

Whistleblowing Policy

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Team responsible for policy: Chief Executive's Office

Approved by: Board

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1.0 INTRODUCTION

PBHA is committed to the highest standards of quality, probity, openness and accountability. It has proper systems of control, accountability and audit. It has policies and procedures to receive and act on feedback from users and staff and for complaints about the service or the behaviour of staff. It seeks to ensure that staff and users are clear about the expectations of their good behaviour in its policies, procedures, in induction arrangements, training and through staff supervision.

In the exceptional circumstances that these arrangements do not prevent, detect or deal with abuses, a failsafe system is needed to allow people with genuine concerns to raise those concerns in good faith without fear of victimisation or reprisal. Therefore, staff and users of services who have serious concerns about any aspect of PBHA's work are encouraged to come forward and express those concerns. Whistleblowers can be employees, suppliers, contractors, clients, or any individual who becomes aware of dubious business activities. All employees are included, specifically those on fixed-term contracts, any casual workers or agency workers.

This policy aims to assist us in the early detection of any inappropriate behaviour or practices within our business and to provide all whistleblowers with the relevant information so that they understand the procedure to follow when raising concerns about any malpractice within PBHA which they believe has occurred, or is likely to occur. The policy complies with the Public Interest Disclosure Act 1998.

We wish to create an atmosphere of openness in which whistleblowers feel confident that they can raise any reasonable concern about our business activities with us in the knowledge that it will be taken seriously, treated as confidential and that no action will be taken against them for raising the matter.

Whistleblowers are encouraged to use the procedure set out below if they have any concerns at all about wrongdoing at work, including any criminal offence, a failure to comply with legal obligations, a miscarriage of justice, a health and safety danger, an environmental risk, breach of duty to protect vulnerable people using our services, breach of equal opportunity, not acting professionally or honestly in meeting the needs of our customers/clients, consumers and suppliers or a concealment of any of these.

In most cases concerns can be raised and dealt with through our normal procedures such as the complaints procedure, nuisance procedure and harassment procedure for service users and the grievance procedure, disciplinary procedure and harassment procedure for staff. Staff will normally use their relationship with their line manager to raise matters of concern.

However, where it is not reasonable to expect people to raise matters of concern in this way, this policy provides the opportunity for people with genuine concerns to raise them **confidentially**. Matters raised will normally be investigated through the relevant procedure because the procedures allow for thorough investigation and a fair hearing for those suspected of wrongdoing. Only in the most exceptional circumstances could these procedures be abandoned such as where criminal investigations superseded them.

Concerns brought to the attention of the organisation through this policy will always be treated seriously and if as a result, a serious problem is identified, the matter will be dealt with seriously. Fraud or serious abuse will always be pursued vigorously through our internal procedures and if necessary, through the courts. The police will always be informed of criminal behaviour.

2.0 IDENTIFYING UNACCEPTABLE BEHAVIOUR

People who are unsure about the way they or others are expected to behave should seek advice from their support worker/keyworker or from their line manager. Reference should be made to relevant PBHA policies such as:

- Standing Orders
- Financial Regulations
- Code of Conduct for Board Members and Staff
- Staff Code of Conduct in relation to Service Users
- Equal Opportunities Policy
- Harassment policy

All these policies are available on Sharepoint.

3.0 WHEN TO USE THIS POLICY

Some matters of serious concern could have consequences for individuals and the organisation if unheard and unaddressed. Such matters might include:

- fraud, corruption or malpractice

- abuse or neglect of vulnerable people
- serious failure to deliver service
- damaging personal conflicts at a senior level

Anyone who has reasonable grounds for suspecting behaviour of serious concern should raise it with the organisation if possible, by telling their line manager if a staff member or their housing or keyworker if a service user. Service users may in addition seek the use of the independent advocate if they prefer, examples are [POhWER](#) and [Rethink Advocacy London Hub](#). People considering raising matters of serious concern should have regard to the Data policy which gives guidance on giving and receiving information affecting individuals.

This policy aims to protect those who make a 'protected disclosure' either during their employment (or duration of the contract/agreement in the case of workers) and also after this has ended, and also enables them to take action in respect of any victimisation.

For a disclosure to be protected it must reasonably appear to the whistleblower that it is in the 'public interest'. The previous requirement that it should be brought in "good faith" no longer applies.

Note that the scope of this policy does not cover any potential breaches of an individual's employment contract: these should be raised under our grievance procedure. Nor is this policy intended to be used to question financial or business decisions taken by us, nor as a means of reconsidering any matters that have already been addressed under our bullying and harassment, grievance, disciplinary or other procedures.

The policy covers any malpractice within our business and includes:

- a criminal offence
- the breach of a legal obligation or any statutory Code of Practice
- a miscarriage of justice
- a danger to the health and safety of any individual
- an environmental risk
- any attempt to conceal any of the above.

The list below is not exhaustive but gives examples of the types of concerns that should be raised:

- misuse of assets (including stores, equipment, vehicles, buildings, computer hardware and software)
- failure to comply with appropriate professional standards
- bribery, corruption or fraud, including the receiving or giving of gifts or hospitality in breach of our procedures
- falsifying records
- failure to take reasonable steps to report and rectify any situation which is likely to give rise to a significant avoidable cost, or loss of income to our business or would otherwise seriously prejudice it
- abuse of authority
- using the power and authority of our business for any unauthorised or ulterior purpose
- causing damage to the environment
- abuse of Service Users where concealment is suspected.

Whistleblowers are encouraged to 'blow the whistle' on malpractice. By being alerted to any potential malpractice at an early stage we can take the necessary steps to safeguard the interests of all employees and protect our business. The whistleblower does not have to be able to prove the allegations but should have a reasonable and genuine belief that the information being disclosed is true: some allegations may prove to be unfounded, but we would prefer the issue or concern to be raised, rather than run the risk of not detecting a problem early on.

Where requested, we will respect (so far as we can legally) the confidentiality of any whistleblowing complaint received but cannot guarantee that the investigation process will not result in colleagues speculating on the identity of the whistleblower. It must be appreciated that it will be easier to follow up and to verify complaints if the individual is prepared to give their name, and unsupported anonymous complaints and allegations are much less powerful and therefore will be treated with caution.

4.0 EARLY REPORTING

It is always better to come forward with concerns at an early stage rather than let them have a chance to develop into something more serious. It may be that the piece of information that causes concern is one part of a jigsaw of information that makes up a larger picture of serious concern. Experience of dealing with incidents of bad behaviour shows that people are reluctant to divulge information that may point to wrongdoing in case they are mistaken or

because of a misguided sense of loyalty to the wrongdoer as a fellow user or staff member. After the matter has come to light and been tackled people who have remained silent come forward with pieces of information which when put together create a whole picture that should have received attention earlier.

5.0 DUTY TO REPORT

There is a moral duty on us all not to tolerate behaviour that is harmful to others. There is an expectation of paid staff to report wrongdoing. Failure by staff to report serious wrongdoing could lead to disciplinary action. A serious concern does not have to be backed with proof before it is legitimate to raise it. Any concern raised in good faith will be respected and investigated. On the other hand this policy must not be used to air general grievances and suspicions for which there are no reasonable grounds.

All managers have a crucial role to play in encouraging whistleblowers under their supervision to report any concerns they may have.

Any whistleblower who has knowledge of, or reasonably suspects, any fraud, theft or other suspicious or unlawful act taking place within our business is required to report this to their manager, or to use the procedure set out below.

All employees and workers, irrespective of their job or seniority, are required not to subject any other employee or worker to any detrimental treatment nor harass or bully such an individual on the basis that they have raised a concern under this policy. They are also required not to encourage others to do so nor to tolerate such behaviour. Disciplinary action, including dismissal, may be taken against any employee found guilty of such behaviour. In addition, an employee or worker who has victimised a colleague may be personally liable for any victimisation.

6.0 INTIMIDATION OR REPRISAL

No-one should be discouraged from coming forward on matters of serious concern by intimidation from others or fear of reprisal from others. The organisation is committed to the protection of people who use this policy in good faith even if the concern raised turns out to be unfounded. Intimidation or reprisal or threat of reprisal will be treated as a disciplinary matter. Using these

procedures appropriately will not prejudice service users or anyone else's positions.

We undertake that no employee who makes a bone fide report under this procedure will be subjected to any detriment as a result and we will not condone any form of victimisation, bullying or other detrimental treatment of anyone who has raised a concern under this policy.

If any individual believes that they are being subjected to any detrimental treatment, bullying or harassment by any person within our business (including by their work colleagues and co-workers) as a result of their decision to invoke this procedure, they must inform their manager immediately and appropriate action will be taken to protect them from any reprisals.

Any victimisation, bullying or detrimental treatment will be dealt with under our disciplinary policy.

7.0 HOW TO REPORT A CONCERN

Reporting can be done in person or by letter or telephone call with or without the support of a colleague, advocate or trade union representative. A meeting can be arranged in confidence to discuss the concern.

If it is not possible for a staff member to raise the concern with their line manager or a service user to raise a matter with their Housing worker or keyworker, or if having done so the matter is not being addressed, then direct confidential reporting at a more senior level is appropriate. An email or letter could be sent anonymously, although openness is encouraged so that the appropriate investigations may be carried out.

Approaches under this policy may be made to the Chief Executive or any member of the Senior Leadership Team.

All such approaches will be treated in confidence.

The Chair of the Board may be approached if the matter of concern involves the Chief Executive or a Board Member.

If the matter is serious and our internal procedures have been exhausted, individuals may then contact the appropriate regulating authority relevant to the matter in question e.g:

- The police
- The Health and Safety Executive (HSE)
- Her Majesty's Revenue and Customs (HMRC)
- the Financial Conduct Authority (FCA)
- The Greater London Authority (GLA), relevant Local authority or Homes England
- The Regulator of Social Housing or our Auditors.

We also reserve the right to make such a referral without the whistleblower's consent.

Protect (formerly known as 'Public Concern at Work') is a charity with the objective of promoting compliance with the law and good practice and can advise on the best course of action. It offers free confidential advice to any individual who is unsure whether to raise an issue under this policy, or who needs advice as to how to do it.

Performance audit staff at the Regulator of Social Housing are also able to advise on a confidential basis. As regulators they may need to follow up on any potential problems identified.

Regulator of Social Housing

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Piccadilly Plaza
Manchester M1 4BT

PBHA's auditors

Beevers and Struthers Chartered
Accountants
15 Bunhill Row
London EC1Y 8LP

8.0 INVESTIGATION, CONFIDENTIALITY AND FEEDBACK

Concerns raised under this policy will be looked into thoroughly and carefully. Where the established procedures of the Association are relevant, they will be used. Where a matter falls outside those procedures the matter will be dealt with having regard to the confidentiality policy and the rules of natural justice which require that allegations of wrongdoing are made known to those accused of wrongdoing and people accused of wrongdoing given an opportunity to explain their case.

While initial approaches under this policy can be treated in confidence, subsequent investigations may involve disclosing the information given to the person or persons suspected of wrongdoing. It will therefore be necessary to

discuss with the person coming forward with information the extent to which the confidentiality of that source can be protected in any internal investigation and the likely processes if the matter results in action by external agencies eg criminal investigation by the police, investigation by the Regulator of Social Housing or other funder. A confidential meeting may be arranged, and the whistleblower may ask an appropriate person to act as a companion. If the whistleblower is a member of staff, then they may be accompanied by a work colleague.

Feedback to the person raising the concern will be given within the limits of the Data policy. Where such investigation involves outside agencies (eg the police) this may cause some delay in the investigation. All matters raised under this policy will be the subject of a confidential report to the Chair of the Board.

9.0 ABUSE OF THIS POLICY

Any abuse of the confidential reporting process provided under this policy, for instance by maliciously raising unfounded allegations will be dealt with as a disciplinary matter for staff or other appropriate action for users. No-one who comes forward in good faith need fear adverse consequences from the organisation.

If it should become clear that the procedure has not been invoked in good faith, for example for malicious reasons or to pursue a personal grudge against another employee, this will constitute misconduct and will be dealt with under our disciplinary policy.

Under the Public Interest Disclosure Act 1998, disclosures to persons outside our business should only be made if the individual honestly and reasonably believes the allegation to be true. The making of malicious allegations relating to our activities to external persons will constitute gross misconduct and disciplinary action (up to and including dismissal) and/or legal action may be taken against the whistleblower.