

Wistleblowing – Confidential Reporting

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1. Purpose

LHT is committed to conducting its business with honesty and integrity and we expect all staff to maintain high standards. However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring, or to address them when they do occur.

LHT is committed to the highest standards of quality, probity, openness, accountability and objectivity. We aim to build an atmosphere of confidence, so that employees and others can report serious concerns about any aspect of our work at an early stage in the knowledge they will be listened to and if necessary protected. We recognise that in some cases employees will need to do so on a confidential basis and without fear of reprisal or victimisation.

This policy has been introduced to enable employees, and other persons working for LHT on our premises, together with suppliers and those providing services under a contract with St Vincent's to confidentially voice serious concerns over alleged malpractice and alleged wrongdoing.

2. Scope

- There are existing procedures in place to enable employees to lodge
- a grievance relating to their own employment.
- The policy is intended to cover concerns that fall outside the scope of other procedures , that concern may be about something that is unlawful, is against St Vincent's policies or falls below expected standards or practices or amounts to improper conduct.

3. References and Legislation

Health and Safety Policy

Protection of Vulnerable Adults Policy

Protection of Children Policy

Anti Fraud, Bribery and Corruption Policy

Disciplinary and Grievance Procedure

Complaints, Compliments and Comments Policy

The policy complies with the requirements of the Public Interest Disclosure Act 1998

The Policy complies with good practice standards as highlighted in the Committee on Standards in Public Life

4. Key Objectives

This policy aims to:

- a) provide avenues for you to raise concerns and receive feedback on any action taken;
- b) allow you to take the matter further if you are dissatisfied with the response to the concerns expressed; and
- c) reassure you that you will be protected from possible reprisals or victimisation

The Confidential Reporting Policy is intended to cover concerns that fall outside the scope of the procedures referenced above, that highlight malpractice or wrong doing.

Malpractice and wrongdoing may be about something which:-

- is unlawful; or
- against current Standing Orders or policies; or
- is not in accordance with established standards of practice; or
- Amounts to improper conduct by an employee or a Board Member.

The overriding concern should be that it would be in the public interest for the malpractice to be corrected and, if appropriate, sanctions to be applied.

The following are examples of issues which could be raised under this policy. It is not intended to be an exhaustive list and there may be other matters which could be dealt with under this policy:

- a. any unlawful act or omission, whether criminal or a breach of civil law
- b. breach of any statutory code of practice
- c. breach of, or failure to implement or comply with any policy determined by LHT.
- d. failure to comply with appropriate professional standards or other established standards of practice
- e. corruption, fraud, bribery or money laundering
- f. actions which are likely to cause physical danger to any person, or give rise to a risk of significant damage to property
- g. failure to take reasonable steps to report and rectify any situation which is likely to give rise to a significant avoidable cost, or loss of income.

- h. abuse of power, or the use of powers and authority for any unauthorised or ulterior purpose
- i. unfair discrimination in employment or services
- j. dangerous procedures risking health and safety
- k. abuse of clients
- l. damage to the environment
- m. other unethical conduct⁵

5. Money Laundering

- Money Laundering is an activity undertaken by criminals to 'cleanse' money received from their criminal activities. All staff has a responsibility to report any concerns that they may have regarding money laundering involving LHT.
- Money laundering may take the form of large overpayments by tenants for which St Vincent's then need to issue a refund payment, or significant cash payments for clearing arrears for one or more tenants. Although the risk is relatively low, it is important that you act upon any concerns that you or your staff may have.
- You should raise your concerns directly with the Director of Finance and IT. You must not discuss the matter with any other member of staff. In the Director's absence please speak to the Chief Executive.

6. Customer Involvement

As we develop our procedures on confidential reporting we shall consult with employees and take their views into account.

Staff should study this guidance on confidentiality carefully and discuss anything that seems unclear with the appropriate head of department.

7. Monitoring against the Customer Top 10

This policy links into the 'Vision' and Supported Housing Strategies (Younger and Older People)

It also meets the following areas of Customer Top Ten

- Community Safety
- Getting the basics right and going the extra mile
- 1st Class Services

- Better Support for Independent living⁶

8. The Policy

This Policy covers all staff, contractors and stakeholders of St Vincent's Housing Association who come into contact with St Vincent's customers.

St Vincent's recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the

malpractice. St Vincent's will not tolerate any harassment or victimisation and will take appropriate action in order to protect you if you raise a concern in good faith.

In addition you are protected in law by the Public Interest Disclosure Act, which gives employees protection from detriment and dismissal where they have made a

protected disclosure, provided the legal requirements of the Act are satisfied.

This does not necessarily mean that if you are already the subject of disciplinary

procedures that those procedures will be halted as a result of a concern being

raised under this policy

Confidentiality

It will be easier to follow up and to verify complaints if complainants are prepared to give their names. However, wherever possible SVHA will protect those who do not want their names to be disclosed. It must be appreciated that any investigation process may reveal the source of the information and a statement from you may be required as part of the evidence.

Anonymous Allegations

Concerns expressed anonymously are much less powerful, but they will be treated with caution and considered at our discretion. In exercising this discretion the factors to be taken into account would include:

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of obtaining the necessary information and confirmation of the allegation.

Deliberately False or Malicious Allegations

We will view very seriously any deliberately false or malicious allegations we receive, and will regard the making of any deliberately false or malicious allegations by any employee as a serious disciplinary offence which could result in dismissal under the LHT Disciplinary Procedure.

If you make an allegation in good faith but it is not confirmed by the investigation, no action will be taken against you.

We will try to ensure that the negative impact of either a malicious or unfounded allegation about any employee is minimised. However, it must be acknowledged that it may not be possible to prevent all of the repercussions potentially involved.

How do I raise a concern?

If you suspect wrong doing;

- **Do not** approach or accuse the individuals directly
- **Do not** try to investigate the matter yourself
- **Do not** convey your suspicions to any one other than those with the proper authority but do something!

As a first step, you should normally raise concerns with your immediate line manager. However, the most appropriate person to contact will depend on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice.

For example, if you believe that senior management is involved in the matter of concern, or the normal channels of communication are inappropriate for some reason, as an employee you should approach the Human Resources Manager. If you feel that this would be inappropriate in the light of the particular matter concerned, you can contact any of the Chief Executive Officer or the Chair of the Board.

Concerns may be raised verbally but are better raised in writing. You are invited to set out the background and history of the concern giving relevant names, dates and places where possible, and the reason why you are particularly concerned about the situation. If you do not feel able to put your concern in writing you can telephone or meet the appropriate officer.

The earlier a concern is expressed, the easier it is to take appropriate action.

Although you are not expected to prove the truth of an allegation that is made, it will be necessary for you to demonstrate to the person contacted that there are sufficient grounds for concern.

How LHT Will Respond

The action taken will depend on the nature of the concern. Where appropriate, the matters raised may:

- be investigated by management, internal audit, or through the disciplinary process

- be referred to the Police
- be referred to the external Auditor
- form the subject of an enquiry

In order to protect individuals and St Vincent's, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of specific procedures (for example, the Lettings and Allocations Policy, child protection or discrimination issues) will normally be referred for consideration under these procedures.

Some concerns may be resolved by agreed action without the need for an investigation.

Within 14 calendar days of a concern being raised under this procedure the relevant officer will write to you:

- acknowledging that the concern has been received;
- indicating how it is proposed to deal with the matter;

The amount of contact between you and the officers considering the issues will depend on the nature of the matters raised; the potential difficulties involved; and the clarity of information provided. If necessary, further information will be sought from you and revised timescales may be arranged.

Where any meeting is arranged, you have the right, if you so wish, to be accompanied by a trade union or a friend who is not involved in the area of work to which the concern relates.

We will take appropriate steps to minimise any difficulties you may experience as a result of raising a concern. For example, if you are required to give evidence in criminal or disciplinary proceedings we will advise you about the procedure.

We accept that you need to be assured that the matter has been properly addressed. Therefore, subject to any legal restraints, you will receive as much information as possible about the outcomes of any investigation.

10. How Can I Take The Matter Further?

This policy is intended to provide employees and other persons with an avenue to raise concerns within the Association and it is hoped that you will take this option in the first place. The Association hopes you will be satisfied. If you are not, and you feel it is right to take the matter outside the Association then depending upon the nature of the issue involved, the following are possible contact points:

- relevant professional bodies or regulatory organisations
- the Police
- an independent legal adviser within the meaning of the Public Interest Disclosure Act 1998

- a regulatory body designated for the purposes of the Public Interest Disclosure Act

If you do wish to take the matter outside the Association, you must first ensure that you do not disclose confidential information. Check with the relevant officer or the Human Resources Manager about that. In addition, if you wish to secure the protections afforded by the Public Interest Disclosure Act, you must ensure that your disclosure is protected within the meaning of the Act and that it complies with a set of specific conditions which vary according to whom the disclosure is made. Again please check with the relevant officer or the Human Resources Manager about these matters.

11. RESPONSIBILITY FOR THE POLICY

The responsibility for the effectiveness and efficiency of this policy rests with the Chief Executive Officer. The Human Resources Manager will be advised about and maintain records of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the Board.

12. Appendix – Equality Impact Assessment

Policy/Procedure being assessed:	Confidential Reporting - Whistle Blowing Policy
Section:	Corporate
Date of assessment:	December 2014
Person (S) Responsible for assessment:	Miss Winsome Chambers
Is this a new or existing policy?	New

1. Briefly describe the function being assessed	How as an organisation we ensure that procedures are in place for staff and others to report on issues of concern.		
2. Who are the main stakeholders in relation to the function?	Clients , Staff and Partners		
3. Who will be consulted as part of this EIA? What types of consultation will be carried out?	Clients, Staff and Board Client panel, operations committee.		
4. Could the function have a	Yes	No	What evidence exists to support your analysis?

differential impact on <u>racial groups?</u>	✓		Language and cultural barriers
5. Could the function have a differential impact due to <u>gender?</u>	Yes	No	What evidence exists to support your analysis?
		✓	See Policy
6. Could the function have a differential impact on <u>disabled people?</u>	Yes	No	What evidence exists to support your analysis?
	✓		Accessing the policy – Additional support may be required
7. Could the function have a differential impact due to <u>age?</u>	Yes	No	What evidence exists to support your analysis?
	✓		Fear of reprisals if reporting on concerns with on site staff
8. Could the function have a differential impact due to <u>sexuality?</u>	Yes	No	What evidence exists to support your analysis?
		✓	See Policy
9. Could the function have a differential impact due to <u>religion or belief?</u>	Yes	No	What evidence exists to support your analysis?
	✓		Language and cultural barriers
10. Could the function have a differential impact due to any other protected or vulnerable characteristics including marriage or civil partnerships, pregnancy or maternity?	Yes	No	What evidence exists to support your analysis?
		✓	See Policy
<p>If the answer is NO to all questions 4-10 and no differential treatment has been found there is no requirement for a full Equality Impact Assessment. Please go back regularly and review the cycle.</p> <p>If the answer is YES to any of the questions 4-10 please continue to question 11</p>			

11. In what areas could the differential impact identified in 4-9 be considered to be an adverse impact in this function? (Please tick if yes)	Other protected characteristics	Race ✓	Gender	Disability ✓	Age	Sexuality	Religion/belief ✓
12. What solutions will be introduced to overcome these adverse impacts?	<ul style="list-style-type: none"> • Use of customer profile data to pinpoint clients who may need additional assistance in understanding the policy • Translations • Bespoke events in BME areas, older persons events, • Offer range of options for involvement web, social media, text, letter etc . 						
13. In what areas could the differential impact identified in 4-9 be considered to be a positive impact in this function? (please tick if yes)	Other protected characteristics	Race	Gender	Disability	Age	Sexuality	Religion /belief
14. What strategies will be introduced to safeguard and spread these positive impacts?							
15. Which Action Plans have these solutions/strategies been transferred into?							

Signed off by (Director):

Date: