



# Whistleblowing (Confidential Reporting) Policy

**Responsibility:** Company Secretary – Head of Governance and Assurance

**Approval date:** May 2020

**Approved by:** Board

**Review date:** May 2022

## Policy summary

All current and former employees, Board members, consultants and contractors of CHP are encouraged to raise any concerns they may have about wrongdoing as soon as they notice it.

You can make a disclosure of a concern by telephone, in person or in writing (including by email), or through the dedicated Whistleblowing Concern Box. All concerns will be treated in confidence and every effort will be made not to reveal your identity if that is your wish.

All genuine concerns will be handled responsibly, professionally and in a positive manner. People raising a concern will be provided with protection as detailed in this policy, and help and support will be available to employees if concerns are raised.

If you have any queries about this policy, please contact the Head of Governance and Assurance (Company Secretary).

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## 1. Policy purpose

- 1.1 We are committed to the highest standards of openness, probity and accountability in the services we deliver. Individuals in any organisation are often the first to realise that there may be something seriously wrong within the business. 'Whistleblowing' is viewed by CHP as a positive act that can make a valuable contribution to our efficiency and long-term success. It is not disloyal to colleagues or the organisation to speak up if you have concerns.
- 1.2 We aim to provide an environment where employees and other stakeholders can report any legitimate concerns in confidence without the fear of retaliation. This policy sets out how individuals who have serious concerns about any aspect of CHP's work can come forward and voice these concerns and outlines the steps that will be taken to address this.

## 2. Policy scope

- 2.1 In this policy, 'Whistleblowing' means the confidential reporting of suspected misconduct, illegal acts or failure to act.
- 2.2 This policy applies to all current and former employees, Board members, consultants and contractors of CHP. This includes including trainees, apprentices and agency workers.
- 2.3 Further details of the regulatory and corporate context are set out in Appendix 1.

## 3. Whistleblowing

- 3.1 Whistleblowers are protected by legislation (see Appendix 1). To get that protection, the person whistleblowing must reasonably believe that they are acting in the public interest. The Public Interest Disclosure Act 1998 (referred to as 'the Act') recognises that employees have the right to 'blow the whistle' and disclose certain information, for example, the fraudulent activities of management, malpractice and/or concerns about health and safety.
- 3.2 For a disclosure to be protected by the Act, it must relate to matters that 'qualify' for protection under the Act. Qualifying disclosures are disclosures that the worker reasonably believes shows that one or more of the following is happening now, took place in the past or is likely to happen in the future:
  - a criminal offence has been committed, is being committed 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 he or she is subject
  - a miscarriage of justice has occurred, is occurring or is likely to occur
  - the health or safety of an individual has been, is being or is likely to be endangered

- the environment has been, is being or is likely to be damaged
- any of the above malpractices have been, are being or are likely to be deliberately concealed. This applies whether the malpractice has already occurred, is currently in progress or is likely to happen in the future.

## 4. Reporting a concern

- 4.1 A flow chart setting out the process of raising a concern is provided in Appendix 2. If you have any concerns of the types of malpractice or wrongdoing covered by this policy, you should in the first instance make a disclosure to the Head of Governance and Assurance. If you have made a disclosure and are still concerned, or the matter is so serious that you feel you cannot discuss it with the head of Governance and Assurance, you should raise the matter with the Chief Executive. If there is good reason for not raising the concern with an employee, you can raise it with the Chair of the Audit and Risk Committee.
- 4.2 Non-employees (as outlined in paragraph 2.2) should disclose concerns to the employee who is responsible for managing their contract or agreement for services, however, can also follow the employee process (detailed in paragraph 4.1 and Appendix 2) if they don't feel they can discuss it with their employee managing their contract or don't feel it has been addressed properly.
- 4.3 You can make a disclosure of a concern by telephone, in person or in writing (including by email). You are not expected to prove the truth of your concern beyond reasonable doubt or to provide any evidence; however, you will generally need to provide the following information as a minimum:
- the nature of the concern;
  - why you believe it to be true;
  - the background and history of the concern;
  - relevant dates where possible.
- 4.4 You can raise any concerns anonymously in hard copy via a dedicated Whistleblowing Concern Box. However, we encourage you to give your name when reporting your concern wherever possible because it may be more difficult for us to protect your position or give you feedback on the outcome of investigations if you choose to remain anonymous.
- 4.5 The earlier you express your concerns, the easier it is to take action. Proof is not necessary; a reasonable belief is sufficient and it is CHP's responsibility to ensure that an investigation takes place that is reported to the Leadership Team or Board as appropriate. The outcome of the investigation will be relayed to the individual who raised the concern.
- 4.6 CHP will offer protection and support to individuals who disclose concerns of malpractice, provided the disclosure is made:
- in accordance with the procedures laid down;
  - with the honest belief of the individual that it shows malpractice;
  - with the reasonable belief of the individual that the disclosure is made in the public interest.

- 4.7 Although this policy will be used to address concerns raised by individuals about the way in which the business is run, it is not designed to question financial or business decisions taken by CHP, nor may it be used to reconsider any matters which have already been addressed under the grievance, harassment, complaint or disciplinary policies.
- 4.8 If you have concerns relating to a breach of your own contract of employment, you should use CHP's Grievance Policy.
- 4.9 You can get further guidance from the charity [Public Concern at Work](#), [ACAS](#), [Gov.uk](#) or the government's [Whistleblowing Code of Practice](#).

## 5. Confidentiality

- 5.1 All concerns will be treated in confidence and every effort will be made not to reveal your identity if that is your wish.
- 5.2 If disciplinary or other proceedings follow the investigation, it may not be possible to take action as a result of your disclosure without your help, so you may be asked to come forward as a witness. If you agree to this, we will offer you advice and support. Similarly, it may not be possible to take action on anonymous allegations, although CHP will make every effort to do so.

## 6. False and malicious allegations

- 6.1 If an employee makes an allegation in which they have an honest, reasonable belief which is not confirmed by subsequent investigation, no action will be taken against that employee. However, if the investigation shows that an employee has made a malicious or vexatious allegation, disciplinary action may be taken in line with CHP's Disciplinary Policy.

## 7. Equalities considerations

- 7.1 An equality impact assessment has been completed for this policy to identify any concerns that certain groups of people are, or could be, treated differently/disadvantaged, or the needs of a certain group could not be met.
- 7.2 Whistleblowers should be treated fairly regardless of who or what they are blowing the whistle on. This policy aims to provide support to protect against victimisation and harassment.
- 7.3 It is important that reporting processes are accessible to ensure all people have the opportunity to follow this policy if they have concerns of wrongdoing. A variety of reporting options are available to all, including an anonymous Whistleblowing Concern Box, which is positioned in an accessible position that still maintains confidentiality of the person reporting the concern.

## **8. Policy consultation, approval and review**

- 8.1 This policy will be reviewed every two years or as legislation changes.
- 8.2 Responsibility for advising on, developing, implementing and monitoring this policy, lies with the Head of Governance and Assurance. Day to day operation of the policy is the responsibility of the Leadership Team, who will ensure compliance through their line management responsibilities.

## Appendix 1: Policy context

<b>Corporate Strategy</b>	<p>Having effective governance arrangements in place supports our Corporate Strategy objectives:</p> <ul style="list-style-type: none"><li>• A new home a day</li><li>• Delighting customers</li><li>• Strong growing business</li><li>• Connected systems and efficient processes</li><li>• Great place to work.</li></ul>
<b>Regulatory Standards</b>	<p>This policy supports the <a href="#">Regulatory Standards</a>, which registered providers of social housing must meet.</p> <p>This policy supports the Governance and Financial Viability Statement, which ensures that effective governance arrangements are in place that deliver their aims, objectives and intended outcomes for tenants and potential tenants in an effective, transparent and accountable manner. It ensures we adhere to all relevant law and regulatory requirements.</p>
<b>Legislation</b>	<p>This policy supports the following legislation:</p> <ul style="list-style-type: none"><li>• Data Protection Act 2018</li><li>• Employment Rights Act 1996</li><li>• Enterprise and Regulatory Reform Act 2013</li><li>• Equality Act 2010</li><li>• Public Interest Disclosure Act 1998</li></ul> <p>In the event of any discrepancies or changes, the law will take precedence.</p>
<b>Related policies</b>	<p>This policy is linked to the following policies:</p> <ul style="list-style-type: none"><li>• Employee and Board Member Code of Conduct</li><li>• Employee Disciplinary Policy</li><li>• Employee Grievance Policy</li><li>• Equality, Diversity and Inclusion Statement</li><li>• Protecting People from Harm (Safeguarding) Policy</li></ul>
<b>Related documents</b>	<p>This policy is linked to the following documents:</p> <ul style="list-style-type: none"><li>• Whistleblowing – frequently asked questions</li></ul>
<b>Current policy holder</b>	<p>The current Head of Governance and Assurance is Louisa Loizou, who you can contact on <a href="mailto:louisa.loizou@chp.org.uk">louisa.loizou@chp.org.uk</a> or 01245613115.</p>

## Appendix 2: Whistleblowing flow chart

