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| **Whistleblowing Policy**  **(Confidential Disclosure of Information Policy)** |

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| **Adopted:** | 30th April 2019 |
| **Contact Officer:** | Director of Customers |
| **Last Amended/Reviewed:** | 30th April 2019 |
| **Version/Reviewed by:** | Version 1, 30th April 20019 |
| **Next Formal Policy Review:** | April 2022 |
| **Formal Review of Policy by:** | Board |
| **Policy Links:** | Code of Conduct (staff)  Probity Policy  Disciplinary Policy  Grievance Procedure  Equality and Diversity Bullying and Harassment Policy  Anti-Fraud Policy |

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| **Brief Policy Summary:** |
| LHP expects you to report any wrongdoing at work. You should be vigilant for illegal or unethical conduct and report anything of that nature that you become aware of. If you do not report any misconduct, you will be in breach of this policy. |
| **Key Points**  • LHP will not tolerate wrongdoing by employees at any level and encourage you to  report any serious concern in a timely way without fearing reprisal.  • Whistleblowing should only be used to report major ethical or criminal matters  when all other forms of communication have failed. It is not intended to replace  the Grievance Procedure.  • Victimisation of any employee for whistleblowing is a disciplinary offence and any  form of victimisation of that person will not be tolerated by LHP  • It is not necessary for the employee to have proof that such an act is being, has  been or is likely to be committed. A reasonable belief is sufficient. |

**Contents**

1. Policy Statement
2. Policy Details
3. What is Whistleblowing
4. Related Policies, Legislation and Guidance
5. Policy details
6. Equalities and Diversity
7. Review and Monitoring
8. Appendix A – Whistleblowing Procedure
9. **Policy Statement** 
   1. Lincolnshire Housing Partnership (LHP) is committed to conduct business at the highest standards of equality, probity, integrity and propriety. We believe that effective communication among people at all levels promotes better business practice. As part of this commitment, LHP will not tolerate wrongdoing by employees at any level. To support this, we look to have an open and supportive culture and encourage you to report any serious concern as soon as possible relating to one of the areas listed in this policy, in the way set out in this procedure, without fear of reprisals.

1.2 Whistleblowing should only be used to report major ethical or criminal matters when all other forms of communication have failed. e.g. Line Manager, Executive Director, Head of Service, HR, Union Representative.

1.3 This policy and procedure (section 8) sets out how LHP will investigate and deal appropriately and sensitively with allegations of wrongdoing raised. It is not intended to replace the Grievance Procedure, which continues to be the appropriate way for an employee to raise personal issues relating to their job or employment.

**2. Policy Details**

2.1 This policy applies to:

• employees or former employees (hereafter called employees)

* apprentices, agency workers, trainees, any third-party contractor

whose work is controlled by the company (other than a genuinely

self-employed person).

* other people involved with LHP, for example, Board members or involved residents.
* LHP will also deal with matters raised by its contractors and suppliers and their employees where the concern relates to LHP business.

2.2 This policy provides those listed at 2.1 with an avenue to raise concerns

internally and receive feedback on any action taken. It also allows them to

take the matter further if they are dissatisfied with the outcome and reassures employees that they will be protected from harassment or victimisation for raising concerns

2.3 The employee has a responsibility to report any wrongdoing at work. Employees should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of. If you do not report any wrongdoing, you will be in breach of this policy.

**1. Policy statement**

2.4 Any person may raise a concern of wrongdoing or errors. LHP encourages individuals to raise any concern they have at the earliest opportunity.

2.5 Any person should raise a concern if they genuinely believe that anyone connected with LHP has taken, is intending to take or has failed to take

action that they reasonably believe will lead to fraud, misconduct or

wrongdoing.

2.6 If misconduct is discovered as a result of any investigation under this policy,

LHP’s policies and procedures will be used, in addition to any appropriate external measures.

2.7 The continued employment and opportunities for future promotion or training of the person will not be prejudiced because an individual raises a qualifying disclosure.

2.8 Victimisation of an employee for raising a qualified disclosure is a disciplinary

offence and any form of victimisation of that person will not be tolerated by

LHP.

**3. What is Whistleblowing**

3.1 In this policy ‘Whistleblowing’ means the reporting of suspected misconduct,

illegal acts or failure to act within LHP standards of behaviour and policies, e.g. Code of Conduct, Probity.

3.2 Whistleblowing is covered by the Public Interest Disclosure Act 1998 and

provides protection for people who raise legitimate concerns about the

following specific areas:

* a criminal offence
* a miscarriage of justice
* an act creating risk to health and safety
* an act causing damage to the environment
* a breach of any other legal obligation or
* concealment of any of the above

**These might relate to:**

* fraud and financial irregularities
* serious maladministration arising from deliberate wrongdoing
* unethical activities which may be of a criminal nature
* a safeguarding concern
* accepting and not declaring gifts/hospitality received and given
* failure to comply with a legal obligation
* a miscarriage of justice
* business malpractice
* dangerous acts or omissions which create a risk to health, safety or

damage to the environment

* a bullying culture (across a team / department rather than individual

instances of bullying)

* the deliberate concealment of information tending to show any of the

matters listed above.

**This list is not exhaustive:**

3.3 It is not necessary for the employee to have proof that such an act

is being, has been, or is likely to be, committed – a reasonable belief is

sufficient.

**4. Related Policies, Legislation and Guidance**

4.1 Before making a whistleblowing allegation, this policy should be read in

conjunction with other relevant policies and procedures published by

LHP, in particular:

* Code of Conduct
* Dealing with Fraud Policy
* Dealing with Harassment and Bullying Policy
* Disciplinary Procedure
* Grievance Procedure

**Legislation**

4.2 This policy has been written to take account of the Public Interest Disclosure

Act (PIDA) 1998, which protects workers making disclosures about certain

matters of concern, when these disclosures are made in accordance with the

Act’s provision and in the public interest.

4.3 Other relevant legislation to be aware of:

• Employment Rights Act 1996

• The Enterprise and Regulatory Reform Act (ERRA) 2013

4.4 Further information can be found at:

https://www.gov.uk/whistleblowing

http://www.acas.org.uk/index.aspx?articleid=1919

<http://www.pcaw.org.uk/law-policy/whistleblowing-commission>

**Public Whistleblowing**

4.5 This policy does not override workers’ legal rights to make a protected

disclosure to certain prescribed persons or bodies under the Public Interest

Disclosure Act 1998.

4.6 If on conclusion of the stages above the worker reasonably believes

that the appropriate action has not been taken, they should report the

matter to the proper authority. The legislation sets out a number of bodies to

which qualifying disclosures may be made. These include the:

* Environment Agency
* Financial Conduct Authority (formerly the Financial Services Authority)
* Health and Safety Executive
* Regulator of Social Housing
* HM Revenue and Customs (HMRC)
* Independent Police Complaints Commission
* Serious Fraud Office.

**Protection for workers – Public Interest Disclosure Act 1998**

4.7 There are very specific criteria that need to be met for an individual to be

covered by the Act when they raise a concern (to be able to claim the

protection that accompanies it).

4.8 Employees who make a disclosure anonymously under the Act must demonstrate a reasonable belief that they are acting in the public

interest which means that personal grievances and complaints are not

covered by the Act.

4.9 An employee will have to show three things to claim protection:

* that they made a disclosure
* that they followed the correct disclosure procedure (i.e. the

whistleblowing procedure, Appendix A)

* that they were dismissed or suffered a detriment as a result of making the disclosure.

4.10 Should an individual decide to disclose anonymously, it can be more difficult for them to qualify for protection as a whistleblower. This is because it is not likely to be evidence to link any detriment they may suffer to the disclosure of information. If during the investigation their identity was disclosed, then they would be protected, subject to 4.9.

4.11 If an employee goes to the media and does not deal with the matter

as described above, they are unlikely to retain their protection rights except in exceptional circumstances.

4.12 Although a whistleblower has protection under the law, they may not be

protected against any action taken from their own wrongdoing.

**5. Policy Details**

5.1 The internal procedures as set out in this document should be followed. If the

person is unsure whether to raise a concern; they should discuss the issue with their line manager, the Human Resources team, the Executive Team or a member of the Board. Please refer to 4.4 for further information.

5.2 Any matter raised under this policy will be investigated thoroughly, fairly,

consistently, promptly and professionally, and the outcome of the

investigation reported back to the person who raised the issue as appropriate. It will be responded to within 10 working days. If this is not possible, the whistleblower will be updated, provided with the reasons why the response is delayed and advised of the likely date of response.

5.3 The rights of people will be safeguarded and all parties will be given the

opportunity to act professionally.

5.4 Maliciously making a false allegation is a disciplinary offence.

5.5 An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, particularly by a person in authority, the whistleblower should not agree to remain silent. They should report the matter to the Chief Executive, or, if not appropriate, another member of the Executive Management Team or a member of the Board.

5.6 Other means of reporting cover ups of wrong doing can be done via our other

whistleblowing channels of communication;

Through the confidential area on Rewired. This area is only accessed and monitored by the Chief Executive and Head of Legal and Governance

Or an employee can report externally:

https://www.safecall.co.uk/

5.7 This ensures that at least two people have responsibility for the monitoring and reporting of whistleblowing allegations.

**6. Equality and Diversity**

6.1 An initial equality impact assessment has been undertaken for this policy. No impacts were identified.

6.2 LHP is committed to ensuring equal opportunities and fair treatment for all people in its work.

6.3 In implementing its policy on whistleblowing, LHP will ensure that it achieves fairness towards all staff and Board members, irrespective the 9 protected characteristics or other personal attributes.

6.4 Employees raising concerns will be treated fairly, free from discrimination

**7. Review and Monitoring Cycle**

7.1 The Board is responsible for monitoring progress, producing and publishing

results and undertaking periodic revisions.

7.2 The Board will receive information every six months even if there is a ‘nil’ return or when a whistleblowing allegation occurs on the numbers and types of cases arising from this policy. The confidentiality and anonymity of people will be preserved when reporting such data.

7.3 The Director of Customers is the Whistleblowing Policy holder and is responsible for reviewing the policy and communicating changes as required.

7.4 The policy holder will review this policy every three years, or as legislation,

or best practice change or following the raising of a concern, to ensure any lessons learned are reflected in this policy for the future.