



Whistleblowing Policy & Procedure

Purpose

Cornwall Rural Housing Association (CRHA) encourages a free and open culture in its dealings between its management, colleagues, and all people with whom it engages in business and legal relations. This policy sets out the way in which colleagues may raise any concerns that they have about organisational conduct and how those concerns will be dealt with.

Scope

This procedure applies to all permanent and fixed-term employees, whether full-time or part-time.

Document Support

If after reading this document, you need further help, please contact your line manager.

Policy

It is important to Cornwall Rural Housing Association (CRHA) that any fraud, misconduct or wrongdoing by colleagues or others working on behalf of CRHA is reported and properly dealt with. We encourage all individuals to raise any concerns that they may have about the conduct of others in the organisation or the way in which the organisation is run.

Background

The Public Interest Disclosure Act 1998 amended the Employment Rights Act 1996 to provide protection for workers who raise legitimate concerns about specified matters in the public interest. These are called "qualifying disclosures". A qualifying disclosure is one made by a colleague who has a reasonable belief that

- 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;

is being, has been, or is likely to be, committed. It is not necessary for the colleague to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient. The colleague has no responsibility for investigating the matter - it is our responsibility to ensure that an investigation takes place.

A colleague who makes such a qualifying disclosure has the right not to be dismissed, subjected to any other detriment, or victimised, because they made a disclosure.

We encourage colleagues to raise their concerns under this procedure in the first instance. If you are not sure whether or not to raise a concern, you should discuss the issue with your line manager or the Chief Executive. If you wish to raise a qualifying disclosure relating to the acts or omissions of the Chief Executive, you should raise the matter with the Chair of the Board. If you wish to raise a qualifying disclosure relating to the acts or omissions of the Chair of the Board, you should raise the matter with the Chief Executive and Vice Chair.

Principles

- Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Colleagues and others working on behalf of CRHA should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of
- Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the person who raised the issue
- No colleague or other person working on behalf of CRHA will be victimised for raising a matter under this procedure. This means that the continued employment and opportunities for future promotion or training will not be prejudiced because they have raised a legitimate concern
- Victimisation of an individual for raising a qualifying disclosure will be treated as a disciplinary offence
- If misconduct is discovered as a result of any investigation under this procedure our disciplinary procedure will be used, in addition to any appropriate external measures
- Maliciously making a false allegation is a disciplinary offence
- An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, you should not agree to remain silent. You should instead report the matter to the Chief Executive or Chair if the instruction comes from the Chief Executive.

Procedure

This procedure is for disclosures about matters other than a breach of a colleague's own contract of employment. If you are concerned that your own contract has been, or is likely to be, broken, you should use our Colleague Resolution Policy.

Stage 1

In the first instance, any concerns should be raised with your line manager. If you believe your line manager to be involved, or for any reason do not wish to approach your line manager, then you should proceed straight to stage 3.

Stage 2

Your line manager will arrange an investigation of the matter (either by investigating the matter themselves or immediately passing the issue to someone in a more senior position). The investigation may involve you and other individuals involved giving a written statement. Any investigation will be carried out in accordance with the principles set out above. Your statement will be taken into account, and you will be asked to comment on any additional evidence obtained. Your line manager (or the person who carried out the investigation) will then report to the Chief Executive who will take any necessary action, including reporting the matter to any appropriate government department or regulatory agency. If disciplinary action is required, your line manager (or the person who carried out the investigation) will report the matter to the HR Advisers for advice and will then start a disciplinary process. On conclusion of any investigation, you may be told that an investigation has taken place, but the outcome may be withheld. If no action is to be taken, the reason for this will be explained.

Stage 3

If you are concerned that your line manager is involved in the wrongdoing, has failed to make a proper investigation or has failed to report the outcome of the investigations to the relevant person, you should escalate the matter to the appropriate person as set out in the Escalation Table at the end of this document. This person will arrange for a review of the investigation to be carried out, make any necessary enquiries and make their own report to the next person in the Escalation Table. Any approach to the more senior person will be treated with the strictest confidence and your identity will not be disclosed without your prior consent.

If you believe the Chief Executive is involved in the wrong doing, you should escalate the matter to the Chair of the Board.

Stage 4

If on conclusion of stages 1, 2 and 3 you reasonably believe that the appropriate action has not been taken, you 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:

- HM Revenue & Customs;
- the Financial Conduct Authority;

- the Health and Safety Executive;
- the Environment Agency;
- the Serious Fraud Office;
- the Health and Care Professions Council;
- the Regulator of Social Housing;
- the Pensions Regulator;
- the Information Commissioner;
- Protect, for whistleblowing advice (<https://protect-advice.org.uk/>)

You can find the full list in The Public Interest Disclosure (Prescribed Persons) Order 2014

<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies>

Escalation Table

Manager → Head of → Chief Executive → Board of Management

Protecting whistleblowers

If you raise a genuine concern under this policy, we will support you fully even if we find, through our investigations, that you made a mistake or that there has been no breach of policy, legal obligation or other activity set out in this policy. If you feel you have been treated badly as a result of raising a concern, you must tell us straightaway. If the matter remains unresolved, you must follow the formal process in our Colleague Resolution Policy.

All whistleblowers are given the same protection, so you must not threaten or otherwise badly treat others who have raised concerns under this policy. If you do, you may face disciplinary action which could include dismissal for gross misconduct. The whistleblower may also be able to bring legal action against you.

Data protection

When an individual makes a disclosure, the organisation will process any personal data collected in accordance with its data protection policy. Data collected from the point at which you make the report is held securely and accessed by, and disclosed to, individuals only for the purposes of dealing with the disclosure.

This is a non-contractual policy and procedure which will be reviewed from time to time.