



Whistleblowing Policy and Procedure 2023

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1 Introduction

1.1 SW9 is committed to ensuring that our organisation, and the people working for it, comply with the highest standards of openness, honesty, and accountability. We encourage you to whistle blow within the context of this policy and we will support and protect those who do.

We recognise that it is important to address potential whistleblowing issues quickly in order resolve matters as soon as possible. As a result, we will ensure that all whistleblowing matters are dealt with promptly and without unreasonable delay. This policy is written in the context of the Public Interest Disclosure Act 1998 and other legislation which protects employees who 'blow the whistle'.

1.2 The U.K. Government defines you as a whistle-blower if:

- You are a worker, and you report certain types of wrongdoing. This will usually be something you've seen at work, though not always.
- The wrongdoing you disclose must be in the public interest. This means it must affect others, for example the general public.
- As a whistle-blower you are protected by law, and you should not be treated unfairly or lose your job because you 'blow the whistle'.
- You can raise your concern at any time about an incident that happened in the past, is happening now, or you believe will happen in the near future.

1.3 This policy may also be used by officers of SW9 such as Board/Committee members and other individuals performing functions on behalf of SW9 (such as agency workers, contract staff, contractors, and volunteers), to report issues of concern. It also covers the actions of third parties such as suppliers, service providers, and clients, as well as our staff. Should you have concerns about a third party, you are encouraged to raise them with us before approaching anyone else. Former employees may also use this process to raise concerns.

2 What is whistleblowing?

2.1 Whistleblowing is the disclosure of information which relates to suspected wrongdoing; generally, unethical, immoral behaviour or a breach of a legal, statutory or regulatory requirement. This could include incidences of fraud, malpractice and corruption, the definitions of which are included at Appendix 1.

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2.2 Personal grievances (e.g. bullying, harassment, discrimination) are not covered by whistleblowing law, unless your case is in the public interest.

If you are uncertain about whether something is within the scope of this policy, you should seek advice from the Company Secretary. If you want confidential advice about this policy, please contact HR.

3 What are your responsibilities?

3.1 SW9 is committed to running the organisation in the best way possible and to do so we need your help. This policy is designed to reassure you that it is safe and acceptable to speak up and to enable you to raise any concern you have about the issues mentioned above at an early stage and in the right way.

3.2 Rather than wait for proof, we would prefer you to raise the matter when it is still a concern. We expect you to report the following:

- Any breaches of the code of conduct or policies
- Any actions which might call into question the integrity of SW9
- Any potential fraud or misuse of SW9's assets
- Abuse or neglect of vulnerable people
- Bullying, discrimination, harassment, or victimisation in the workplace, or
- Any other impropriety

You do not need to be able to prove the alleged wrongdoing has occurred or is likely to occur, but you must believe that it is in the public interest to raise your concern. However, if you knowingly or maliciously make false allegations we will take appropriate disciplinary action. It may constitute gross misconduct.

4 Protection

4.1 Protected Disclosures

If you make a 'protected disclosure' you are protected from victimisation under the UK Public Interest Disclosure Act 1998 (PIDA), provided the disclosure is in the public interest.

4.2 Qualifying disclosures are disclosures which you reasonably believe show that 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;
- a miscarriage of justice;
- a danger to the health and safety of any individual;
- damage to the environment; and
- deliberate concealment of information relating to any of the above.

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4.3 You must make the disclosure in good faith, and in the reasonable belief that your allegations are substantially true. It must not involve personal gain for you, and you must believe that evidence may be concealed.

We encourage you to raise your concerns with us in the first instance, although we recognise that you may feel more comfortable raising your concern with an external body.

If you are unsure on this point, you can seek independent advice. (See 'Who to contact outside of SW9 Community Housing to raise a concern' section below.)

5 How to raise a concern

As a first step, you should normally raise your concerns with your immediate line manager or their manager. If you are not able to approach your manager or their manager because you believe they are involved, you should report your concern in confidence directly to the:

- Executive Director
- Chair of the Board
- Nominated Board Member
- Company Secretary

If the concern involves the behaviour of a member of SLT, the Board Chair or Vice Chair, you should raise it with HR or the Company Secretary.

The earlier the concern is raised the easier it is to take action. Concerns may be raised verbally or in writing.

6 How we will respond

All concerns raised will be treated in confidence and will be managed fairly and impartially. Where more details may be needed to decide if an investigation is required, we may ask you follow up questions.

Where additional support is required (for example HR input), we may ask another department in confidence for an assessment. You will not be identified at this point. this assessment to another department. We will take any urgent action that may be required before we formally open an investigation.

Where there is enough information to decide that an investigation is needed, we will inform you. Where there is not enough information to warrant an investigation or where the assessment finds no wrongdoing has occurred, we will tell you within 48 hours and the concern will be closed.

Where an investigation is initiated, it will be assigned to an appropriate internal resource (such as HR or Legal) or may be outsourced to an external investigator.

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Wherever possible, we will keep you informed of the progress and outcome of the investigation. However, this may not be legally possible.

7 Investigation

All employees are expected to co-operate with any investigation and to work constructively with those investigating. We may also invite former employees to assist in any investigation.

You may wish to invite a work colleague to support you during any meetings or interviews you are required to attend after your concern has been raised.

8 Confidentiality

- 8.1 You may wish to whistle blow anonymously or in confidence. Your identity will be kept confidential so long as it does not hinder or frustrate any investigation. However, in some cases this may not be possible. Where required by law we may have to share your information with law enforcement officials. In this case we will notify you in advance when able to.

If you wish, we will arrange for any meetings to take place away from your usual place of work.

- 8.2 While anonymous allegations will be taken seriously and investigated as fully as we can, we recognise that we may not be able to fully investigate the allegations, we will not be able to provide any feedback or ask follow-up questions and we may not be able to protect you from retaliation.

You are protected from reprisals by law, but if you are still worried, we encourage you to discuss this with us.

9 How we protect and support whistle-blowers

- 9.1 If you raise a concern in good faith under this policy, we will support you fully even if we find through our investigations that your concern does not constitute a whistleblowing matter. However, if you feel you have been treated detrimentally as a result of raising a concern, you must tell us at once.
- 9.2 First inform your manager and, if the matter remains unresolved, you must follow the formal process in our grievance procedure. We will not tolerate any form of retaliation.

If you feel you are, or have been, retaliated against, inform your whistleblowing contact immediately.

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9.3 SW9 subscribes to an Employee Assistance Programme (EAP) provided by Medicash. Should you need any additional support, then Medicash can offer expert advice, invaluable information, specialist counselling and support.

If you want external guidance or support, you can contact Protect - An independent authority which seeks to ensure that concerns about malpractice are properly raised and addressed in the workplace. Contact details are on their website at <https://protect-advice.org.uk/> or you may also wish to contact your local Citizens Advice Bureau.

10 Outcomes

10.1 Within 10 days of a concern being raised, the responsible person will write to you:

- acknowledging that the concern has been received, indicating how we propose to deal with the matter
- giving an estimate of how long it may take to provide a final response
- telling you whether any initial enquiries have been made
- telling you whether further investigation will take place and, if not, why not
- supplying you with information on employee support mechanisms.

10.2 At the end of the process, subject to legal and confidentiality restraints, we will tell you the outcome of any investigation. Sometimes however, we may be unable to give you details about the investigation (or any action it leads to) as we need to protect confidentiality. We understand this may be frustrating and may give you concerns about whether we have actually done anything and, if this happens, we will do our best to sit down with you and explain why we are acting in the way that we are.

Your concerns will be addressed fairly, but we cannot guarantee the outcome of our investigations will be the one you want.

We will take steps to minimise any difficulties you may experience because of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, we will arrange for you to receive support and advice about the procedure.

11 Who to contact outside of SW9 Community Housing to raise a concern

11.1 We ask that all concerns are raised internally at first. However, there may be urgent and exceptional circumstances, where you may feel it necessary to go to an external body — an industry regulator, for example.

11.2 The following is a list of bodies to which protected disclosures may be made as set out in legislation in accordance with 9.1 above:

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- By contacting the Charities Commission at:
- whistleblowing@charitycommission.gov.uk
- Via: [government's prescribed persons list](#).
- ACS – Company Secretary and Legal Advisors: info@anthonycollins.com

12 Legislation and regulation

This policy complies with the requirements of the following Acts/legislation:

- UK Public Interest Disclosure Act 1998 (PIDA),

13 Equality and Diversity

We will apply this procedure consistently and fairly and will not discriminate against anyone based on any relevant characteristics, including those set out in the Equality Act 2010.

14 Review

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| Policy author: | HR Manager | | |
| Policy owner: | Director Of Finance & Resources | | |
| Adopted from Network Homes: y/n | N | | |
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| Equality Impact Assessment (EIA) | <table border="1"> <tr> <td>Date completed</td> </tr> <tr> <td>Initial or full EIA</td> </tr> </table> | Date completed | Initial or full EIA |
| Date completed | | | |
| Initial or full EIA | | | |

Version Control – Change Record

| Date | Author | version | Reason for change |
|---------|-------------------------------|---------|---|
| 10.2023 | HR Manager & HR Consultant | Vs1 | High-level review of the HR policies to ensure fitness for purpose, accuracy and consistency with relevant legislation, guidance, and best practice |

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