



WHISTLEBLOWING POLICY

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Approved

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1. Introduction

- 1.1. Loddon Homes Limited and Berry Brook Homes Limited, herein referred to as the Local Housing Companies (LHC), are committed to delivering high quality services to its customers and expect high standards from its employees and contractors. The LHC are wholly owned subsidiaries of Wokingham Borough Council.
- 1.2. In order to maintain those high standards a culture of openness and accountability is vitally important. The aims of this policy are:
 - To encourage you to raise concerns about malpractice within the organisation without fear of reprisal.
 - To reassure you that your concerns will be taken seriously.
 - To provide information about how to raise your concerns and explain how the LHC will respond.
- 1.3. This policy applies to all LHC employees, former employees, agency staff and contractors engaged by LHC.

2. What is whistleblowing?

- 2.1. In practical terms, whistleblowing occurs when a concern is raised about danger or illegality that affects others, e.g. clients, members of the public or the LHC themselves. As the person 'blowing the whistle' you would not usually be directly affected by the danger or illegality. Consequently, you would rarely have a personal interest in the outcome of any investigation into your concerns. This is different from a complaint or grievance.
- 2.2. If you make a complaint or lodge a grievance, you are saying that you personally have been poorly treated. This poor treatment could involve a breach of your individual employment rights or bullying, and you are entitled to seek redress for yourself. A qualifying disclosure means any disclosure of information that, in the reasonable belief of the worker, is made in the public interest. As a result of this employees will generally be precluded from being able to 'blow the whistle' about breaches of his or her employment contract. Although an employee making such a complaint can still use the LHC's grievance policy.
- 2.3. Examples of whistleblowing concerns are:
 - Fraud in, on or by the LHC.
 - Offering, taking or soliciting bribes.
 - Unauthorised use of public funds.
 - Financial maladministration.
 - The physical, emotional or sexual abuse of clients.
 - Failure to comply with legal obligations.
 - Endangering of an individual's health and safety.

- Damage to the environment.
- A criminal offence.
- Failure to follow financial and contract procedure rules.
- Showing undue favour to a contractor or a job applicant.
- Misreporting performance data.
- Neglect of people in care.

2.4. This policy does not replace the LHC complaints or grievance procedures.

3. Who should I contact?

3.1. Having considered this policy, an employee of the LHC, or any other person covered by the Public Interest Disclosure Act (PIDA) 1998, who has serious concerns about any aspect of LHC's work, should in the first instance use one of the following methods:

- Inform Line Manager

In many cases, raising concerns with the immediate line manager is the most appropriate route for an employee. The line manager should inform the Managing Director or Chairman of the LHC of the disclosure and an appropriate course of action will be agreed. If this is not a suitable option (for example because the issue may implicate the manager or if the concern has been raised but remains unaddressed) the concern should be raised using one of the other methods.

- Dedicated whistleblowing communication channels

Wokingham Borough Council's Business Assurance team has established a dedicated 24 hour answer phone hotline for receiving disclosures:

Hot line number: 0118 974 6550

Email: confidential.whistleblowing@wokingham.gov.uk

By Post: Confidential Whistleblowing, Business Assurance, Shute End, Wokingham, RG40 1BN

- In person at Shute End by asking for the LHC's Managing Director at reception

The LHC's Managing Director can offer confidential independent advice on the use of the whistleblowing policy. If you suspect an employee, a member of the public or contractor (in their business dealings with the LHC) of fraud or corruption you must contact the LHC's Managing Director who will discuss your concerns with you in complete confidence. If you are in receipt of any allegation involving possible corruption, fraud or malpractice you should notify the Managing Director on 0118 908 8479, or the Chairman of either Loddon Homes or Berry Brook Homes immediately.

3.2. Advice and guidance on how matters of concern may be pursued can be obtained from either the Managing Director of the LHC or WBC's Monitoring Officer (Head of Governance and Improvement Services).

4. Legal Protection

4.1. The Public Interest Disclosure Act (PIDA) 1998 sets out a framework of protection against victimisation or dismissal for workers who blow the whistle ('disclosure') on criminal behaviour and other specified forms of malpractice.

4.2. It applies to making a 'protected' disclosure in respect of specific types of malpractice, which are:

- That a criminal offence has been committed, is being committed or is likely to be committed.
- That a person has failed, is failing or is likely to fail to comply with any legal obligation to which he is subject.
- That a miscarriage of justice has occurred, is occurring or is likely to occur.
- That the health or safety of any individual has been, is being or is likely to be endangered.
- That the environment has been, is being or is likely to be damaged.
- That information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed.

4.3. The Act covers internal disclosures to the LHC as the employer, disclosures to prescribed 'persons' such as regulatory bodies (e.g. for health and safety issues, the Health and Safety Executive), and wider disclosures, for example to the police and the media.

5. Raising concerns outside the LHC or council

5.1. In certain circumstances it may be appropriate to raise concerns outside the LHC or WBC to the appropriate 'prescribed regulator'. This should only be done where any disclosure of information is made in the public interest and where you believe the information is true, i.e. more than just suspicion. You are advised to discuss your concerns with a legal advisor, trade union or Public Concern at Work before reporting them outside the LHC or the council.

5.2. Examples of prescribed regulators are set out below:

- Homes England (in the case of LHL only)
- Regulator of Social Housing (in the case of LHL only)
- Information Commissioner
- Environment Agency
- Health and Safety Executive
- Commissioner of the Inland Revenue
- General Social Care Council
- Care Quality Commission

- The Commission for Social Care Inspection
- National Care Standards Commission

5.3. As a last resort you may choose to raise your concern outside the LHC or the council to someone other than a prescribed regulator, e.g. to the police or your MP. You should only do this if, in addition to the conditions above, one of three preconditions is met. Provided the disclosure is reasonable in all the circumstances and is not made for personal gain, the preconditions are that you:

- Reasonably believe that you would be victimised if you raised the matter internally within the LHC or the council.
- Reasonably believe that the matter would be 'covered up' and there is no prescribed regulator.
- Have already raised the matter internally or with a prescribed regulator.

5.4. It should be noted that wider disclosures (i.e. to the media) can only be protected where there is a justifiable cause for going wider and where the particular disclosure is reasonable. The LHC therefore encourages concerns to be raised initially using one of the methods described in 3 above.

6. Making a Protected Disclosure

6.1. This policy is intended to allow the internal investigation and resolution of any concerns raised. In accordance with the PIDA 1998, to make a 'protected' disclosure, the whistleblower has to meet certain conditions:

- A qualifying disclosure means any disclosure of information that, in the reasonable belief of the worker is made in the public interest. Therefore, while the employer can seek a declaration from the whistleblower that he or she is not knowingly making false allegations, disciplinary action is likely to be appropriate only where there is clear evidence that the reporting worker has misused the whistleblowing policy.
- Disclosure to a regulatory body will be protected where, in addition, the whistleblower honestly and reasonably believes that the information they provide and any allegation contained in it are substantially true.
- Disclosure to other external bodies will be protected if, in addition, making it is in all respects reasonable. 'In all respects reasonable' means, in effect:
 - The disclosure is not made for personal gain.
 - The whistleblower reasonably believed that they would be victimised if they raised the matter internally.
 - There is no relevant regulatory body.
 - The whistleblower reasonably believed that evidence was likely to be concealed or destroyed.
 - The concern has already been raised with the employer and/or relevant regulatory body.

- The concern is of an ‘exceptionally serious’ nature – which in a private sector company owned by a local government body could include, say, fraud or the misuse of public money.

- 6.2. This may be done orally or in writing. If you are writing, remember to give details of how you can be contacted. Anonymous disclosures present difficulties for effective investigation. Your name will not be revealed without your consent unless required by law.
- 6.3. However, the LHC recognises that despite the dual safeguards of confidentiality and legal protection from recrimination, individuals may still feel unable to reveal their identity. In these situations, individuals can report their concerns anonymously, but should be aware that these concerns carry less weight with the investigation teams and the disclosure may not be sufficiently detailed to provide a successful investigation.
- 6.4. Allegations that are malicious or allegations made for personal gain may result in action against the person making them. If an allegation is made in the public interest, but is not confirmed by an investigation, no action will be taken against the person who raised the concern.
- 6.5. It is preferable that a whistleblowing concern be raised as soon as there is reasonable suspicion. Employees are not expected to investigate the matter themselves or prove that their concern is well-founded.
- 6.6. Employees and workers who make protected disclosures are protected from adverse treatment in relation to their employer’s activity. In addition, whistleblowers are protected from suffering a detriment, bullying or harassment from another worker.

7. How will the LHC respond?

- 7.1. The action taken by the LHC will depend on the nature of the concern. The matters raised may be:
 - Investigated internally.
 - Referred to the police.
 - Referred to the external auditors.
 - Referred to the regulator – Homes England and/or the Regulator of Social Housing (in the case of LHL only).
 - Made the subject of an independent inquiry.
 - Considered a service issue and referred to the service to respond by any combination of the above.
- 7.2. In all cases, where a concern is raised, the contacted officer shall notify the Managing Director of the LHC and the Chairman of either BBHL or LHL. The officer and Board member will assess the nature of the concern to decide the appropriate response. Some concerns may be resolved by agreed action without the need for investigation. Any investigation will be reported to WBC’s Holding Company Limited and be overseen by WBC Holding Company Limited’s Chairman.

7.3. Feedback on the outcome of the concern will be given to the person raising the concern. This feedback may be limited due to legal obligations of confidentiality (i.e. if disciplinary action is taken against an LHC employee).

8. What if I am dissatisfied with LHC response?

8.1. This policy is intended to provide you with an avenue to raise concerns within the LHC. However, if at the end of the process an employee of the LHC, or any other person covered by the Act, is not satisfied with how a disclosure has been dealt with and wishes to pursue matters by means of a wider disclosure, the following points of contact are available to you:

- Our external auditor
- Relevant professional bodies or regulatory organisations (the RSH, or Homes England in the case of LHL)
- Your solicitor
- The police

8.2. If you do decide to take the matter outside of the LHC, you need to ensure that you do not disclose confidential information and that you are protected in accordance with the PIDA 1998 (see section 4 of this policy).

9. Further information and advice

9.1. Independent advice on whistleblowing can also be obtained from:

- Public Concern at Work, Suite 306, 16 Baldwins Gardens, London EC1N 7RJ/Helpline: 020 7404 6609/Email: helpline@pcaw.co.uk
- External auditor: Haslers, Registered Auditors, Old Station Rd, Loughton IG10 4PL
- Professional Body, e.g. the Chartered Institute of Housing, National Housing Federation, the RSH, Homes England or Trade Union

9.2. If you are a member of a professional body or trade union they should be able to advise you on whistleblowing.

10. Equality and Diversity

The LHC are committed to working within the Equality Act 2010, the Human Rights Act 1998 and always acts within the scope of its own Equality and Diversity Policy to ensure that no stakeholder, job applicant, employee or other person associated with the organisation is treated inequitably or in an unlawful or unjustifiably discriminatory manner.

11. Review and monitoring

This policy will be reviewed in line with any regulatory or legislative changes or by the scheduled review date as per the information provided in document control, whichever is sooner.

DOCUMENT CONTROL

Issue date	Approval date	Planned review date	Actual review date
July 2015	July 2015		February 2021
	March 2021	February 2024	

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