

Railway Housing Association

Whistleblowing Policy

1. Introduction

- 1.1 Railway Housing Association is committed to the highest standards of openness, probity and accountability. As employees (and others that we deal with) are often the first to realise that there may be something seriously wrong, it is expected that those who have serious concerns about any aspect of the association's work come forward and speak up without fear of reprisal.
- 1.2 It is recognised that it is an important aspect of accountability and transparency to provide a mechanism to ensure that no employee, or other person, is or feels disadvantaged in raising legitimate concerns, and to ensure that all disclosures are dealt with appropriately, consistently and fairly.
- 1.3 The Employment Rights Act 1996 (as amended) provides legal protection to employees against suffering detrimental treatment as a result of making a disclosure in relation to any of the following areas of malpractice:
 - Criminal activity
 - Miscarriages of justice
 - Practices endangering health and safety
 - Practices damaging the environment
 - Failure to comply with a legal obligation
 - Bribery
 - Financial malpractice, impropriety or fraud
 - Attempts to conceal any of the above.

The malpractice can be past, present or prospective. It may have occurred inside or outside the United Kingdom.

Disclosures in relation to any of the above areas are 'protected disclosures' under this policy.

To qualify as a protected disclosure, the individual must reasonably believe that the information they are disclosing is true (or likely to be true), that the disclosure is made in the public interest, and that the disclosure is made to an appropriate person or body.

- 1.4 All current and former employees and board members, contractors, suppliers, agency staff and representatives of other organisations that work with or for Railway Housing Association on its premises are covered by this policy. Although not all individuals are covered by the statutory whistleblowing protections, the association will ensure that anyone raising a concern under this policy is treated fairly and will not be subjected to detrimental treatment as a result of raising a concern.

2. Scope of the policy

- 2.1 Whistleblowing occurs when an employee knows or suspects that there is some wrongdoing occurring within the organisation and alerts the employer or the relevant authority accordingly.
- 2.2 This policy is designed to enable employees of the association and other individuals to raise concerns internally and at a high level that are made in the public interest, to disclose information that the individual believes shows malpractice or impropriety. This policy does not cover matters relating to the personal interests of the complainant themselves, such as an individual's contract of employment, personal grievances, disciplinary matters and equal opportunities issues.

Concerns that relate solely to an individual's personal circumstances or employment position, and which have no wider public interest element, should be raised under the association's grievance procedure..

3. Safeguards

3.1 Protection

This policy is designed to offer protection to those employees of the association who make a protected disclosure as defined at paragraph 1.3 above, provided that:

- the employee reasonably believes that they are acting in the public interest, and
- They believe the information they are disclosing shows past, present, or future wrongdoing in one or more of the categories set out at paragraph 1.3 above.

The association will not tolerate any form of detrimental treatment, including dismissal, disciplinary action, bullying, harassment, or disadvantage by managers, colleagues, board members, contractors or any other party. Any such behaviour will be treated as a disciplinary matter..

3.2 Confidentiality

Any disclosure made under this policy will be treated sensitively and, as far as reasonably practicable, confidentially. If confidentiality cannot be assured, for instance, because of the nature of the information, this will be explained to the individual raising the concern. All personal data gathered as part of a whistleblowing disclosure will be handled in accordance with data protection legislation. Records will be kept securely and retained only for as long as is necessary.

3.3 Anonymous allegations

This policy encourages individuals to put their names to any disclosures they make. Concerns expressed anonymously are often more difficult to investigate effectively, and, where a concern is raised anonymously, and in the event of any detrimental treatment, it could be more difficult to demonstrate that the detriment arises from the disclosure. Where sufficient information is provided, anonymous disclosures will be investigated as far as reasonably possible.

3.4 Unsubstantiated allegations

It is appreciated that concerns raised may not always be confirmed, and no action will be taken against an individual if they raise a genuine concern even if it is not confirmed by any subsequent investigation. Disciplinary action may be taken however if the individual has intentionally misled the association in respect of any matter, and/or if a false allegation has been made maliciously.

4. How to raise a concern

4.1 The individual should, in the first instance, raise concerns with their director or another senior manager. If the disclosure contains allegations about their director or the malpractice occurs at this level, the disclosure may be made directly to the Chief Executive. If the disclosure contains allegations that the individual does not wish to make to the Chief Executive, they can make the disclosure to the Chair. If the disclosure concerns a very serious allegation the board will be notified.

4.2 The information will be passed on as soon as is reasonably possible to the appropriate designated investigating officer as follows:

- Complaints of malpractice will be investigated by the Chief Executive unless the complaint is against the Chief Executive or is in any way related to the actions of the Chief Executive. In such cases, the complaint should be passed to the Chair for investigation or referral.

- If the complaint is against or in any way connected to both the Chief Executive and the Chair, the complaint should be passed to the Vice Chair for investigation or referral, and Vice Chair should be substituted for Chair in the implementation of this policy.
 - In the case of a complaint that is in any way connected with but not against the Chief Executive, the Chair will nominate a director to act as the alternative investigating officer.
 - Although the complainant has the right to bypass the line management structure and take their complaint direct to the Chair, the Chair has the right to refer the complaint back to management if they feel that management, without any conflict of interest, can more appropriately investigate the complaint.
- 4.3 Although the individual is not expected to prove beyond doubt the truth of an allegation, they will need to demonstrate to the person contacted that there are reasonable grounds for their concern.
- 4.4 Concerns may be raised verbally or in writing. Any individual making a written report is invited to use the following format:
- the background and history of the concern (giving relevant dates)
 - the reason why there is concern about the situation.
- 4.5 Individuals are encouraged to report suspected wrongdoing as soon as possible. The earlier the individual expresses their concern, the easier it is to action.
- 4.6 On receipt of a disclosure the Chief Executive or Chair will consider the information made available to him or her and decide on the form of investigation to be undertaken. This may be to:
- investigate the matter, by management, internal audit, or through the disciplinary process, or
 - refer the matter externally to the external auditor or the police.

In no instance will the person(s) to whom the disclosure relates be involved in the investigation process.

- 4.7 Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.
- 4.8 The person who will have to reach the decision on the matter should not carry out the investigation. The person responsible for making the decision will write to the individual concerned within ten working days of a disclosure being made. They will:
- acknowledge that the concern has been received
 - indicate how the matter will be dealt with
 - give an estimate of how long it will take to provide a final response
 - tell the individual whether any initial enquiries have been made
 - supply the individual with information on staff support mechanisms and
 - tell the individual whether further investigations will take place and if not, why not.

Investigations will be carried out impartially and independently of any individuals or teams involved in the matter. The association will keep a written record of the investigation process, findings and actions taken. While respecting confidentiality, the association will update the individual raising the concern at key stages.

- 4.9 The amount of contact between the persons considering the issues and the individual will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from the individual concerned.
- 4.10 Where any meeting is arranged, the individual can be accompanied by a colleague, friend, trade union representative if applicable, or other advisor, and the meeting can be held off-site if preferred by the individual.
- 4.11 The individual can access free support and advice including on how best to raise a concern, protection for whistleblowers, and the difference between a grievance and a whistleblowing concern, from Protect (contact details are attached at appendix 1).

5. Outcomes of investigations

- 5.1 Once all facts are established the Chief Executive or Chair will decide what action to take. If the complaint is justified, then they will invoke the appropriate procedures that the association already has in place or the disclosure may be referred to an external body.
- 5.2 The association intends that the individual will be satisfied with any action taken. If the individual is not satisfied with the response, he or she is entitled to contact a relevant external body to express their concerns. In doing so the individual should:
- have a reasonable belief that the allegation is based on correct facts
 - not be making any personal gain from the revelations
 - make the disclosure to a relevant body.
- 5.3 A relevant external body may include one of the statutory 'prescribed persons', such as the Regulator of Social Housing, the Health and Safety Executive, the Financial Conduct Authority, or other regulators depending on the subject matter of the concern. A full list of prescribed persons is published annually by the UK Government.
- 5.4 Disclosures to the media will not normally be protected under whistleblowing legislation unless specific and stringent legal tests are met. Individuals are strongly encouraged to seek advice before considering such a disclosure.

6. Learning from whistleblowing concerns

- 6.1 The association will monitor whistleblowing concerns raised under this policy and report aggregated, anonymised information to the audit committee. Lessons learned will be used to improve systems, processes, and controls, while maintaining confidentiality.

7. Responsibilities

- 7.1 Directors are responsible for ensuring that this policy is provided to every employee and is discussed at team meetings.
- 7.2 The induction process will include raising awareness of this policy. The policy will be accessible to all current employees through the policies folder on the shared network, and to all former employees and other parties on the association's website.
- 7.3 In the event of an investigation, the investigating officer will respect confidentiality, investigate the concern thoroughly, and provide support and protection if necessary. The investigating officer will report back on the outcome of the investigation and, if possible, on any resulting action that is proposed.

7.4 The Chief Executive is responsible for the effective implementation of this policy.

8. Review

8.1 This policy will be reviewed at least every three years.

This policy can be made available on request in other languages, large type, Braille or in audio format.

Appendix 1

Relevant bodies:

The Regulator of Social Housing

National phone number (for all phone enquiries): 0300 124 5225

Email: enquiries@rsh.gov.uk

Health and Safety Executive

Telephone: 0300 003 1647

An online form can also be completed at www.hse.gov.uk

Further sources of information and advice:

ACAS

Helpline: 0300 123 1100

www.acas.org.uk

Protect (formerly Public Concern at Work)

Tel (whistleblowing advice line): 020 3117 2520

An online form can also be completed at <https://protect-advice.org.uk/contact-protect-advice-line/>

Government list of prescribed persons:

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

Contact details:

Chair of the Board:

Yvonne Castle ycastle@railwayha.co.uk