

CROYDON CHURCHES HOUSING ASSOCIATION

WHISTLEBLOWING POLICY & PROCEDURE

WHISTLEBLOWING POLICY

1. Introduction

- 1.1 Whistleblowing is ‘making a disclosure in the public interest’ and occurs when a worker raises a concern to an employer or regulator about danger or illegality that affects others, for example members of the public. The disclosure may be about the alleged wrongful conduct of the employer, a colleague, client, or any third party. The whistleblower does not have to be personally affected by the danger or illegality to make a disclosure, although they may be.
- 1.2 ccha is committed to the highest standards of openness, probity, integrity and accountability. An important aspect of accountability and transparency is a mechanism to enable staff to voice concerns in a responsible and effective manner. 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 employers’ affairs. Nevertheless, where an individual discovers information which they believe shows serious malpractice or wrongdoing within the organisation they should be able to disclose this information internally without fear of reprisal, and there should be arrangements to enable this to be done independently of line management (although in some instances the line manager would be the appropriate person to be told).
- 1.3 The Public Interest Disclosure Act 1998 gives legal protection to employees against being dismissed or penalised by their employers for disclosing information that is known as “qualifying.” To be protected, the employee must reasonably believe both of the following:
- That they are acting in the public interest;
 - That the disclosure shows past, present or future wrongdoing which falls into one or more of the following categories:
 - a) That a crime has been committed, is being committed or is likely to be committed.
 - b) That a person has failed, is failing or likely to fail to comply with any legal obligation to which they are subject
 - c) That a miscarriage of justice has occurred, is occurring or is likely to occur.

- d) That the health and safety of an individual has been, is being or is likely to be endangered.
 - e) That the environment has been, is being or likely to be damaged.
 - f) That information tending to show any of a-e above has been concealed or likely to be deliberately concealed
- 1.4 The provisions set out in this policy and the subsequent procedure are to ensure that no member of staff should fear they will be disadvantaged by raising legitimate concerns.
- 1.5 It should be emphasised that this policy is intended to assist individuals who believe they have discovered malpractice or impropriety to report this in a way that will ensure confidentiality and protect those making such allegation from being victimised or discriminated against. It is not designed to question financial or business decisions taken by ccha nor should it be used to reconsider any matters which have already been addressed under harassment, complaint, disciplinary, grievance or other procedures.

2.1 Scope

- 2.2 This policy and the subsequent procedure applies to all employees and officers of the Association. Other individuals performing functions in relation to the Association such as agency or bank workers and contractors are also encouraged to use it.
- 2.3 This policy is designed to enable employees of ccha to raise concerns internally and at a high level and to disclose information which the individual believes shows malpractice or impropriety. This policy is intended to cover concerns which are in the public interest and may at least initially be investigated separately but might then lead to the initiation of other procedures e.g. disciplinary.
- 2.4 Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Employees and workers should be watchful for illegal or unethical conduct and report anything of that nature they become aware of. (See Procedure Section).
- 2.5 For a disclosure to be protected the worker or employee must follow the procedures set out in the legislation and as reflected in this policy and procedure. On occasion, an employee may believe they are blowing the whistle when, in fact, their complaint is a personal grievance. Workers who make a disclosure under the Association's whistleblowing policy and procedure should believe that they are acting in the public interest. This means in particular that personal grievances and complaints are not usually covered by whistleblowing

law. Personal grievances (e.g. breach of contract, bullying, harassment, discrimination) are covered by the Association's relevant policies and procedures. Copies of which are available in the Association's Employee Handbook on the staff intranet or from the Business Support Manager.

2.6 The Government's guidance for whistleblowers can be found at:

<https://www.gov.uk/whistleblowing>

Here, employees and workers can consult and verify the position that a personal grievance is not generally regarded as a protected disclosure. They can also contact the Advisory, Conciliation and Arbitration Service ([ACAS](#)) for guidance on whistleblowing and grievances.

3.1 Safeguards

3.1.1 **Protection** - This policy is designed to offer protection to those employees and workers of ccha who disclose such concerns provided the disclosure is made in the reasonable belief of the individual making the disclosure that it tends to show malpractice or impropriety and if they make the disclosure to an appropriate person (see Procedure Section).

3.1.2. No employee or worker will be victimised for raising a matter under this procedure. This means that the continued employment and opportunities for future promotion or training of the employee or worker will not be prejudiced because they have raised a legitimate concern. Victimisation of an employee or worker for raising a qualified disclosure will be a disciplinary offence.

3.1.3 However, it is important to note that no protection from internal disciplinary procedures is offered to those who choose not to use the procedure. In an extreme case, malicious, vexatious or frivolous allegations could give rise to legal redress by the individual complained about.

3.2 **False Allegations** - If an individual makes an allegation in their reasonable belief that it tends to show malpractice or impropriety and to an appropriate person, but which is not confirmed by a subsequent investigation, no action will be taken against that individual. In making a disclosure the individual should exercise due care to ensure the accuracy of the information. If, however, an individual makes malicious, vexatious or frivolous allegations, and particularly if they persists with making them, disciplinary action may be taken against that individual.

3.3 **Confidentiality** – ccha will treat all such disclosures in a confidential and sensitive manner. Every effort will be made not to reveal a whistleblower's identity unless there is a requirement by law to reveal it. However, the

investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the evidence required or if the allegation results in court proceedings.

- 3.4 Support may be offered to the employee making the allegation (i.e. access to mentoring, advice and/or counselling.)
- 3.5 **Anonymous Allegations** - This policy encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously are often more difficult to substantiate/prove. Also, where the whistleblower does not provide their contact details it means we are unable to go back to them for further information, which can make investigating more difficult.

Anonymous allegations will be considered at the discretion of ccha. In exercising the discretion, the factors considered would include: the seriousness of the issues raised and the amount of information given to enable an investigation to take place; the credibility of concern and the likelihood of confirming the allegation from other sources.

4 Training

- 4.1 All staff have ready access to the Whistleblowing Policy and are able to familiarise themselves on how disclosures should be raised and how they will be acted upon as part of their induction.
- 4.2 Managers and the Leadership Team can be provided with training on how to deal with disclosures.

WHISTLEBLOWING PROCEDURE

1. Procedures for Making a Disclosure

- 1.1 Disclosures can be made either in writing or orally to any manager, director or member of the HR team.
- 1.2 If the employee wishes to bypass line management, disclosures can be made to the designated senior Board member. At ccha this is the Chair of the Remuneration and Nomination Committee¹ (RNC Chair) using voice@ccha.biz or via the Company Secretary CoSec@ccha.co.uk
- 1.3 Whether an allegation is made in writing or orally, it is important that the following information is provided:
 - The name of the person making the allegation (unless it is an anonymous allegation) and how they wish to be contacted;
 - The background and history of the allegation including dates; names and positions of those involved;
 - The specific reason of the allegation.
- 1.4 An employee making an allegation may be accompanied by another person of their choosing during the meetings and interviews. However, in the case of a work colleague, this must not be anyone whose presence may prejudice the meeting or where there is a conflict of interest.
- 1.5 On receipt of a complaint of malpractice, the member of staff who receives it and takes written notes of the complaint, must pass this information, as soon as is reasonably possible, to the appropriate designated investigating officer as follows:
 - Complaints of malpractice will be investigated by the appropriate Director unless the complaint is against a Director or is in any way related to the actions of a Director. In such cases, the complaint should be passed to the Chief Executive for referral.
 - In the case of a complaint which is any way connected with but not specifically against a Director, the Chief Executive will nominate a Senior Manager to act as the alternative investigating officer.
 - Complaints against the Chief Executive should be passed to the RNC Chair, who will nominate an appropriate investigating officer.
 - The complainant has the right to bypass the line management structure and take their complaint direct to the RNC Chair. The RNC Chair has the right to refer the complaint back to management if they feel that the

¹ ccha Board has designated that the Senior Board Member for Whistleblowing is the Chair of Remuneration and Nomination (RNC Chair)

management without any conflict of interest can more appropriately investigate the complaint.

2. Timescales

2.1 Due to the varied nature of these sorts of complaints, which may involve internal investigators and / or the police, it is not possible to lay down precise timescales for such investigations. The investigating officer should ensure that the investigations are undertaken as quickly as possible without affecting the quality and depth of those investigations.

2.2 The investigating officer will send an acknowledgment letter to the whistleblower, within 10 working days setting out:

- the estimated timescale to conclude the process;
- a description of the action taken to date;
- what further action will be required;
- the support available to whistleblower.

This matter will be treated with priority and we will aim to conclude the process within 28 working days where feasible. Each case is individual and it will be dependent on specific complexities. ccha will keep you informed where appropriate.

2.3 If the whistleblower is unhappy with the estimated timescales they should refer the matter to the CE or RNC Chair .

3. Investigating Procedure

3.1 The investigating officer should follow these steps and retain a written record of the steps that have been taken:

- Full details and clarifications of the complaint should be obtained.
- The investigating officer should consider the involvement of ccha's auditors and the police at this stage and should consult with the RNC Chair/Chief Executive or other senior staff if either party is the subject of the whistleblowing complaint. ccha will ensure that any internal investigation does not hinder a formal police investigation.
- The investigating officer should inform the individual against whom the complaint is made as soon as is practically possible. Where the individual is a member of staff, they will be informed of their right to be accompanied by a trade union or other representative at any future interview or hearing held under the provision of these procedures.
- The allegations should be fully investigated by the investigating officer with the assistance where appropriate, of other individuals / bodies.

- A judgment concerning the complaint and validity of the complaint will be made by the investigating officer. This judgment will be detailed in a written report containing the findings of the investigations and reasons for the judgment. The report will be passed to the Chief Executive or RNC Chair as appropriate.
 - The Chief Executive/ RNC Chair will decide what action to take. If the complaint is shown to be justified, then they will invoke the disciplinary or other appropriate ccha procedures.
 - On completion of the investigation, the investigating officer will provide the whistleblower (unless the disclosure was anonymous) with a summary written report explaining the outcome of the investigation and on the action that is proposed (if this is appropriate). If the investigation is a prolonged one, the investigating officer should keep the complainant informed, in writing, as to the progress of the investigation and as to when it is likely to be concluded. All responses to the complainant should be in writing and sent under confidential cover to their home address.
 - If appropriate, a copy of the outcomes will be passed to CCHA's auditors to enable a review of the procedures.
- 3.2 If the complainant is not satisfied that their concern is being properly dealt with by the investigating officer, they have the right to raise it in confidence with the Chief Executive/RNC Chair or other senior staff if either party is the subject of the whistleblowing complaint.
- 3.3 If the investigation finds the allegations unsubstantiated and all internal procedures have been exhausted, but the complainant is not satisfied with the outcome of the investigation, ccha recognises the lawful rights of employees and ex-employees as complainants to make disclosures to prescribed persons or bodies (such as the Health and Safety Executive, the Information Commissioner, Regulator of Social Housing, or, where justified, elsewhere).(See Section 4 below).
- 3.4 Outcomes will be communicated to all parties where appropriate, and necessary actions concluded within agreed timescales. If allegations are unfounded this will be recorded as such. If malicious intent is found, ccha will follow robust HR processes to address this.

4 Alternative ways to make a disclosure.

- 4.1 The aim of this policy is to provide a procedure to enable employees to make disclosures within ccha. However, we recognise that there may be circumstances when an employee feels unable to make a disclosure internally. Employees can make disclosures to a prescribed person without losing their

rights under the whistleblowing laws. Prescribed persons are mainly regulators and professional bodies and a full list is available on the government website.

- 4.2 Details on the procedures of the individual prescribed person are normally accessible on their website.

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

- 4.3 Complainants are responsible for ensuring that they have chosen the correct prescribed person or body for their issue. Details can be found in the Government's list of the prescribed persons and bodies.

- 4.4 Employees who consider whistleblowing via the media should be aware that in most cases they will lose their rights under the whistleblowing law. It is therefore advisable to use the procedure set out above or via a prescribed person.

- 4.5 Where an employee wishes to make a disclosure externally it should be raised with Protect, an independent whistleblowing charity (<http://www.pcaw.org.uk/> - 020 3117 2520).

5. Review and Monitoring

- 5.1 The Company Secretary will maintain a record of all concerns raised under the Whistleblowing Policy, ensure accurate meeting minutes, investigation notes and signed witness statements (as appropriate) are maintained and will monitor the progress and outcomes. This record will be key confidential and can only be inspected by members of the Board.

- 5.2 The Chief Executive will report to the Board on the outcome of all whistleblowing investigations. Such reports will keep the identity of the whistleblower anonymous where possible.

- 5.3 This procedure will be reviewed regularly (at least every two years) for fitness of purpose by the Company Secretary or after each use. Any need for change will be reported to the Leadership Team for approval.

Version History	
Policy Name	Whistleblowing Policy
Version Code	
Lead Officer	Company Secretary
Equality Impact Assessment	February 2022
Data Protection Impact Assessment	Anonymity is key. Clarity that names are on a need to know basis for key individuals involved and not shared wider. Summary reporting updates without names and specific details will be reported at a governance level.
Resident Consultation	Not required
Colleague Consultation	Formal consultation not required but staff will be informed of the changes
Date of Issue	Board approval April 2022
Review Date	Q1 2024
Policies and Procedures Replaced	Whistleblowing Policy 2018
Amendments Made	Amendments made to ensure robust and transparent processes for all stakeholders. Clarity on reasons for whistleblowing

Appendix A

Internal circulation

Leadership and Middle Management are asked to share any reported whistleblowing concerns, to the Company Secretary. For ease of reference the areas drawn out from our Whistleblowing policy are highlighted below. Responses should indicate the area but not name individuals. Alternatively please report NIL.

The stakeholder believes:

- That they are acting in the public interest;
- That the disclosure shows past, present or future wrongdoing which falls into one or more of the following categories:
 - a) That a crime has been committed, is being committed or is likely to be committed.
 - b) That a person has failed, is failing or likely to fail to comply with any legal obligation to which they are subject
 - c) That a miscarriage of justice has occurred, is occurring or is likely to occur.
 - d) That the health and safety of an individual has been, is being or is likely to be endangered.
 - e) That the environment has been, is being or likely to be damaged.
 - f) That information tending to show any of a-e above has been concealed or likely to be deliberately concealed

Summary anonymised reporting's are reported at a governance level.