difficult for the Company to protect the individual's position or to give feedback on the outcome of investigations.
- 8.3. Concerns that are expressed completely anonymously are much less powerful and are difficult to investigate. The Company will consider them at its discretion, taking into account factors such as the seriousness of the issue raised, the credibility of the concern and the likelihood of confirming the allegation from other sources.

9. RAISING YOUR CONCERN EXTERNALLY (EXCEPTIONAL CASES)

- 9.1. The main purpose of this policy is to give all staff the opportunity and protection they need to raise concerns internally. The Association would expect that in all cases raising concerns internally would be the most appropriate course of action.
- 9.2. If for whatever reason, an individual feels they cannot raise their concerns internally and they believe the information and any allegations are true, the law recognises that it may be appropriate for them to raise the matter with another prescribed person, such as a regulator or professional body or an MP.

- 9.3. A list of the relevant prescribed people and bodies for this purpose and the areas for which they are responsible is available on the GOV.UK website at

<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>.

- 9.4. The Association strongly encourages any individual to seek appropriate advice before reporting a concern to anyone external.
- 9.5. Protect (formerly known as Public Concern at Work) is the UK's whistleblowing charity and aims to stop harm by encouraging safe whistleblowing. It is a source of further information and advice. The Association have membership and access to services for staff. Protect operate the Advice Line on most UK normal working days via telephone or a web-based contact form/email service.
- 9.6. Protect can be contacted on 020 3117 2520 or by email at whistle@protect-advice.org.uk. They can talk you through your options and help you with advice on whistleblowing issues ; the channels where concerns can be raised and how they can be communicated most effectively and how the reporting of concerns may impact on a whistle blower's personal situation within the workplace, how this risk can be mitigated and the legal protections available if victimisation does occur. The Protect Advice Line does not replace any of your existing whistle blowing channels and is not in itself a channel to escalate a concern.
- 9.7. You can also contact your union (where applicable) for advice.

10. DISCLOSURE TO THE MEDIA

- 10.1 It is advised that internal procedures surrounding whistleblowing should be followed before any disclosures to the media are made. External disclosures made that have not first followed internal procedures may be considered an unreasonable action under Public Information and Disclosure Act (PIDA) and can potentially lead to disciplinary proceedings.
- 10.2 If you feel that your concern is not being dealt with properly through Association's internal Whistleblowing procedures, we recommend seeking legal advice before making any further disclosures as PIDA only affords protection to whistle blowers in certain circumstances.

11. PROTECTION AND SUPPORT FOR THOSE RAISING CLAIMS

- 11.1. Adullam Homes Housing Association Ltd. is committed to good practice and exacting standards and to being supportive to staff who raise genuine concerns under this policy, even if they turn out to be mistaken.

- 11.2.** Any individual raising a genuine concern must not suffer any detriment as a result of doing so. If an individual believes that they have suffered such treatment, they should inform a member of the People Team immediately. If the matter is not dealt with to the individual's satisfaction, the individual should raise it formally using the Association's Grievance Procedure.
- 11.3.** No member of staff must threaten or retaliate against an individual who has raised a concern and the Association will not tolerate any such harassment or victimisation. Any person involved in such conduct may be subject to disciplinary action.
- 11.4.** However, to ensure the protection of all our staff, those who raise a concern frivolously, maliciously and/or for personal gain and/or make an allegation they do not believe to be true and/or made in the public interest will also be liable to disciplinary action.
- 11.5.** The Association can offer counselling support to those who have reported a concern, where appropriate. Further information is available from the HR department and/or Westfield. The latter are available 24 hours a day, 7 days a week and can be reached on 0800 092 0987 quoting reference 70447.

12. LINK TO ANTI-BRIBERY

- 12.1** The Association recognises that bribery and corruption are both serious matters and may be the subject of whistleblowing activity.

13. FURTHER INFORMATION AND CONTACTS

- 13.1.** If you have any queries about the application of this policy, please contact HR Department in the first instance.
- 13.2** Whilst it is hoped this policy gives you the reassurance you need, to raise your concern(s), internally with the Association, we recognise that there may be circumstances where you may want to report a concern to an outside body.
- 13.3** The Association would rather you raised a matter with the appropriate regulator – such as Regulator of Social Housing, Health & Safety Executive or Community Benefit Society.

14. IMPLEMENTATION

This policy will be published on Policy Hub.

15. PERIOD OF REVIEW

- 15.1** This policy will be reviewed where:
- There are significant changes to legislation or regulation.

- There are found to be deficiencies or failures in this policy, as a result of complaints or findings from any independent organisations at which point the lead officer will initiate an immediate review.

15.2 In any event this policy will be reviewed no later than three years from the effective date of this version.

Appendix One: Whistleblowing Disclosure Form

When to use this model whistleblowing form

For the employee to make a formal disclosure.

Form wording

Making a public interest disclosure (whistleblowing)	
<p><i>This form is intended for use by any individual working in Adullam Homes Housing Association Ltd. (Including contractors, agency workers and volunteers) who wish to raise an issue about wrongdoing.</i></p> <p><i>This form should be used to report wrongdoing within the Association (for example, misconduct of a safeguarding nature financial irregularities or health and safety concerns), rather than to raise a personal grievance (for example, if you would like to make an allegation of bullying or harassment or are complaining that your contract of employment has been breached).</i></p> <p><i>If you are unsure about whether your concerns are best dealt with under the Associations Whistleblowing Policy or Grievance Procedure, please read the Association’s Whistleblowing Policy, which provides an example of the issues that should be reported using this form. If, having read the whistleblowing policy, you remain unsure about which procedure to use, please consult the Assistant Director People or a People Partner for further advice.</i></p> <p><i>Once you have submitted this form, the Association’s Whistleblowing procedure will be invoked. This will result in an investigation, which will not involve anyone you may have implicated below.</i></p> <p><i>In certain circumstances, you can request that your concerns be kept anonymous. Where possible, the Association will respect a request for anonymity, but cannot guarantee that it will be able to do so.</i></p> <p><i>This form should be completed and delivered to Ceri Murphy, Assistant Director, People c/o Adullam Homes Housing Association Limited, Walter Moore House, 34 Dudley Street, West Bromwich, West Midlands, B70 9LS, in an envelope marked "confidential" or sent as an email attachment with "confidential" in the subject line.</i></p>	
Formal public interest disclosure (whistleblowing) * optional if wish to maintain your anonymity	
Employee's name*:	
Employee's job title:	
Date:	
To whom does your public interest disclosure relate?	
Summary of disclosure:	
<p><i>Please set out the details of the issue that you wish to raise, providing examples where possible, particularly</i></p>	

<p><i>dates, times, locations, and the identities of those involved. You may attach additional sheets if required.</i></p> <p><i>When completing this section consider the following</i></p> <ol style="list-style-type: none"> <i>1) What was the Misconduct which had occurred?</i> <i>2) Who had committed the Misconduct?</i> <i>3) When did it happen and when did you notice it?</i> <i>4) Where did it happen?</i> <i>5) Is there any evidence that you could provide?</i> <i>6) Are there any other parties involved?</i> <i>7) Do you have any other details or information which would assist us in the investigation?</i> 	
Individuals involved:	
<i>Please provide the names and contact details of any people involved in your concerns, including witnesses.</i>	
Outcome requested:	
<i>Please set out how you would like to see the issue dealt with, and why and how you believe that this will resolve the issue.</i>	
Declaration:	
<i>I confirm that the above statements are true to the best of my knowledge, information, and belief. I understand that, if I knowingly make false allegations, this may result in the Association taking disciplinary action against me.</i>	
Form completed by:	
Name* (please print)	
Signature*:	
For completion by the Assistant Director, People or deputy	
Date form received by Assistant Director, People /People Partner	
Name of recipient and job role:	
Signature:	

*** Optional, if wish to maintain your anonymity**

Appendix Two: Whistleblowing Register

Whistleblowing Complaint			
Complaint Number			
Received by			
Received on			
Acknowledgement sent on			
Investigation Officer appointed	<table border="1"> <tr> <td>Yes</td> <td>No</td> </tr> </table>	Yes	No
Yes	No		
Name of Investigating Officer			
This section is to be completed when investigation is concluded			
Investigation outcome			
Actions taken			
Signed off by			
Date			

Appendix Three: Highly Confidential – Whistleblowing Investigation Report

Investigation Officer(s)	
Complaint Received on	
Investigation initiated on	
Investigation concluded on	

1.0 Introduction

This case relates to a whistleblowing concern raised with the.....

2.0 Remit

The investigation was initiated to consider the following:

3.0 Methodology

Relevant information was gathered to establish the facts and to support recommendations.

4.0 Findings of the Investigation:

5.0 Conclusion:

6.0 Recommendations

On the basis of the above findings and conclusions, it is recommended that:

7.0 Action Plan Development

8.0 Governance Arrangements for review of action plan

9.0 Appendices