



Title	Whistleblowing Policy
Scope	This policy applies to all members within EMH Group, emh care & support, emh homes, emh Sharpes and Midlands Rural Housing
Author(s) Lead Department	Head of Governance & Assurance Governance (emh group)
Date Approved Approved By	Version 1 – EMH Group Board on 19 March 2021
Review Date	March 2024
Key Values (that apply to this policy and how they apply)	<p>Integrity: : This policy sets out the group’s approach to ensuring it operates under the highest ethical standards, requirements under legislation.</p> <p>Openness: This policy sets out emh Group’s open approach to whistleblowing</p> <p>Accountability: The policy sets out the responsibilities of the teams across emh who are involved in administering emh Group’s approach.</p> <p>Clarity: The policy clarifies how any whistleblowing concerns raised will be handled by the group</p>
Business Plan Key Strategic Goals	<p>Business and Financial Resilience: Achieving strong governance and financial viability across all emh Group’s activities</p>
Associated Policies/Documents	<p>Codes of Conduct Fraud policy Discipline & Grievance Safeguarding Policy</p>
Version Control	<p>2021/Governance/1/WBP Year/Lead Author/policy version number/policy name abbreviation</p>

1.0 Introduction

1.1 EMH Group is committed to the highest standards of quality and probity, transparency, openness and accountability.

1.1 Whistleblowing definition:

“Whistle-blowing is the act of informing the Group that an individual is aware of something immoral or illegal.”

This may include:

- (a) criminal activity;
- (b) failure to comply with any legal or professional obligation or regulatory requirements;
- (c) miscarriages of justice;
- (d) danger to health and safety;
- (e) damage to the environment;
- (f) bribery under emh Group’s Anti-corruption and Bribery Policy;
- (g) facilitating tax evasion [contrary to emh Group’s anti-facilitation of tax evasion policy];
- (h) financial fraud or mismanagement;
- (i) breach of emh Group’s internal policies and procedures including emh Group’s Codes of Conduct and Safeguarding policies;
- (j) conduct likely to damage emh Group’s reputation or financial wellbeing;
- (k) unauthorised disclosure of confidential information;
- (l) negligence;
- (m) concerns about harm or risk of harm to children or vulnerable adults
- (n) other workplace specific concerns
- (o) the deliberate concealment of any of the above matters.

A “whistleblower” is a person who raises a genuine concern relating to any of the above.

1.2 If something is troubling an individual which they think emh Group should know about or look into (a “whistleblowing concern”) please report it using this policy. If, however, an individual wishes to make a complaint about their employment or how they have been treated, please use the grievance policy or bullying / harassment policy - which an individual can get from their manager or a member of the human resources team.

1.3 This whistleblowing policy provides a procedure which enables employees, volunteers and board/committee members to raise concerns about what is happening at work, particularly where those concerns relate to unlawful conduct, financial malpractice or dangers to the

public or the environment. It is based on the Public Disclosures Act 1998 (PIDA) which covers concerns about criminal offences or a miscarriage of justice.

- 1.4 The object of this policy is to ensure that concerns are raised and dealt with at an early stage and in an appropriate manner, to provide staff with guidance as to how to raise those concerns and to reassure staff that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken. This is in recognition of the fact that employees, volunteers and Board members have a right and responsibility to raise concerns about the way in which the Group delivers its services and the way in which it deals with its tenants, suppliers and contractors.
- 1.5 This policy will be shared with the staff consultative committee.
- 1.6 This policy applies as far as possible equally to members of the EMH group board, boards of operating businesses and employees of EMH group, whether permanent or temporary and volunteers. In the context of this policy, the term employee also embraces consultants, casual workers, volunteers and agency staff employed by the group from time to time.
- 1.7 This organisation is committed to its whistleblowing policy. If an individual raises a genuine concern under this policy, he or she will not be at risk of losing their position, nor will they suffer any form of detriment as a result. As long as the individual is acting in good faith and in accordance with this policy, it does not matter if they are mistaken. These assurances would not be extended to someone who maliciously raises a matter they know to be untrue.
- 1.8 As part of our Consumer Credit License requirements, under section SYSC 18.2 of the Financial Conduct Authority Handbook, the regulator advises that: Under Public Interest Disclosure Act (PIDA), any clause or term in an agreement between a worker and his/her employer is void in so far as it purports to preclude the worker from making a protected disclosure.
- 1.9 A disclosure is a concern raised by a worker/staff member/volunteer or board member under the PIDA. Some disclosures may also be referred to as “protected disclosures”.
- 1.10 This policy does not form part of any terms and conditions of employment or engagement, and emh Group may amend it at any time.

2.0 **How the whistleblowing policy differs from the grievance procedure**

- 2.1 This policy does not apply to raising grievances about an individual’s personal situation. These types of concern are covered by the grievance procedure. The whistle-blowing policy is primarily concerned with where the interests of others or of this organisation itself are at risk. It may be difficult to decide whether a particular concern should be raised under the whistleblowing policy or the grievance procedure or under both. If an individual has any doubt as to the correct route to follow, the group encourages the concern to be raised under this policy and will decide how the concern should be dealt with.
- 2.2 The individual has only to have a reasonable belief that events are occurring which warrant further scrutiny, they do not need to have any definite proof or evidence. Individuals are encouraged to report a concern at the earliest opportunity.

3.0 **Communication**

- 3.1 Through emh Group’s induction and staff briefings, emh Group will make sure that an individual knows how to recognise the following problems and that they understand the

effects they may have on the organisation, their job and the service provided. Those problems are:

- Fraud, corruption and malpractice
- Abuse or neglect of vulnerable people/ children and adults including any safeguarding concerns
- Failure to deliver proper standards of service
- Damaging personnel conflicts at senior level
- Bullying, discrimination, harassment or victimisation in the workplace.

3.2 The Group will make sure that individuals know what is expected of them and practices regarded as unacceptable. If an individual is not sure what to do in a given situation, it is advisable to ask before taking any action.

4.0 **Protecting the individual**

4.1 The Group will not tolerate harassment or victimisation of anyone raising a genuine concern under the whistleblowing policy. If an individual requests that their identity be protected, all possible steps will be taken to prevent the individual's identity becoming known. If the situation arises where it is not possible to resolve the concern without revealing the individual's identity (e.g. if the individual's evidence is needed in court or disciplinary hearing, or if it is necessary for anyone investigating the concern to know the individual's identity), the best way to proceed with the matter will be discussed with the individual.

4.2 Individuals should be aware that by reporting matters anonymously, it will be more difficult for the organisation to investigate them, to establish whether allegations are credible, to protect the individual and to give them feedback. The Group will consider anonymous reports, which will still be dealt with in accordance with this policy but does not encourage staff to make reports anonymously.

4.3 Individuals who raise a genuine concern under this policy will not be at risk of losing their job or of suffering any form of detriment or reprisal as a result, even if the concern turns out to be mistaken. emh Group will not tolerate the harassment or victimisation of anyone raising a genuine concern and considers it a disciplinary matter to victimise anyone who has raised a genuine concern.

4.4 Whistleblowers must not be threatened or retaliated against in any way. If they are, such conduct will be subject to disciplinary action. In some cases, the whistleblower could have a right to sue the individual issuing threats and/or retaliations personally for compensation at an employment tribunal. If an individual believes they have suffered such treatment, they should inform the appropriate channels in accordance with *Appendix 1*. If they feel the matter is not remedied, they should raise a grievance formally using the grievance procedure

5.0 **How the matter will be handled**

5.1 Once an individual has informed the organisation of his or her concern an acknowledgement of the concern will be sent within 2 working days. The concerns will be examined and the organisation will assess what action should be taken. This may involve an internal enquiry or a more formal investigation. If a meeting is arranged to discuss their concern, an individual may bring a colleague or union representative to any such meeting, but the companion must respect the confidentiality of the individual's disclosure and any subsequent investigation. The individual will be given a written summary of their concern,

told who is handling the matter, how this person proposes to deal with the matter, how they can contact him/her and whether any further assistance may be needed. If the individual has any personal interest in the matter, this should be declared by the individual at the outset. If the individual's concern falls more properly within the grievance procedure, then they will be informed accordingly.

- 5.2 The supporting procedure will enable staff to determine what action needs to be taken. Timescales for informing an individual will vary according to the action taken and the seriousness of the matter, but they will be embedded within the various procedures. emh Group's ultimate object will be to resolve the issue as quickly as possible in a fair and thorough manner. emh Group will inform the individual of the outcome of the assessment.
- 5.3 emh Group will aim to keep the individual informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent emh Group giving an individual specific details of the investigation or any disciplinary action taken as a result. The individual should treat any information about the investigation as confidential.
- 5.4 If emh Group concludes that a whistleblower has made false allegations maliciously, the whistleblower will be subject to disciplinary action.
- 5.5 If an individual is not satisfied with the way in which their concern has been handled, they can raise it with the appropriate contact as outlined in *Appendix 1*, depending on whether the individual is a member of staff, a volunteer or a Board Member.

6.0 **Internal Contact**

- 6.1 The procedures for all individuals to follow when raising a concern are attached. *Appendix 1*.

7.0 **Independent Advice**

- 7.1 If an individual is unsure whether to use this procedure or wants independent advice at any stage, they may contact the independent charity Protect (formerly Public Concern at Work). Their lawyers can give free confidential advice at any stage about how to raise a concern about serious malpractice at work. An individual can, of course, seek advice from a lawyer of their own choice at their own expense, or if they are a member, from their trade union or professional body.

Protect

CAN Mezzanine
7 - 14 Great Dover Street
London SE1 4YR

Protect Advice Line: 020 3117 2520

Email Protect Advice line: whistle@protect-advice.org.uk

Fax: 020 7403 8823

8.0 **External Contacts**

- 8.1 It is intended that this policy gives individuals the reassurance they need to raise concerns internally. However, the Group recognises that there may be circumstances where individuals should properly report matters to outside bodies, such as emh Group's regulator or the police. It will very rarely if ever be appropriate to alert the media. If an individual is unsure as to whether this is appropriate and does not feel able to discuss the matter internally, Public Concern at Work (an independent authority offering free advice to people) will be able to give advice on such an option and on the circumstances in which an employee should contact an outside body rather than raise the matter internally. They would be able to provide contact details of external agencies.

Action on Elder Abuse

Response Line

080 8808 8141

(This is a Freephone helpline available Monday to Friday 9.00 am to 5.00 pm)

Regulator of Social Housing:

Email enquiries@rsh.gov.uk

Tel: 0300 124 5225

Referrals and Regulatory Enquiries team

1st floor - Lateral

8 City Walk

Leeds

LS11 9AT

Care Quality Commission

151 Buckingham Palace Road

London

SW1W 9SZ

03000 616161

Ofsted

enquiries@ofsted.gov.uk

Contact form <https://contact.ofsted...>

General enquiries 0300 123 1231

- 8.2 It is thus open for any individual to make a disclosure externally without detriment so long as they comply with legislation (the Public Interest Disclosure Act – see section 11 for more detail)

9.0 **Staff support**

If, having raised a concern, an individual needs further support, either emotionally or otherwise, the Group has set up a facility to contact the health cash plan, details available from HR. This is not a formal reporting line for concerns; it is a confidential service providing advice and support, if necessary.

10.0 **Matters raised maliciously**

10.1 Employees who maliciously raise a matter that they know to be untrue will be subject to the disciplinary policy.

11.0 **Public Interest Disclosure Act**

11.1 This policy has been developed with reference to this legislation to ensure that all relevant areas have been covered. One of its main purposes is to protect workers, Board Members and volunteers who raise concerns in a responsible way and thereby encourage employers to respond appropriately. A brief summary of the act is attached at *Appendix 2*.

12.0 **Associated policies**

12.1 This policy should be read in conjunction with all of emh Group's policies which fall under the umbrella of Integrity at Work:-

Codes of Conduct Fraud policy
Discipline & Grievance
Safeguarding Policy

13.0 **Monitoring of policy**

13.1 Records will be kept of the concerns raised through this policy, how the concerns were handled and the outcome of any investigation. Confidentiality issues will be adhered to.

13.2 This will be reported to Group Risk Panel and Group Audit Committee on an annual basis. The Group Audit Committee has overall responsibility for this policy, and for reviewing the effectiveness of actions taken in response to concerns raised under this policy.

13.3 The Head of Governance & Assurance has day-to-day operational responsibility for this policy, and must ensure that all managers and other staff who may deal with concerns or investigations under this policy receive regular and appropriate training.

13.4 This policy will be reviewed every three years; any major amendments to relevant legislation or incidents occurring within that time will trigger a review.

13.5 All staff are responsible for the success of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing. Staff are invited to comment on this policy and suggest ways in which it might be improved. Comments, suggestions and queries should be addressed to the Head of Governance & Assurance.

14 **Staff Training**

14.1 All staff will receive initial whistleblowing training when joining the organisation and will receive annual reminders of the policy.

Approved March Group Board 19.03.21

Appendix 1

Procedure for Staff/Volunteers

How to raise a concern internally

In most cases, an individual should be able to raise any concerns with their line manager.

Step 1

If an individual has a concern about malpractice, he or she should consider raising it initially with their line manager. This may be done orally or in writing.

An individual should specify from the outset if they wish the matter to be treated in confidence so that appropriate arrangements can be made.

Step 2

If an individual feels that they are unable to raise a particular matter with their line manager, for whatever reason, they should raise the matter with the Head of Governance & Assurance, any Executive Team Member or member of the Human Resources Team.

Step 3

If these channels have been followed and the individual still has concerns, or if the individual feels that the matter is so serious that they cannot discuss it with any of the above, they should discuss it with the Group Chief Executive, the Chair of the relevant Association's Board or any other board member such as the Chair of the Audit Committee as designated Whistleblowing Officer.

How to raise a concern externally

It is intended that this policy should give an individual the reassurance they need to raise concerns internally. However, if an individual feels the issue lies outside what can be dealt with internally, a disclosure could be made externally. The law recognises that in some circumstances it may be appropriate for an individual to report their concerns to an external body, such as a regulator. It will very rarely if ever be appropriate to alert the media. However, emh Group would **strongly recommend** that they seek advice from the independent agency Public Concern at Work prior to doing so. Names and addresses of all relevant bodies are included within this policy.

Matters raised maliciously

Any individual who maliciously raises a matter that they know to be **untrue** will be subject to action under the disciplinary policy.

Procedure for Board Members

How to raise a concern internally
Step 1 If an individual has a concern about malpractice, he or she should consider raising it initially with the Group Chief Executive. This may be done orally or in writing. An individual should specify from the outset if they wish the matter to be treated in confidence so that appropriate arrangements can be made.
Step 2 If an individual feel that they are unable to raise a particular matter with the Group Chief Executive, for whatever reason, they should raise the matter with the Chair of the Group Audit Committee as designated Whistleblowing Officer
How to raise a concern externally It is intended that this policy should give an individual the reassurance they need to raise concerns internally. However, if an individual feels the issue lies outside what can be dealt with internally, a disclosure could be made externally. The law recognises that in some circumstances it may be appropriate for an individual to report their concerns to an external body, such as a regulator. It will very rarely if ever be appropriate to alert the media. However, emh Group would strongly recommend that they seek advice from the independent agency Public Concern at Work prior to doing so. Names and addresses of all relevant bodies are included within this policy.
Matters raised maliciously Any individual who maliciously raises a matter that they know to be untrue will be subject to action under the Members Services Agreement or contract of employment/engagement where appropriate.

Appendix 2

Public Interest Disclosure Act

- 1 This act, sometimes known as the “Whistleblowers Act”, came into effect on 2 July 1999. It protects workers who raise concerns in a responsible way and so encourages employers to respond appropriately. Its main purpose is to protect employees who disclose information about their employer, which might otherwise be regarded as confidential, from detrimental action. It is aimed at encouraging people to raise concerns about malpractice in the workplace.
- 2 The Act provides for compensation for whistleblowers, who have been unfairly dismissed; it uses the term workers rather than employees and covers third parties such as sub-contractors and agency staff. The Act does not presently extend to volunteers and does not therefore cover Board members who work for the Association on an unpaid basis. However the Group considers as a matter of policy that members should have a mechanism available to them whereby they can raise concerns about possible malpractice or wrongdoing without leaving themselves open to possible victimisation.
- 3 Section 103a of the Employment rights Act 1996 makes it automatically unfair to dismiss a worker for making a ‘protected disclosure’, even if they have less than 12 months’ service.
 - 3.1 A disclosure must be made in the public interest in order to be protected under the PIDA.
- 4 Protected disclosures must be:
 - Disclosures of information
 - Qualifying’ disclosures
 - Made in accordance with the permitted methods of disclosure
 - 4.1 Qualifying disclosure
This is a disclosure that – in the reasonable belief of the individual making it- reveals genuine concerns about:
 - 4.2
 - An actual or potential criminal offence
 - A failure to comply with a legal obligation, such as negligence, breach of contract or breach of administrative law
 - A miscarriage of justice
 - The endangerment of Health & Safety
 - Damage to the environment
 - Deliberate concealment of any matter failing within any one of the above