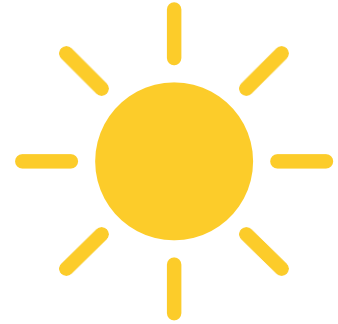


Whistleblowing Policy

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Contents

1 Policy Statement 3

2 Policy Aims..... 3

3 Our Approach 3

4 How to raise concerns 5

5 Seeking Independent advice 6

6 What happens with a disclosure/report 7

7 Unfounded or Malicious reports..... 8

8 Links to Corporate Plan 8

9 Assurance 9

10 Equality Impact Assessment 9

11 Modern Slavery & Human Trafficking..... 9

12 Links Plus Dane Policies 9

1 Policy Statement

- 1.1 Plus Dane is committed to high standards of probity, openness and accountability. This policy is designed to encourage colleagues, volunteers or companies that are providing goods or services to Plus Dane and who have serious concerns about any aspect of its work, to feel confident to come forward and express their concerns without fear of penalty or punishment. This extends to both contractors, suppliers and service users. This will allow the matter to be investigated and action taken rather than a serious matter being overlooked.
- 1.2 Concerns should be raised at the earliest opportunity and to the appropriate person. In most cases, concerns or complaints will be dealt with through Plus Danes normal procedures for resolving grievances or disciplinary matters however the law provides protection, in certain cases, for individuals who raise legitimate concerns about specific matters under the Public Disclosure Act 1998.
- 1.3 This policy sets out how Plus Dane will respond to concerns where the interests of others, or the organisation itself, are at serious risk and making a disclosure is in the public interest.
- 1.4 The policy applies to all Plus Dane colleagues, customers, residents, agency workers, contractors all other stakeholders are also encouraged to use it.
- 1.5 A comprehensive Whistleblowing Procedure supports this policy. If the concern is in relation to a Board or Committee Member the 'Confidential Concerns Procedure' should be followed.

2 Policy Aims

- 2.1 The policy aims to:
 - Encourage individuals to feel confident to raise concerns about potential malpractice and wrongdoing – **to speak out**.
 - Provide clarity on raising concerns and receive feedback on action taken.
 - Reassure colleagues and individuals that they will be protected from possible reprisals or victimisation if they have made any disclosure in the public interest.
 - Ensure any reports are thoroughly investigated.

3 Our Approach

What is a disclosure

- 3.1 The term 'Whistleblowing' is used when someone who works within or for an organisation raises a concern or passes on information regarding wrongdoing or malpractice that could threaten customers, colleagues, the public or the organisation's reputation. It is more formally known as 'making a disclosure in the public interest'.
- 3.2 A whistleblowing concern is where an individual forwards information as a witness whereas a grievance is where the individual is a complainant.

Protected/qualifying disclosures

- 3.3 The Public Interest Disclosure Act 1998 (PIDA) is the law that protects whistleblowers from negative treatment or unfair dismissal. It is part of the Employment Rights Act 1996 (ERA).
- 3.4 PIDA makes it unlawful to subject a colleague to negative treatment or to dismiss them because they have raised a whistleblowing concern. Raising a whistleblowing concern is also known as a making a 'protected disclosure' in law.
- 3.5 Whistleblowing rights under PIDA are day one rights. This means that the colleague does not need the same two years' service that is needed for other employment rights.
- 3.6 Under the provision of the PIDA, certain types of disclosure qualify for protection. A qualifying disclosure must demonstrate that it was made in the reasonable belief that it is in the public interest and that:
- A crime has been, is being or is likely to be committed
 - A person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject
 - A miscarriage of justice has occurred, is occurring or is likely to occur
 - The health and safety of any individual has been, is being or is likely to be endangered
 - The environment has been, is being or is likely to be damaged
 - There is information which tends to show that any of the above points have been, are being or are likely to be deliberately covered up
- 3.7 In order for the disclosure to be protected, the individual must show that they reasonably believed that the malpractice falls within the matters for which the person is prescribed and that the information disclosed, and any allegation contained in it, are substantially true.
- 3.8 All complaints of victimisation of an individual for raising a qualifying disclosure will be treated seriously and may provide grounds for disciplinary or other appropriate action.

What is not covered

3.9 This policy does not cover matters that are covered by other policies or procedures. These may include:

- Colleague complaints about their employment (which should be raised as a grievance).
- Reports of Fraud and Bribery
- Customer complaints about our services
- Allegations of bullying and harassment

3.10 Plus Dane will deal with concerns seriously and will pursue allegations of fraud and abuse through its disciplinary procedures and if necessary, through the legal system. In cases where fraud is suspected, The Anti-Fraud, Bribery and Corruption Policy will be evoked.

4 How to raise concerns

4.1 We urge you to come forward with any concerns at an early stage, and before problems have a chance to become serious. If an individual prefers, they can report a concern with support from colleagues, friends, trade unions or an advocate. We will do everything we can to respect your confidentiality if you have requested this

4.2 If you suspect or discover any wrongdoing you should report it to any of the following:

- Plus Dane Line Manager or Senior Manager
- Plus Dane Director of Governance & Assurance or Director of People
- Plus Dane Chair of Audit & Assurance Committee
- Email whistleblowing@plusdane.co.uk
- Telephone 0151 703 2010

4.3 When raising a concern, it is not necessary to have proof of wrongdoing, a reasonable belief is sufficient however the following information should be provided where possible:

- The nature of the concern and the key elements, reasons why the concern is being raised
- Relevant background information, including dates/times along with any evidence, where appropriate
- Who was involved including names, details
- Location if appropriate
- Why you feel it is a protected disclosure
- If a concern has been raised before, any response received
- Contact details and information
- Any information or supporting evidence

4.4 Concerns which are raised with the Chair of Audit and Assurance Committee may be allocated to a senior manager to investigate, and they may seek advice from the Internal Auditors. All allocated individuals have received the appropriate training to deal with and give advice about

whistle-blowing concerns. This includes training in interview techniques and how to handle the received evidence.

- 4.5 We will support concerned individuals and protect them from reprisals or victimisation. If you are a colleague and come forward with a concern, you will be confident that this will not affect your career or your enjoyment of your job. This applies equally if you come forward with reasonable belief with a concern which turns out later not have been justified.
- 4.6 If anyone tries to discourage a reporting of concerns, we will treat this as a disciplinary matter. In the same way, we will deal severely with anyone who criticises individuals after a concern has been expressed.
- 4.7 There is a liability for Plus Dane if we fail to take reasonable steps to prevent the harassment or victimisation of whistle-blowers by their colleagues. In addition to this, colleagues can also be personally liable if they subject a whistle-blower to a detriment.
- 4.8 Detrimental treatment includes dismissal, disciplinary actions, threats, harassment, victimisation and any other unfavourable treatment. Action will be taken to protect individuals in these circumstances.
- 4.9 An instruction to cover up a wrongdoing is also a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, individuals should not agree to remain silent, they should report the matter and **speak out**.
- 4.10 Plus Dane will do its best to protect an individual's identity when a concern is raised unless there is a requirement in law to make this known. The whistleblowing investigation may reveal the source of the information and a statement by the individual may be required as part of the evidence.
- 4.11 We encourage individuals to give their name when allegations are made. Concerns raised anonymously tend to be far less effective, but they will be considered at the discretion of Plus Dane, dependent on the seriousness of the allegation and the credibility of the concern

5 Seeking Independent advice

- 5.1 Plus Dane Housing encourages individuals to address any concerns using internal procedures in the first instance. Should internal procedures not satisfy the concerns, an individual may consider making a disclosure to a regulator, prescribed person or other external body.
- 5.2 If a concern is raised with an external organisation it is important that the correct organisation for the issue is contacted. There may be specific or additional requirements which must be met in order to qualify for protection under the Public Interest Disclosure Act. A [government](#)

[publication](#) lists all the prescribed people and bodies to whom a disclosure can be made.

- 5.3 Protect (formerly PCaW) is an independent charity that offers a free, confidential helpline and can advise individuals on how to safely and effectively raise a concern. Contact details are:

Protect

- Call 020 3117 2520
- Email whistle@protect-advice.org.uk
- Visit www.pcaw.org.uk"

6 What happens with a disclosure/report

- 6.1 When making a disclosure it is not necessary to have proof that such an act is being, has been or is likely to be committed – a reasonable belief is sufficient.
- 6.2 When disclosing a concern, individuals must believe that what they are disclosing:
- is in the public interest
 - what they are disclosing is substantially true
 - must not act maliciously or make false allegations
 - must not seek personal gain
- 6.3 Plus Dane Housing ensures that all individuals know what is expected of them and what practices it regards as unacceptable, e.g. as detailed in the Code of Conduct.
- 6.4 Any matter disclosed under this policy will be investigated thoroughly, promptly and confidentially and the outcome of the investigation will be reported back to the individual who raised the issue where possible.
- 6.5 If a concern is raised anonymously then it is likely to be more difficult to investigate it properly. If an individual wants to remain anonymous, this should be stated explicitly at the outset of the report. Concerns raised anonymously will still be considered at the discretion of Plus Dane dependent on the seriousness of the allegation and the credibility of the concern. The Director of Governance & Assurance and the Director of People retain ultimate discretion on this point.
- 6.6 Any investigation conducted as a result of whistleblowing may reveal the source of the information and a statement by the individual may be required as part of the evidence. Individuals are encouraged to give their name when allegations are made.
- 6.7 A colleague who makes a protected disclosure has the right not to be dismissed, subjected to any detriment, or victimised, because of making the disclosure. This means that the continued employment and

opportunities for future promotion or training will not be prejudiced because a legitimate concern has been raised.

- 6.8 All serious disclosures where significant loss or reputational risk is suspected will be reported to the Executive Team, Chair of Audit & Assurance Committee and Chair of the Board within 48 hours of receipt.
- 6.9 The investigation manager will report their findings and appropriate recommendations to the person to whom the disclosure was made, normally within 28 days of the final meeting.
- 6.10 The person(s) against whom a disclosure is made will be notified at the earliest opportunity and provided with any supporting evidence. The individual will be allowed to respond to the allegation
- 6.11 Depending on circumstances, the individual making the disclosure may be informed if further action is to be taken. However, where referral to an external authority is required, it may not be possible to inform the individual who has made the disclosure A written record will be kept at each stage of the process.
- 6.12 Plus Dane encourage reporting as it ensures that as an organisation we learn when things go wrong or have the potential to go wrong. The outcomes and learning from an investigation will consider whether any processes and procedures require amending, whether additional support or training is required and what changes can be made to reduce a recurrence of the issues.

7. Unfounded or Malicious reports

- 7.1 A malicious report can be an allegation which is known to be untrue, not having reasonable belief that it is true, made out of spite or for personal gain.
- 7.2 If a colleague raises malicious or unfounded concerns, this will be taken seriously. Maliciously making a false allegation is a disciplinary matter and the individual will be subject to disciplinary proceedings. All concerns are dealt with seriously and allegations of fraud and abuse will be pursued through disciplinary procedures and if necessary, through the legal system.

7 Links to Corporate Plan

- 7.1 This Policy supports our objective of being a sustainable organisation that delivers excellent services.
- 7.2 The policy demonstrates compliance with the Governance and Financial Viability Standard ensuring that Plus Dane: adheres to all relevant law, b) comply with their governing documents and all regulatory requirements, are accountable to tenants, the regulator and relevant stakeholders, have

effective risk management arrangements and protect social housing assets.

- 7.3 Plus Dane's adopted Code of Governance has a requirement for clear, well publicised arrangements in place for colleagues and others associated with the organisation to raise concerns and have appropriate whistleblowing arrangements in place, that are reported to Board and that action is taken.

8 Assurance

- 8.1 The implementation of this policy will be within the scope and control of the Director of Governance and Assurance.
- 8.2 Information on the Plus Dane approach and commitment to whistleblowing will be readily available on INTRO and the Plus Dane website.
- 8.3 It is the responsibility of line managers to report any whistleblowing concerns they are made aware of. Line managers should not seek to investigate these concerns themselves unless informed to do so. All reports should be made to the Director of Governance and Assurance and the Director of People or as outlined in section 4.
- 8.4 Monitoring of the implementation and application of this policy will be through reports to Audit and Assurance Committee. All reports of Whistleblowing will be reported to the Committee. The Chair of Audit and Assurance Committee will consider the outcomes of an investigation and pay particular attention to the learning identified as a result of the report and whether and proposed changes in policy, process or procedures provides a satisfactory resolution.
- 8.5 An annual update of any reports is included in the Annual Probity report to Board prepared by Director of Governance and Assurance.

9 Equality Impact Assessment

- 9.1 An equality impact assessment has considered the elements within Whistleblowing Policy to ensure that there are no barriers on its application. The supporting procedures set out how concerns can be raised.

10 Modern Slavery & Human Trafficking

- 10.1 The Policy supports Plus Dane's approach to modern slavery by encouraging colleagues, customers and other stakeholders to report criminal activity, malpractice and wrongdoing.

11 Links Plus Dane Policies

- 11.1 Whilst a comprehensive procedure supports this policy, the policy will also link to other Plus Dane policies, including:
- Customer Feedback
 - Anti Fraud, Bribery and
 - Grievance
 - Disciplinary

- Corruption Policy
- Safeguarding
- Equality & Diversity
- Dignity at Work