

# Whistleblowing Policy

Printed paper copies of this policy are **uncontrolled**. The current version of this policy is available on the Intranet.

***Documentation Master Sheet***  
***Amendments to this document are detailed below***

Version Number	Date Amended	Comments	Date Approved	Author	Approved By
1				AS	AH

<b>Policy Reference</b>	<b>CE08</b>
<b>Policy Owner</b>	<b>Director of Business Improvement</b>
<b>Next review due</b>	<b>April 2021</b>

**Related Documents**

This policy relates to the following documents:  
 Grievance Policy and Procedure  
 Staff Handbook

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## Purpose

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The Policy is designed to ensure that you can raise your concerns about wrongdoing or malpractice within Melin without fear of victimisation, subsequent discrimination, disadvantage or dismissal.

It is also intended to encourage and enable you to raise serious concerns within Melin rather than ignoring a problem or 'blowing the whistle' outside.

This Policy aims to:

- encourage you to feel confident in raising serious concerns at the earliest opportunity and to question and act upon concerns about practice
- provide avenues for you to raise those concerns and receive feedback on any action taken
- ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied
- reassure you that you will be protected from possible reprisals or victimisation if you have made any disclosure in good faith

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## Scope

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Speaking up about any concern you have at work is really important. In fact, it's vital because it will help us to keep improving our services for our residents and the working environment for our staff.

You may feel worried about raising a concern, and we understand this. But please don't be put off. In accordance with our duty of openness, our senior leaders and entire board are committed to an open and honest culture. We will look into what you say and you will always have access to the support you need.

This policy covers all staff members employed by Melin Homes as well as Board Members, agency workers, consultants, suppliers, contractors and volunteers conducting work on our behalf. It covers what happens when a whistleblowing situation occurs in Melin and follows the statutory framework set out in the Public Interest Disclosure Act 1998.

This policy covers disclosures about matters other than a breach of a staff members' own contract of employment. If a staff member is concerned that their contract has been, or is likely to be, broken, they should refer to the Grievance Policy.

This policy does not cover residents and customers. If a resident or customer has an issue, they should be referred to the Complaints Policy.

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## Policy Statement and Principles

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This policy is intended to assist you if you believe that you have discovered malpractice or impropriety.

This policy aims to:

- Provide avenues for genuine concerns to be raised and feedback to be given on any action taken.
- Ensure that you receive a response to your concerns
- Reassure you that you will be protected from reprisals or victimisation if you have acted in good faith.

### What can you report?

The following are classed as qualified disclosures:

- a criminal offence, including offences such as theft, fraud or acts of bribery;
- the breach of a legal obligation;
- a miscarriage of justice;
- a danger to the health and safety of any individual;
- damage to the environment; and
- deliberate concealment of information tending to show any of the above five matters.

You don't have to be right, just ensure you are reporting it in good faith. It might be discovered subsequently that you are wrong or mistaken in your belief. It is Melin's responsibility to investigate the matter, not an individual's responsibility.

You must also reasonably believe that the disclosure is made in the public interest.

### Protected Disclosures

Employees are protected if they make a qualifying disclosure to either:

- Melin Homes; or
- where they reasonably believe that the relevant failure relates solely or mainly to the conduct of a person other than within Melin or any other matter

for which a person other than Melin has legal responsibility, to that other person.

## **Anonymous Allegations**

If you would like to raise a concern anonymously, you may do this. However, anonymous complaints are much less credible, so we would encourage you to come forward, with the assurance of receiving the appropriate support.

In exercising this discretion, the factors to be taken into account will include:

- The seriousness of the issues raised;
- The credibility of the concern;
- The likelihood of confirming the allegation from attributable sources.

## **Allegations Against the Chief Executive Officer (CEO)**

If you wish to raise concerns against the CEO you are encouraged to speak to the Chair or Vice Chair of the Board. Alternatively, you can approach a 'Prescribed Person' as identified under the Public Interest Disclosure Act 1998.

## **Allegations Against CEO and Chair/Vice Chair including multiple Board Members and Executive**

If you have concerns relating to the CEO and Chair or where the issues may involve multiple parties at a Senior Level and Board where you are not confident regarding how a matter will be dealt with you have the right to contact the Welsh Government Social Housing Regulator.

This approach should only be used where you feel a matter is so serious involving multiple parties which may be impaired to treat the investigation independently.

Contact details can be found on the Welsh Government website alternatively this first point of contact emails address can be used - [customerhelp@gov.wales](mailto:customerhelp@gov.wales).

## **What you should know**

- be aware of the importance of eliminating fraud, misconduct, bribery or other wrongdoing at work. Report anything that you become aware of that is illegal or unlawful;
- you will not be victimised, subjected to a detriment or dismissed for raising a protected disclosure under this procedure;

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- victimisation of an employee or worker, or subjecting them to any form of detrimental treatment or retaliation (including bullying and harassment), for raising a protected disclosure under this procedure will not be tolerated by the Group, is a disciplinary offence and will be dealt with under the Group's disciplinary procedure. Depending on the seriousness of the offence, it may amount to potential gross misconduct and could result in summary dismissal;
- be aware that you can also be held personally liable for any act of victimisation or detrimental treatment of an employee or worker on the ground that they made a protected disclosure;
- you should immediately draw the attention of your line manager to suspected cases of victimisation or detrimental treatment related to either you or another employee or worker having made a protected disclosure.
  - covering up someone else's wrongdoing is also a disciplinary offence. Never agree to remain silent about a wrongdoing, even if told to do so by a person in authority, such as your line manager;
  - your right to make a protected disclosure under this procedure overrides any confidentiality provisions in your contract of employment;

Finally, maliciously making a false allegation is a disciplinary offence.

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## Performance Standards

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### Monitoring and Accountability

The Executive Team will be responsible for ensuring that the policy is implemented in full.

The Executive Director of Culture, Innovation and Improvement will monitor the effectiveness of this policy and recommend policy changes to improve service delivery.

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## Equality and Diversity

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This policy is in line with the wider Equality and Diversity policy which prohibits discrimination on the grounds of age, gender, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation. We will monitor complaints to ensure that we are treating customers fairly.

We will ensure that this policy is applied fairly and consistently to all our staff members. We will not directly or indirectly discriminate against any person or group of people because of their race, religion / faith, gender,

disability, age, sexual orientation or any other grounds set out in our Equality and Diversity policy.

When applying this policy, we will:

- act in line with Melin's values, with respect and in consideration of the diverse needs of individual and communities
- take positive action to reduce the discrimination and harassment in local communities

This policy and any other Melin publication is available in other formats (e.g. other languages, Braille, large print, audio).

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## Risks

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In its implementation, this policy helps to mitigate the following risk.

- Lack of appropriate systems to comply with legislation
- Loss of momentum, loss of focus, poor staff morale / Lack of strategic direction
- Failure to comply with regulatory requirements

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## Key Contacts

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Executive Director of Culture, Innovation and Improvement

Director of Improvement

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## Definitions

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### Whistleblowing

Whistleblowing is covered by the Public Interest Disclosure Act 1998 and provides protection for people who raise legitimate concerns about the following specified matters:

- 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
- concealment of any of the above

It is not necessary for the individual to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient.