

WHISTLEBLOWING POLICY

1. Purpose of the Policy

This policy sets out how CCHA will address concerns where the interests of others, or the organisation itself, are at serious risk and making a disclosure is in the public interest.

2. Related policies and procedures:

- Disciplinary
- Data Protection
- Grievance
- Code of Conduct (Conduct Becoming)
- Board Members – Seeking Independent Advice
- Anti-Fraud
- Harassment and Bullying in the Workplace
- Modern Slavery Statement

3. Relevant legislation:

- Public Interest Disclosure Act 1998.
- Employment Rights Act 1996.

4. Scope of the Policy

This policy applies to all employees of the organisation, including for these purposes agency workers, interims and Board and Committee Members.

5. Definition of Whistleblowing

5.1 Whistleblowing is the term used when someone who works within or for an organisation, raises a concern about a possible fraud, crime, danger or other serious risk that could threaten customers, colleagues, the public or the organisation's own reputation.

5.2 Whistleblowing is more formally known as 'making a disclosure in the public interest'.

6. CCHA Policy

6.1 CCHA is committed to the highest standards of ethics and integrity in its work. Everyone should be aware of the importance of preventing and eliminating wrongdoing at work, be watchful of illegal or unethical conduct and report anything of that nature that they become aware of.

6.2 Staff or members with serious concerns about any aspect of CCHA's work are encouraged to come forward and express those concerns.

6.3 In many cases, concerns or complaints will be dealt with through CCHA's normal procedures, such as the mechanisms for resolving grievances, disciplinary matters or concerns relating to equal opportunities.

6.4 The law provides protection for workers who raise legitimate concerns about specified matters.

- 6.5 Whistleblowing is the disclosure of information which relates to suspected malpractice or dangers at work. Within CCHA we would want you to tell us about concerns such as:
1. Criminal activity
 2. Failure to comply with any legal obligation or regulatory requirement
 3. Miscarriages of justice
 4. Danger to health and safety
 5. Damage to the environment
 6. Abuse or neglect of vulnerable people
 7. Bribery
 8. Financial fraud or mismanagement
 9. Breach of any other legal obligation
 10. Undisclosed conflicts of interest
 11. Negligence
 12. Unauthorised disclosure of confidential information
 13. The deliberate concealment of any of the above.
- 6.6 There is a requirement under legislation for those making whistleblowing reports to believe that the disclosure is in the public interest.
- 6.7 This policy allows for all employees of the organisation, including for these purposes agency workers, interims and Board and Committee Members to raise any concerns that they may have about conduct or working practices which falls under paragraph 6.5.
- 6.8 It is not necessary to have proof that such an act is being, has been or is likely to be committed – a reasonable belief is sufficient. Those disclosing concerns under this Policy:
- must believe that what they are disclosing is in the public interest;
 - must believe what they are disclosing is substantially true;
 - must not act maliciously or make false allegations; and
 - must not seek personal gain.
- 6.9 CCHA ensures that all individuals know what is expected of them and what practices it regards as unacceptable, as detailed in the Code of Conduct and at Appendix 1 of this policy. Staff who are unsure what to do in a given situation should ask before taking any action.
- 6.10 Any matter raised under this policy will be investigated thoroughly, promptly and confidentially and the outcome of the investigation will be reported back to the person(s) who raised the issue, where possible.
- 6.11 Concerns may be raised anonymously. However, if a concern is raised anonymously then it can be more difficult to investigate it properly.
- 6.12 An employee who makes a protected disclosure under the law has the right not to be dismissed, subjected to any detriment, or victimised, because of making the disclosure. This means that the continued employment and opportunities for future promotion or training will not be prejudiced because he/she has raised a legitimate concern.
- 6.13 Victimisation of anyone for raising a protected disclosure will be a disciplinary offence.
- 6.14 If misconduct is discovered as a result of any investigation under this policy, the Disciplinary Policy will be used, in addition to any appropriate external measure.

- 6.15 An instruction to cover up a wrongdoing is a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority, such as a manager, individuals should not agree to remain silent; they should report the matter.
- 6.16 This policy applies where a disclosure is made in good faith and where the whistleblower reasonably believes that the information disclosed is substantially true. Providing a disclosure is made with honest intent, no action will be taken against the whistleblower if the claims are not subsequently substantiated.
- 6.17 If a whistleblower raises malicious or unfounded concerns, this will be taken seriously. Maliciously making a false allegation is a disciplinary offence and the individual will be dealt with under the Disciplinary Policy.
- 6.18 CCHA will deal with concerns seriously and will pursue allegations of fraud and abuse through its Disciplinary Policy (if involving the actions of an employee) and, if necessary, through the legal system. In cases where fraud is suspected, managers should utilise the Anti-Fraud Policy to investigate.
- 6.19 This policy should not be used for complaints relating to an employee's own personal circumstances at work. In those cases, employees should use the Grievance Policy or Harassment and Bullying in the Workplace Policy.
- 6.20 The process for raising and responding to issues raised under this policy is set out in the Whistleblowing Procedures.

Procedures

1. Who to Contact

- 1.1 In most cases, a member of staff should be able to raise any concerns with their line manager or Head of Department. If, for some reason, this is not possible, they should speak to a Director or the Chief Executive. In exceptional circumstances, it may be necessary for a member of staff to contact a Board Member, for example if the matter involves the Chief Executive or fraud is suspected. In such cases, the Chair of Audit & Risk Committee (**A&RC**), or, in their absence, the Chair of the Board, should be contacted to report the matter.
- 1.2 Board and Committee Members wishing to raise a matter under this policy, should speak to the Chief Executive or to the Chair of A&RC.
- 1.3 If the staff member is not happy with the way in which their concern has been handled (which means more than just that the outcome is not what the staff member wanted), they can raise it with one of the other key contacts listed above in paragraph 1.1.
- 1.4 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases staff should not find it necessary to alert anyone externally.
- 1.5 The law recognises that, in some circumstances, it may be appropriate for staff to report their concerns to an external body, such as a regulator. Staff are strongly encouraged to seek advice before reporting a concern to anyone external. 'Protect' (formerly Public Concern at Work) operates a confidential helpline. Their contact details are in the paragraph below.
- 1.6 Staff also have the option to approach 'Protect' for confidential and independent advice on actual and potential whistleblowing concerns:

Website: <https://protect-advice.org.uk/>

Advice line: 020 7404 6609 and 020 3117 2550

Email: whistle@protect-advice.org.uk

2. Confidential Reporting, Protection and Support for Whistleblowers

- 2.1 CCHA hopes that staff and Board and Committee Members will feel confident in coming forward openly with any concerns they might have, and urges them to come forward with any concerns at an early stage and before issues have a chance to become serious.
- 2.2 Completely anonymous disclosures are difficult to investigate. If staff want to raise their concerns confidentially, CCHA will make every effort to keep their identity confidential and only reveal it where necessary to those involved in investigating their concerns. CCHA will otherwise do everything it reasonably can to respect the confidentiality of staff and Board and Committee Members, if they have requested this.
- 2.3 CCHA will support concerned staff and protect them from reprisals or victimisation. If someone comes forward with a concern, they can be confident that this will not affect their career, their employment or their contract for services with CCHA. This applies equally if they

come forward in good faith with a concern which turns out later not to have been a justified reporting.

- 2.4 Whistleblowers must not suffer any detrimental treatment as a result of raising a genuine concern. If anyone raising a whistleblowing concern believes they have suffered any such treatment, they should inform their Director or the Chief Executive immediately. If the matter is not remedied, it can be raised formally using CCHA's Grievance Procedure.
- 2.5 Anyone who tries to discourage another person from coming forward to express a concern or criticises or victimises a member of staff or a Board or Committee Member after a concern has been expressed may be subject to the Disciplinary Procedure.

3. Dealing with Concerns

- 3.1 Any concern brought to CCHA's attention will be looked into carefully and thoroughly.
- 3.2 CCHA will arrange a meeting with the person raising the concern as soon as possible.
- 3.3 CCHA will be fair to anyone involved in an investigation, from the person reporting the concern to any individuals implicated in the allegations. While conducting an investigation, CCHA will respect any concerns a staff member or Board or Committee Member has expressed about their own safety or career.
- 3.4 All those involved must respect the confidentiality of the disclosure and any subsequent investigations and outcomes.
- 3.5 If the reporting individual requests it, CCHA will seek to inform them of the results of its investigation and about any action that is proposed. However, this may not always be possible, as CCHA has to respect the confidentiality of all involved, including those that might be investigated.
- 3.5 If anyone abuses the confidential reporting process, for instance by maliciously raising unfounded allegations, CCHA may treat this as a disciplinary matter. Any person who comes forward in good faith with a disclosure they believe to be in the public interest will not be subject to Disciplinary Procedures or equivalent.

Appendix 1

Examples of unacceptable behaviours

- Fraud, corruption and malpractice
- Abuse or neglect of vulnerable people
- Failure to deliver proper standards of service
- Damaging personal conflicts
- Bullying, discrimination, harassment or victimisation in the workplace.

Examples of the above include:

Theft of money or property, from CCHA, contractors or customers.

Abuse of position in any of a number of ways, including: seeking preferential prices or treatment for personal benefits; obtaining information of a personal or confidential nature beyond what is reasonably required in the course of duty, etc.

Offensive behaviour, including: verbal or physical harassment or abuse of colleagues, contractors, customers or other persons.

Hospitality or gifts beyond what could be considered reasonable under CCHA's policy or failure to declare such hospitality.

Leaking of information not in the public domain, whether to an agency, individual(s) or the public at large.

Neglecting Health and Safety – exposing themselves or others to risk.

For the avoidance of doubt, this Appendix 1 sets out examples of unacceptable behaviour so that staff are aware of what is expected of them. As explained in the Policy, not all of these matters are appropriate to be raised under the Whistleblowing Policy itself.