

## 1.0 WHAT IS WHISTLEBLOWING?

In this policy, 'Whistleblowing' means employees, contractors and voluntary workers reporting suspected misconduct, illegal acts or failure to act within Southdown.

### Who can raise a concern under this Policy?

The Policy applies to all:

- employees of Southdown
- employees of contractors working for Southdown, for example, agency staff, builders and drivers
- employees of suppliers
- those providing services under a contract or other agreement with Southdown in their own premises, for example, care homes
- voluntary workers working with Southdown.

It is in the employee's interest to tell their manager as soon as possible if they have participated in an action causing concern. Southdown cannot promise not to act against such an employee, but the fact they came forward may be taken into account.

Clients or families of Southdown's CQC registered care and support services can raise concerns either via Southdown's complaints process, or by contacting our Freedom to Speak Up Guardian (see information below).

'Whistleblowing' is viewed by Southdown as a positive act that can make a valuable contribution to Southdown's efficiency and long-term success. It is not disloyal to colleagues or Southdown to speak up. Southdown is committed to achieving the highest standards of service, of ethical standards in public life and all its practices.

You must read this Policy before raising a concern. It explains:

- the type of issues that can be raised
- how the person raising a concern will be protected from victimisation and harassment
- how to raise a concern
- what Southdown will do

If you are unsure whether to use this Policy or want independent advice, you may contact the independent charity Protect by telephone: 020 3117 2520 or by completing the form included on the following link, <https://protect-advice.org.uk/contact-protect-advice-line/>. Their advisers can give free confidential advice on how to raise a concern about serious malpractice at work.

## 2.0 WHAT IS THE AIM OF THE POLICY AND WHEN DOES IT APPLY?

**Aims of the Policy** This Policy aims to:

- encourage people to feel confident in raising serious concerns and to question and act upon concerns
- provide ways to raise those concerns and receive feedback on action taken
- ensure a response to concerns and make people are aware of how to pursue them if not satisfied
- reassure whistle-blowers that they will be protected from reprisals or victimisation having made a disclosure in good faith.

## Scope of this Policy

The Whistleblowing Policy does not replace existing procedures:

- if the concern relates to the abuse or safety of a client or other vulnerable person, refer to the [Safeguarding Adults at Risk Policy \(4.04a\)](#)
- if the concern relates to an employee's treatment, they must raise it under the [Grievance Procedure \(8.29\)](#) or [Anti-Harassment and Anti-Bullying Procedure \(8.44\)](#).
- if a client has a concern about services provided to him/her, it must be raised as a complaint to Southdown
- complaints of misconduct by Southdown employees are dealt with under our [Disciplinary Policy & Procedure \(8.27\)](#) (for further information please contact Southdown's Human Resources Advisor).

## What should be reported?

Serious concerns about service provision or the conduct of officers or members of Southdown or others acting on behalf of Southdown that:

- make someone feel uncomfortable in terms of known standards
- are not in keeping with Southdown's values
- are not in keeping with Southdown's policies
- fall below established standards of practice
- are improper behaviour

These might relate to carrying out or facilitating:

- an offence or a breach of the law (a criminal offence or failing to comply with other legal obligation)
- disclosures related to miscarriages of justice
- racial, sexual, disability or other discrimination
- activities endangering the health and safety of the public and/or other employees
- damage to the environment
- unauthorised use of Southdown funds or other assets
- possible fraud, tax evasion or other financial corruption
- neglect or abuse of clients
- other unethical conduct

## 3.0 PROTECTING THE WHISTLE-BLOWER Legal rights

This policy takes account of the Public Interest Disclosure Act 1998 which protects workers making disclosures in accordance with the Act and in good faith, and makes it unlawful for Southdown to dismiss them or allow them to be victimised.

### Harassment or victimisation

Southdown does not tolerate harassment or victimisation of a whistle-blower (including informal pressures), and will take action to protect whistle-blowers and treat harassment or victimisation as a serious disciplinary offence under [8.27 Disciplinary Policy & Procedure](#).

**Support to whistle-blowers** Throughout this process:

- whistle-blowers must be given full support from the Executive Team and Senior Management
- concerns must be taken seriously
- Southdown must do all it can to help whistle-blowers throughout the investigation

If appropriate, Southdown must consider temporarily re-deploying the whistle-blower during the investigation.

For those who are not Southdown employees, we will endeavour to provide appropriate advice and support wherever possible.

### **Confidentiality**

Concerns must be treated in confidence and the whistle-blower's identity must not be revealed if that is their wish. If disciplinary or other proceedings follow the investigation, it may not be possible to take action without the whistle-blower's help, in which case they may be asked to come forward as a witness. If they agree to, they must be offered advice and support.

### **Anonymous allegations**

Staff, contractors, and volunteers are encouraged to put their name to allegations if possible. Without this, it is much more difficult for Southdown to protect their position or to give them feedback.

Anonymous allegations are much less powerful but may be considered at the discretion of Southdown. Factors to be taken into account include:

- the seriousness of the issue raised
- the credibility of the concern
- the likelihood of confirming the allegation from other sources

### **Untrue allegations**

If allegations are not serious, intend to do harm or are for personal gain, appropriate action, including disciplinary action, must be considered.

## **4.0 RAISING A CONCERN**

### **Who should concerns be raised with?**

This will depend on the seriousness and sensitivity of the issues involved and who is suspected of the wrongdoing. Concerns should be raised with:

- Line manager of the person raising the concern, or
- An Executive Director, or
- The Chief Executive

Concerns about the Chief Executive of Southdown must be raised with the Chair of the Board who will decide how the investigation will proceed. This may include external investigation. The Chair can be contacted in confidence via Southdown's Assistant Company Secretary ([clare.musham@southdown.org](mailto:clare.musham@southdown.org)).

In relation to our CQC regulated care and support services, Southdown's Board has appointed Tara Osbourne-Wallace as its Freedom to Speak Up Guardian who can provide support for staff and clients to speak up when they feel unable to via other routes. Our Freedom to Speak Up Guardian will:

- treat any reports in the strictest of confidence
- be an impartial and independent representative
- listen sensitively and promote a positive culture
- provide feedback on the actions take; and
- use the opportunity to recommend improvements

More information on this role can be found at <https://nationalguardian.org.uk/>

Tara can also be contacted by email via Southdown's Assistant Company Secretary.

A full list of the Executive Team, Senior Management Team, and the Board Members is available on the Southdown website, <https://www.southdown.org/about-us/our-people/>.

The mailing address is Southdown Housing Association, 2 Bell Lane, Lewes, East Sussex, BN7 1JU.

Letters marked confidential can be sent to the Chair or the Freedom to Speak Up Guardian c/o Bell Lane which will be delivered unopened to them.

If unsure who to contact, the whistle-blower may call the independent charity Protect tel: 020 3117 2520 for advice.

### **How to raise a concern**

People can raise a concern by telephone, in person or in writing. The earlier it is raised, the easier it is to take action. The following information must be provided:

- the nature of the concern and why it is believed to be true
- the background and history of the concern (giving relevant dates)

Although not expected to prove beyond doubt the truth of the suspicion, whistle-blowers must demonstrate they are acting in good faith and there are reasonable grounds for the concern.

People can invite trade union, professional association representatives or a friend for support during meetings or interviews about the concerns raised, and meetings can be arranged away from the workplace.

## **5.0 WHAT SOUTHDOWN WILL DO**

Southdown must and will respond to concerns as quickly as possible.

The overriding principle for Southdown is public interest. In order to be fair to all employees, including those who may be wrongly or mistakenly accused, initial enquiries must be made to decide whether an investigation is appropriate and, if so, what form it should take.

The investigation may need to be carried out without informing the subject of the complaint until (or if) it becomes necessary to do so. In certain cases however, such as allegations of ill treatment of others, suspension from work may have to be considered immediately.

Where appropriate, the matters raised may:

- be investigated by management, internal audit, or through the disciplinary/grievance process
- be referred to the police
- be referred to the external auditor
- be referred and put through established child protection/abuse procedures
- form the subject of an independent inquiry

Within ten working days of a concern being raised, the person investigating the concern must write to the whistle-blower:

- acknowledging the concern has been received
- indicating how Southdown proposes to deal with the matter
- supplying information on staff support mechanisms
- telling them whether further investigations will take place and if not, why not

The amount of contact between the whistle-blower and the officers investigating must depend on the nature of the matters raised, the difficulties involved and the clarity of information. It is likely the whistle-blower will be interviewed to ensure the disclosure is fully understood.

Southdown must do what it can to minimise difficulties experienced as a result of raising a concern. For instance, if the whistle-blower is asked to give evidence in criminal or disciplinary proceedings, Southdown must arrange for them to receive appropriate advice and support.

Whistle-blowers must be assured disclosures have been properly addressed, and kept informed of the progress and outcome of investigation unless there are legal reasons why this cannot be done.

## **6.0 THE RESPONSIBLE OFFICER**

The Chief Executive has overall responsibility for this Policy.

## **7.0 HOW THE MATTER CAN BE TAKEN FURTHER**

If the whistle-blower is not satisfied with action taken and it is felt right to take the matter outside Southdown, the following are Southdown's prescribed contacts:

In relation to Southdown as a registered provider of social housing - The Regulator of Social Housing (RSH)

Tel: 0300 124 5225

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

In relation to the provision of health and social care - The Care Quality Commission (CQC)

Tel: 03000 616161

Email: [enquiries@cqc.org.uk](mailto:enquiries@cqc.org.uk)

In relation to health and safety of staff, clients and the public related to Southdown's activities - The Health & Safety Executive (HSE)

Tel: 0300 003 1647

Online: <https://www.hse.gov.uk/contact/index.htm>

In relation to compliance with data protection law - The Information Commissioner (ICO)

Tel: 0303 123 1113

Online: <https://ico.org.uk/global/contact-us/contact-us-public/>

In relation to operation as a Co-operative and Community Benefit Society - The Financial Conduct Authority (FCA)

Tel: 020 7066 9200

Email: [whistle@fca.org.uk](mailto:whistle@fca.org.uk)

A public disclosure to anyone else could take whistle-blowers outside the protection of the Public Interest Disclosure Act and of this Policy.

This Policy does not prevent those concerned from taking their own legal advice.

## **8.0 REVIEW OF THE POLICY**

Southdown will review this Policy annually.

## **9.0 CORPORATE RECORDING AND MONITORING**

The Assistant Company Secretary will maintain a corporate register containing concerns brought to their attention.

Officers allocated to look into a concern must provide a report with sufficient details for the corporate register.

The Assistant Company Secretary must review the corporate register and produce an annual report for the Executive Team and Audit and Risk Committee (where there have been any cases during a year). The report must include a summary of the concerns raised, to which department they relate, the post to which

the concerns relate (if not confidential) and lessons learned. **The report must not include any employee names or the name of the person who reported the concern.**

The aim of recording and monitoring is to ensure:

- Southdown and/or the relevant department learns from mistakes and does not repeat them
- Consistency of approach across the departments

The corporate register together with the annual reports must be available for inspection by internal and external audit, after removing confidential details.