

Whistleblowing Policy

Title:	Whistleblowing Policy – ‘Reporting a Concern’
Person Responsible:	Company Secretary
Customer consultation arrangement:	None
EIA required	No
EIA Completed (date):	
Approved by:	
Business Strategy Theme:	All Themes
Approval Date:	
Links to other Policies:	Code of Conduct Gifts & Hospitality Declarations of Interest Board Member Services Agreement
Review Date:	Three years, unless required sooner

Document management		
Version	Date amended	Amendments
1	May 2024	New policy.

1. Purpose

- 1.1 Lune Valley Rural Housing Association (LVRHA) is a registered provider (housing association) and was formed in 1989. We own and manage approx. 106 homes across a wide geography in the Lune Valley area. LVRHA is committed to providing excellent services, creating safe and sustainable communities and promoting pride in its neighbourhoods.
- 1.2 The aim of this policy is to encourage and enable LVRHA Board members and its agents or other organisations providing goods and services to LVRHA to raise serious concerns.
- 1.3 It also sets out the process for persons raising concerns regarding serious malpractice without fear of intimidation or recrimination and in the knowledge that any reports will be treated seriously, in confidence and be fully investigated.
- 1.4 LVRHA's Managing Agent and Development Agent's have their own Whistleblowing Policies which will be based on industry standard practice. The Leads have a duty to report any whistleblowing report and investigation affecting LVRHA operations or tenants to the LVRHA Board, initially via the Chair and then via exception reporting to the Board.

2. Regulatory and Legislative Requirements

- 2.1 This policy complies with the following legislation:
 - Public Interest Disclosure Act 1998 – sometimes known as the “Whistleblowers Act”.
 - Employment Rights Act 1996. Although the duties will be held by LVRHA Managing and Development Agents as LVRHA does not have any employees.

3. Scope of Policy

- 3.1 This policy applies to all Board Members, consultants, trainers, agency workers, suppliers, contractors, partners and volunteers conducting work on LVRHA's behalf. LVRHA will seek assurance from its Managing Agent and Development Agent that similar policies are in place and regularly reviewed.
- 3.1 This policy does not cover residents and customers. This should be referred to the Complaints Policy.

4. Whistleblowing Policy

What is Covered

Whistleblowing or 'raising a concern' is an early warning system that can alert employers to such things as:

- A criminal offence has been / is being or is about to be committed.
- Fraud or corruption.
- The abuse of elderly / vulnerable / children/ residents.
- Any danger to health and safety.
- The taking of payments in exchange for awarding contracts.
- Damage to the environment.
- A person abusing their position for any unauthorised use or for personal gain.
- A person failing to meet appropriate professional standards.
- A person has failed or is failing or is likely to fail to comply with any legal obligation or regulation to which they are bound.
- Modern slavery.
- A person being discriminated against because of their race, colour, religion, ethnic or national origin, disability, age, sex, sexuality, class or home life.
- Attempts to hold back or hide any information relating to the above.

What is not Covered

This Policy does not cover matters that are covered by other policies and procedures. Such policies and procedures include the following:

- Customers' complaints about our service. These are dealt with through our Complaints Procedure.
- Allegations against Board Members. These are dealt with through the Code of Conduct.

5. Reporting

An individual who is raising a concern should consider the most appropriate person to raise the issue with.

Level 1 – Most concerns should be raised with the LVRHA Company Secretary.

Level 2 – If the concern relates to the conduct of the LVRHA Company Secretary then concerns should be raised with the LVRHA Chair.

Level 3 – In some cases where serious legal breaches may have been made then the concern can be reporting to the relevant regulatory or public body. This may include the Health & Safety Executive, Environment Agency and the Regulator of Social Housing (under regulatory duty on transparency and fraud reporting) etc.

6. Assurance to those ‘Reporting a Concern’

Personal Protection

LVRHA is committed to a policy of openness and the prevention and exposure of serious malpractice. If anyone raises a concern under the Whistleblowing ‘Reporting a Concern’ Policy, people will not be at risk of losing their jobs/positions or suffering any form of retribution as a result. In line with the Code of Conduct, LVRHA will not victimise or disadvantage any person who uses or intends to use the Association’s confidential reporting procedures to report actual or alleged wrongdoing. Provided reporters are acting in good faith, it does not matter if they are mistaken.

False or Malicious Allegations

While encouraging people to bring forward matters of concern, LVRHA must guard against bogus claims. Consequently, if a person makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken. However, if a person makes a false, malicious or vexatious allegation this will be treated as a serious disciplinary offence.

Confidence to Report

LVRHA will not tolerate the harassment or victimisation of anyone raising a genuine concern. However, we recognise that people may want to raise a concern in confidence. Therefore, if colleagues ask LVRHA to protect their identity, then LVRHA will not disclose it without their consent. If the situation arises where LVRHA are not able to resolve the concern without revealing identities (for instance because evidence is needed in court), this will be discussed with the whistleblower about how this can proceed.

In view of this commitment to protect whistleblowers, people are encouraged to put their name to their concerns so that the person investigating can clarify any points with them and add credibility to the concerns. Concerns expressed anonymously are much less powerful and can be difficult to substantiate.

If people are unsure whether, or how, to use this policy, or they want independent advice, then they can contact PROTECT – formerly *Public Concern at Work* - who are an independent authority on public interest whistleblowing. They can give free, confidential advice at any stage on how to raise a concern about serious malpractice at work.

Anonymous Concerns

If whistleblowers choose to remain anonymous, LVRHA will respect this as far as possible. Concerns expressed anonymously are much less persuasive, nevertheless, anonymous allegations may be considered at the discretion of the responsible person investigating the report, depending upon:

- the seriousness of the issues raised
- the credibility of the concern; and

- the likelihood of confirming the allegations from attributable sources.

However, people should be aware that any investigation into the matter is likely to reveal the source of the information and people may be required to make a statement which will form part of the evidence.

7. Responsibility under this policy

The Company Secretary has overall responsibility for whistleblowing and managing any concerns raised through this policy. They should ensure a fair investigation into any concerns is carried out in a timely manner. They are also responsible for reviewing and ensuring that appropriate action is taken on receipt of the relevant investigation. Where necessary the report should be reported to the Board and to agree necessary actions can be taken.

If the concern has been raised about the Chair of the LVRHA Board the Company Secretary should ensure that an independent person (e.g., an auditing firm) is appointed to investigate any concerns fully and in a timely manner.

LVRHA will have access to support and advice from its Managing Agent.

8. Monitoring & Review

- 7.1 The Company Secretary will monitor the implementation of this policy.
- 7.2 Whistleblowing reports will be reported by exception to the LVRHA Board by the Company Secretary. The Company Secretary will also seek annual assurance from the LVRHA Managing Agent and Development Agent that suitable policies apply and that any concerns or whistleblowing investigations relating to LVRHA's operations are reported in the same way.
- 7.3 This policy will be reviewed by the LVRHA Board every three years, or where there have been significant changes to regulation or legislation to warrant a further policy review. The Policy may also be reviewed sooner where there is a need to address operational issues or culture concerns or where best practice has evolved and there is a need to incorporate this.