



**Whistleblowing  
Policy**

**2022-2023**

## WHISTLEBLOWING POLICY

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<b>Policy Links:</b>	<a href="#">Code of Conduct</a> <a href="#">Standing Orders</a> <a href="#">Probity Policy</a> <a href="#">Disciplinary Procedure</a> <a href="#">Grievance Procedure</a> <a href="#">Equality and Diversity</a> <a href="#">Bullying and Harassment Policy</a> <a href="#">Anti-Fraud &amp; Corruption Policy</a> <a href="#">Anti-Bribery Policy</a>

### **Brief Policy Summary:**

We are committed to listening to and resolving concerns raised with us and encourage you to talk about your concerns and report any wrongdoing at work. This policy provides colleagues with an avenue to raise serious concerns internally and receive feedback on any action taken. It also allows them to take the concern further if they are dissatisfied with the response and reassures them that they will be protected from harassment or victimisation for raising serious concerns.

#### **Key Points**

- LHP will not tolerate wrongdoing and encourages colleagues to report any serious concern in a timely way without fearing reprisal.
- 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 to have proof that such an act is being, has been or is likely to be committed before raising a concern. A reasonable belief is sufficient.

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## 1. Introduction

- 1.1 Lincolnshire Housing Partnership (LHP) is committed to conducting business with the highest standards of equality, probity, integrity, and propriety. We believe that effective communication and handling of concerns raised at all levels promotes better business practice. To support this, we have an open and supportive culture and encourage colleagues to report any serious concern as soon as possible without fear of reprisals.
- 1.2 All colleagues have a responsibility to identify and raise a concern of wrongdoing or errors at the earliest opportunity, 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, illegal activities or endangers others within LHP, customers or the public. We expect colleagues to report serious concerns (major ethical or criminal matters) to their line manager in the first instance. If this is not possible, or they do not feel able to discuss the concern with their line manager they can report it to others as listed in section 5.
- 1.3 This policy sets out how we will investigate and deal appropriately and sensitively with allegations of fraud, misconduct, or wrongdoing (serious concerns). 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.
- 1.4 If fraud, misconduct, or wrongdoing is discovered as a result of any investigation under this policy, LHP's policies and procedures will be used to investigate, in addition to any appropriate external measures.
- 1.5 The continued employment and opportunities for future promotion or training of a colleague raising a serious concern will not be prejudiced because they have raised a serious concern.
- 1.6 Victimisation of a colleague for raising a serious concern is a disciplinary offence and any form of victimisation of that person will not be tolerated by LHP.
- 1.7 Colleagues need to be aware of this policy and how to raise concerns. This will be addressed as part of induction, formal training and regular awareness raising.

## 2. Scope

- 2.1 This policy applies to the following (collectively referred to as **colleagues** in this policy):
  - employees or former employees (referred to as 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/Committee members, Trainee Board members or involved customers; and

- LHP's contractors and suppliers and their employees where the concern relates to LHP business.

2.2 A "**worker**" is defined by section 230(3) & 43K(1)(a)(ii) Employment Rights Act 1996 as: "an individual who has entered into or works under (or, where the employment has ceased, worked under):

- a contract of employment; or
- any other contract, whether express or implied and (if it is express) whether oral or in writing, whereby the individual undertakes to do or personally perform any work or services for another party to the contract whose status is not by virtue of the contract that of a client or customer of any profession or business undertaking carried on by the individual; or
- agency workers and individuals supplied via an intermediary, provided that the terms of engagement are not substantially determined by the workers themselves but instead by the person for whom they work.

### 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, Anti-Bribery, Anti-Fraud and Corruption, or Probity (includes gifts and hospitality and conflicts of interest).

3.2 The reporting of wrongdoing under this policy may be covered by the law if it is classed as a qualifying disclosure. Whistleblowing is covered by the Employment Rights Act 1996 – as amended by the Public Interest Disclosure Act 1998 and provides protection for workers who raise legitimate concerns (known as a qualifying disclosure) which are in the public interest, 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); or
- 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 worker raising the concern to have proof that such an act is being, has been, or is likely to be, committed – a reasonable belief is sufficient.

**4. Protection for workers**

4.1 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.

4.2 Other relevant legislation to be aware of:

- Employment Rights Act 1996
- The Enterprise and Regulatory Reform Act (ERRA) 2013

4.3 There are very specific criteria that need to be met for a worker to be covered by PIDA when they raise a concern (to be able to claim the protection that accompanies it).

4.4 Workers who make a disclosure 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.

4.5 A worker must show three things to claim protection:

- that they made a disclosure.
- that they followed the correct disclosure procedure (section 5); and
- that they were dismissed or suffered a detriment as a result of making the disclosure.

4.6 Should a worker decide to disclose anonymously, it can be more difficult for them to qualify for protection as a whistleblower. This is because it is less likely to be able to evidence 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 4.5.

4.7 It is important that concerns are raised internally at the earliest time possible. This will enable LHP to address and resolve any concerns quickly and by the most appropriate means. Raising a concern outside the prescribed routes listed in this

Whistleblowing Policy

policy, for example, with the media, campaign groups, on social media or with political parties, is only protected by PIDA in very limited circumstances and could, if it amounts to an unauthorised disclosure, result in disciplinary action. If employees take matters outside of LHP, they will need to ensure that they do not disclose confidential or legally privileged information. As such, it is advisable that employees take appropriate advice before proceeding.

- 4.8 Although a worker raising a protected disclosure has protection under the law, they may not be protected against any action taken from their own wrongdoing.

## **5. Raising a concern**

- 5.1 Before raising a concern, this policy should be read in conjunction with other relevant policies and procedures published by LHP, in particular those listed at the front of this policy.
- 5.2 Raising a concern is often difficult, and colleagues may feel unsure whether to raise a concern and uncertain about how to do it. Support is available internally – colleagues can discuss the issue before raising a concern with their line manager, the Human Resources team, the Chief Executive, another member of the Executive Leadership Team, the Governance Team, their union representative, or the LHP’s Whistleblowing Champion (the Chair of the Audit & Risk Committee). Colleagues can also call the LHP’s external whistleblowing hotline or seek external support from the charity Protect (formerly Public Concern at Work).
- 5.3 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, colleagues should not agree to remain silent. They should report the instruction to cover up the wrongdoing as well as raising the concern.
- 5.4 When colleagues raise a concern, they should provide as much detail as possible. Colleagues may be asked to confirm the details in writing including supporting evidence if this is available. So, it is helpful to start making a record of the concerns as soon as any worries emerge, even if the colleague is unsure at that stage whether they should raise their concerns. When raising a concern colleagues should try to provide the following information:
- the background and reason behind the concern.
  - whether they have already raised a concern with anyone and the response.
  - whether they have a personal interest in the concern; and
  - any relevant dates.
- 5.5 Colleagues should raise concerns either verbally or in writing at the earliest available opportunity with their line manager. If this is not appropriate, or the concerns are not addressed, colleagues can raise a concern:

- through the confidential reporting form on Basecamp. This area is only accessed and monitored by the Assistant Director of Governance and Regulation (ADGR) and the Governance Manager.
- by emailing [Whistleblowing@lincolnshirehp.com](mailto:Whistleblowing@lincolnshirehp.com) which is sent to the ADGR and the Governance Manager.
- with the Human Resources team, the Chief Executive, another member of the Executive Leadership Team, the Governance Team, a union representative, or the LHP's Whistleblowing Champion (the Chair of the Audit & Risk Committee); or
- to the LHP's Whistleblowing hotline: [Contact our Advice Line - Protect - Speak up stop harm \(protect-advice.org.uk\)](https://protect-advice.org.uk)

5.6 If the concern relates to suspected wrongdoing by a member Executive Leadership Team, colleagues can raise it directly with the Assistant Director of Governance and Regulation or the LHP's Whistleblowing Champion (the Chair of the Audit & Risk Committee).

5.7 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. If the concern has been raised in line with this policy, an internal investigation has been concluded, and the worker reasonably believes that the appropriate action has not been taken and the concerns have not been adequately addressed, they should report the matter to the Regulator of Social Housing who is the prescribed person under the PIDA for Housing Associations  
Tel: 0300 124 5225

[enquiries@rsh.gov.uk](mailto:enquiries@rsh.gov.uk)

[www.gov.uk/government/organisations/regulator-of-social-housing](http://www.gov.uk/government/organisations/regulator-of-social-housing)

5.8 All concerns raised will be taken seriously. LHP is committed to taking all reasonable steps to maintain confidentiality where this is requested (unless it is required by law to break that confidentiality). We recognise that colleagues may prefer to provide anonymous information, however this will limit our ability to ask follow-up questions, clarify matters or provide feedback.

5.9 Maliciously making a false allegation is a disciplinary offence.

5.10 Further information can be found at:

**Gov.uk** [www.gov.uk/whistleblowing](http://www.gov.uk/whistleblowing)

**Advisory, Conciliation and Arbitration Service (ACAS)** - Provides information, advice, training, conciliation and other services for employers and employees to help prevent or resolve workplace problems.

[www.acas.org.uk](http://www.acas.org.uk)

Tel: 0300 123 1100



**Protect (formerly Public Concern at Work)** - Whistleblowing charity, who advises individuals with whistleblowing dilemmas at work

[www.protect-advice.org.uk](http://www.protect-advice.org.uk)

Tel: 020 3117 2520

**Citizens Advice** - Provides free, independent, confidential, and impartial advice to everyone on their rights and responsibilities.

[www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)

## 6. Investigation

- 6.1 Any matter raised under this policy will be investigated thoroughly, fairly, consistently, promptly, and professionally. The person who raised the concern will be informed of how the concern will be investigated, the progress of the investigation, and the outcome of the investigation, if appropriate.
- 6.2 The person who has received the concern will report the concern to the ADGR and keep the ADGR informed of the steps being taken until the matter has been concluded. The person who has received the concern will conduct an initial investigation to consider the concerns raised and seek to establish the facts and circumstances. This will usually take place within 5 working days of the concern being raised.
- 6.3 The person who has received the concern will then conclude whether the concern can be addressed immediately, or it is a Whistleblowing concern and requires a full investigation. They will decide on the appropriate action to be taken, in conjunction with the Chief Executive, other member of the Executive Leadership team or the ADGR (as appropriate). This will include how the concern should be investigated (if an investigation is required) and whether the matter should be self-referred to the RSH. Any concerns which require an investigation will be included on the Whistleblowing register and reported to the Chief Executive, and any which require self-referral to the RSH will additionally be discussed with the Chair of the Board, Chair of the Audit and Risk and the Whistleblowing Champion ahead of reporting to the Board.
- 6.3 An internal or an external investigator may be appointed to further investigate the facts of the case, and in some circumstances, where there is evidence of a criminal offence, it will be referred to the Police or other agency. The investigation may involve the person raising the concern, the person accused of wrongdoing and other individuals involved giving a written statement or having an investigatory interview with the investigating officer if required, or both.
- 6.4 When investigating a concern, LHP will support the person raising the concern in the following ways:
  - provide access to mentoring and advice and signposting to other available resources – such as counselling.

- reassurance that their position at work will not be affected by raising the concern.
- explain that some colleagues may still speculate about who has raised the concern whether it has been raised in confidence and provide assurance that their confidentiality will be retained (if requested).
- provide information on what action and/or feedback they can expect as well as timescales for providing updates; and
- being accompanied by a trade union representative or colleague at any meeting about the disclosure, if this is what they wish.

6.6 LHP accepts that individuals who report concerns need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, they will receive information about the outcome of any investigation and whether any changes/improvements are to be made to systems and procedures. If no action is to be taken, the reason for this will be explained. There are some circumstances where this may not be possible due to issues of confidentiality, for example if the matter has been referred to the Police or other agency for investigation.

6.7 If disciplinary action is required, the investigator will report the matter to the Corporate Head of Culture to start the Disciplinary Procedure. In cases of suspected bribery, fraud or corruption, the Bribery and Anti-Fraud & Corruption Policies will be followed.

## **7. Equality and Diversity**

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

7.2 LHP is committed to ensuring equal opportunities and fair treatment for all people in its work. Colleagues raising concerns will be treated fairly, and free from discrimination.

7.3 In implementing this policy, LHP will ensure that it achieves fairness towards all colleagues, irrespective the nine protected characteristics or other personal attributes.

## **8. Review, Monitoring and Reporting**

8.1 Compliance with the Whistleblowing Policy and these guidelines will be monitored regularly.

8.2 Annually the suitability, adequacy and effectiveness of the whistleblowing arrangements will be reviewed, and improvements implemented as and when appropriate. The outcome of this review will be reported to the Audit and Risk Committee.

8.3 Incidents of whistleblowing will be reported to the Audit and Risk Committee within the quarterly Probity and Compliance report.

- 8.4 A confidential report will be presented to the first appropriate meeting of the Board or Audit & Risk Committee following any investigation of whistleblowing, to assess whether appropriate action has been taken and whether internal controls are satisfactory. The report will include:
- the circumstances of the concern.
  - any loss sustained by LHP.
  - action taken.
  - the adequacy of internal controls, systems, and procedures.
  - recommendations on further action to be taken including changes in systems and procedures; and
  - any reporting of the matter to appropriate government departments or regulatory agency.
- 8.5 The ADGR is responsible for reviewing the policy and communicating changes as required.
- 8.6 The ADGR 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.

## EQUALITY IMPACT ASSESSMENT

Insert Name of Policy			
Provide a brief summary of the aims and main activities of the initiative (bullet points):			
This policy sets out how we will investigate and deal appropriately and sensitively with allegations of fraud, misconduct, or wrongdoing (serious concerns).			
Completed By:	Assistant Director of Governance and Regulation	Date:	21 March 2022

### Guidelines: Things to consider

- Where a negative (i.e., adverse) impact is identified, it may be appropriate to make a full EIA (see Stage 2), or, as important, take early action to redress this – e.g., by abandoning or modifying the initiative. NB If the initiative contravenes equality legislation, it must be abandoned or modified.
- Where an initiative has a positive impact on groups/community relations, the EIA should make this explicit, to enable the outcomes to be monitored over its lifespan.
- Where there is a positive impact on particular groups, does this mean there could be an adverse impact on others, and if so, can this be justified? - e.g. Are there other existing or planned initiatives which redress this?
- It may not be possible to provide detailed answers to some of these questions at the start of the initiative. The EIA may identify a lack of relevant data, and that data-gathering is a specific action required to inform the initiative as it develops, and to form part of a continuing evaluation and review process.

## EQUALITY IMPACT ASSESSMENT

- It is envisaged that it will be rare for full impact assessments to be required. Usually, where there are particular problems identified in the screening stage, it is envisaged that changing the approach at this stage, and/or setting up a monitoring/evaluation system to review a policy's impact over time will tackle the problem.

### STAGE 1: SCREENING

This stage establishes whether a proposed initiative will have an impact from an equality perspective on any group of people or community – i.e., on the grounds of race, religion/faith/belief, gender (including transgender), sexual orientation, age, disability, or whether it is “equality neutral” (i.e. have no effect either positive or negative).

**Q 1. Who will benefit from this initiative?** Is there likely to be a positive impact on specific groups/communities (whether or not they are the intended beneficiaries), and if so, how? Or is it clear at this stage that it will be equality ‘neutral’ i.e., will have no particular effect on any group? *Please consider all aspects of Diversity including as a minimum: Age, Disability, Gender/Transgender, Race/Ethnicity, Religion/Faith/Belief, Sexuality*

It is expected that this policy will be equality neutral – as applies equally to all employees, Board and Committee Members.

**Q 2. Is there likely to be an adverse impact on one or more minority/under-represented or community group as a result of this initiative?** If so, who may be affected and why: Or is it clear at this stage that it will be equality ‘neutral’? *Please consider all aspects of Diversity including as a minimum: Age, Disability, Gender/Transgender, Race/Ethnicity, Religion/Faith/Belief, Sexuality*

It is expected that this policy will be equality neutral.

**Q 3. Is there sufficient data on the target beneficiary groups/communities?** Are any of these groups under or overrepresented? Do they have access to the same resources? What are your sources of data and are there any gaps? *Please consider all aspects of Diversity including as a minimum: Age, Disability, Gender/Transgender, Race/Ethnicity, Religion/Faith/Belief, Sexuality*

LHP collects diversity data on its employees, Board and Committee members and compares the diversity profile to the profile of the communities within which LHP serves (ONS data).

## EQUALITY IMPACT ASSESSMENT

**Q 4. Outsourced services – if the initiative is partly or wholly provided by external organisations / agencies, please list any arrangements you plan to ensure that they promote equality and diversity. Please consider all aspects of Diversity including as a minimum: Age, Disability, Gender/Transgender, Race/Ethnicity, Religion/Faith/Belief, Sexuality**

NA

**Q 5. Is the impact of the initiative (whether positive or negative) significant enough to warrant a full impact assessment – see guidance? If not, will there be monitoring and review to assess the level of impact over a period of time? Please consider all aspects of Diversity including as a minimum: Age, Disability, Gender/Transgender, Race/Ethnicity, Religion/Faith/Belief, Sexuality**

No

**Q 6. To be completed at six monthly review Detail actions taken to assess the level of impact over a period of time, or to address any gaps in data. Please consider all aspect of Diversity including as a minimum: Age, Disability, Gender/Transgender, Race/Ethnicity, Religion/Faith/Belief, Sexuality**