



<b>Lead Director</b>	<b>Director of Governance, Assurance &amp; Risk</b>
<b>Policy Owner</b>	<b>Head of Governance</b>
<b>EMT Review</b>	24 February 2021
<b>Committee Review</b>	Audit & Risk Committee – 8 March 2021

## **1 Introduction & Aim**

- 1.1 Whistleblowing is the term used when a worker passes on information concerning wrongdoing. The Whistleblowing Policy supports Cobalt Housing's Governance Framework and sets out Cobalt's approach for Whistleblowers to work within an open and transparent framework which links to our value of acting with integrity.
- 1.2 The aim of this Policy is to encourage those with any serious concerns about fraud, misconduct or wrongdoing, in respect of any aspect of the work of Cobalt Housing, to come forward and express those concerns.

## **2 Policy Statement**

- 2.1 Cobalt Housing (Cobalt) is committed to the highest standards of quality, probity, openness and accountability. It seeks to conduct its affairs taking into account the requirements of statute and good practice.
- 2.2 This Policy applies to all employees of Cobalt. It can also be used by Board Members, tenants and any others associated with the organisation, such as contractors and agents.
- 2.3 The Policy will apply in cases where there is a genuine belief that one of the following sets of circumstances is occurring, has occurred or may occur and that it is in the public interest for it to be disclosed. The circumstances include:
- Financial malpractice, impropriety or fraud;
  - Failure to comply with legal obligations
  - Dangers to health and safety or damage to the environment
  - Theft or other criminal activity
  - Improper conduct or unethical behavior; and
  - Attempt to conceal any of the above
- 2.4 This Policy does not apply to the following:
- Complaints about bullying and harassment. These are dealt with through the Dignity at Work Policy.
  - Complaints about a disciplinary sanction. These are dealt with through the Disciplinary Process.
  - Employee grievances. These are dealt with through the Grievance Procedure.
- 2.5 In many cases, concerns or complaints will be dealt with through normal Cobalt procedures, such as mechanisms for resolving grievances, disciplinary matters or concerns relating to equal opportunities.

## **3 Policy Principles**

- 3.1 All employees have a duty of care to raise any reasonably held suspicions or matters of concern which may cause damage to Cobalt's business or reputation. There is no need for the employee to prove that the breach or failure that they are alleging has occurred or is likely to occur, a

reasonable suspicion will suffice, i.e. where the employee reasonably believes that the information disclosed is substantially true.

3.2 Whistleblowers will be able to raise such concerns on the understanding that they have nothing to fear and will not suffer reprisals or disadvantage. It is never easy to report a concern, particularly one that may relate to impropriety or fraud. However, it is important that where employees have concerns they disclose them at an early stage and before problems have a chance to become serious. A concern can be raised using any method, either verbally or in writing.

3.3 If anyone tries to discourage an employee from coming forward to express a concern, this will be treated as a disciplinary offence. In the same way, Cobalt will deal severely with anyone who criticises or victimises an employee after a concern has been expressed.

3.4 This Policy in no way detracts from a Whistleblower's rights or responsibilities within other related policies (e.g. Disciplinary, Grievance or Health & Safety policies).

3.5 Disclosures must be made in good faith and without malicious intent.

### 3.6 **Confidentiality**

Cobalt will treat all disclosures in a confidential and sensitive manner. Cobalt will take all reasonable steps to keep the identity of the employee making the allegation confidential where requested to do so, so long as it does not significantly hinder any investigation or unless Cobalt is required by law to disclose it.

3.7 It is expected that all parties to the disclosure, including the employee who raises it, will treat the matter as confidential, both during and after any investigation. If anyone abuses the confidentiality of the reporting process, disciplinary action will be considered.

### 3.8 **Anonymous Allegations**

Cobalt encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously are much less powerful, but will be considered at the discretion of Cobalt. In exercising this discretion factors taken into account will include:

- the seriousness of the issue raised
- the credibility of the concern, and
- the likelihood of confirming the allegation from attributable sources.

### 3.9 **Untrue Allegations**

If an employee makes an allegation in good faith, which is not confirmed by a subsequent investigation, no action will be taken against them. If, however, an employee is proven to have made malicious or vexatious allegations, disciplinary action will be considered.

### 3.10 Making a Disclosure

In most cases, employees should be able to raise any concerns with their line manager, who will report the concerns immediately to their Director. If this is not possible, employees should speak to their Director or to the Chief Executive Officer and ask for a confidential meeting. All such contacts will be treated in confidence.

3.11 In the case of a tenant or community member wishing to make a disclosure, the recipient of the disclosure will treat the matter in the strictest of confidence and follow points 3.10 – 3.15 of this Policy. Consideration will be given as to whether the matter would be more appropriately dealt with using the Complaints Procedure.

3.12 If the matter could be regarded as relating to fraud, corruption or bribery, then Cobalt has a separate Policy for these matters, which sets out the procedure by which these allegations or suspicions will be investigated. Employees should firstly raise any concerns about possible fraud, corruption or bribery with their line manager, who will pass the matter to the Head of Governance (the Anti-Fraud Coordinator).

3.13 If a disclosure matter involves a member of the Executive Management Team or a Board Member of Cobalt Housing, the following people should be contacted:

- Concerns about a Director should be made to the Chief Executive
- Concerns about the Chief Executive should be made to the Chair of the Audit & Risk Committee
- Concerns about the Chair of any Committee of the Board should be made to the Chair of the Board and the Chief Executive
- Concerns about the Deputy Chair of the Board should be made to the Chair of the Board and the Chief Executive
- Concerns about the Chair of the Board should be made to the Chair of the Audit & Risk Committee and the Chief Executive.

3.14 If members of staff, tenants or others associated with the organisation have serious concerns which they do not feel can be appropriately raised through the channels outlined at paragraphs 3.10 to 3.13, they may alternatively disclose their concerns via Cobalt's confidential whistleblowing mailbox by emailing: [whistleblowing@cobalthousing.org.uk](mailto:whistleblowing@cobalthousing.org.uk)

3.15 This mailbox is only viewed by the Chair of the Audit and Risk Committee in their capacity as 'Whistleblowing Champion' for the Board, and the Company Secretary.

3.16 An employee should not normally need to contact an external agency to make a disclosure but there may be exceptional or urgent circumstances where it might be best to do this. It is not possible to give precise examples but for instance, relevant situations might be:

- In the case of a criminal offence the Police
- In the case of abuse of vulnerable people, the local authority social services registration officer (refer to Cobalt's Safeguarding Policy).

Employees can also approach Protect (Telephone: 020 3117 2520) or the Advisory, Conciliation and Arbitration Services (Acas) (Telephone: 0300 123 1100) for free, confidential and independent advice. Further information can also be found on the Protect and Acas websites at [www.protect-advice.org.uk](http://www.protect-advice.org.uk) and [www.acas.org.uk](http://www.acas.org.uk)

3.17 If a Board Member has concerns about the board or the organisation that cannot be resolved, these concerns should be shared with the Board and formally recorded.

### 3.18 **The Investigation**

The person receiving the disclosure, with advice from HR, will determine the form of the investigation to be carried out. This may be to investigate the matter internally or refer the issue to the Police or other regulatory authority.

3.19 The disclosure will be looked into thoroughly and as quickly as possible. The method of conducting the investigation will be dependent on the disclosure made and the information/evidence gathering required, together with the need to respect confidentiality.

3.20 Following an initial assessment of the concern raised, an indication of the method to be used and the likely timescale will be agreed by those tasked with carrying out the investigation. In all cases reasonable adjustments will be considered in line with the Equality Act 2011.

3.21 If the investigation proves that there is a case to answer then Cobalt's disciplinary procedures will be invoked, or, if necessary, a referral will be made to the Police or other regulatory authority.

3.22 If the Whistleblower is not satisfied with the outcome of the investigation, Cobalt recognises their lawful right to make disclosures to Prescribed Persons as per the provisions of the Public Interest Disclosure Act 1998 and the Prescribed Persons Order 2014, which set out a list of over 60 organisations and individuals that a worker may approach outside their workplace to report suspected or known wrongdoing. The organisations and individuals on the list have usually been designated as prescribed persons because they have an authoritative or oversight relationship with their sector, often as a regulatory body. An up-to-date list can be found here:

[www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies](http://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies)

### 3.23 **Feedback**

The individual who received the disclosure will inform the person who made it what action, if any, is to be taken.

3.24 Where a disclosure is made, the person or persons against whom the disclosure is made will be informed. They will be allowed the opportunity to respond before any investigation or further action is concluded.

3.25 If, after raising concerns initially with Cobalt, any Whistleblower feels that they are not satisfied with the outcome then the concern should be referred to the Chair of the Audit and Risk Committee.

### 3.26 Reporting

A report on the disclosure and its outcome will be made to Cobalt’s Executive Management Team and the Audit & Risk Committee. Depending on the nature of the issue, a report may also be presented to Board.

3.27 A summary of disclosures and any subsequent actions will be made to the Audit & Risk Committee on a quarterly basis.

### 3.28 Promotion of Whistleblowing policy

The Whistleblowing Policy will be brought to the attention of staff and Cobalt Board and Committee Members during their induction, and periodically via staff training. The Whistleblowing Policy will be brought to the attention of Cobalt’s tenants and others associated with the organisation through its publication on the company website.

## 4 Risk Management

4.1 The key risks associated with non-delivery of this Policy are listed below.

Risk		Management and Mitigation
Risk Register Ref: GOV 15	<b>Failure to implement the Whistleblowing Policy carries the following risks:</b>	
Whistleblowing policy risk – People are unable to raise serious concerns about fraud, misconduct or wrongdoing.	<ul style="list-style-type: none"> <li>a) Endangering someone’s health and safety</li> <li>b) Damage to the environment</li> <li>c) A criminal offence being committed</li> <li>d) Not obeying the law (e.g. not having the right insurance in place)</li> <li>e) Covering up wrongdoing leaks</li> <li>f) Damaging the reputation of Cobalt Housing</li> <li>g) Incurring costs and compensation from accidents, litigation and compensation</li> </ul>	<ul style="list-style-type: none"> <li>1) Ensuring all staff are aware of responsibilities.</li> <li>2) Cobalt and its employees understand the statutory responsibilities and rights within their area of work.</li> <li>3) Consideration given to every concern raised as a Whistleblowing incident.</li> <li>4) Annual reviews of legal documents including Insurance Policies and driver documents.</li> <li>5) Regular meetings of Health &amp; Safety Forum and Health &amp; Safety Committee</li> <li>6) Effective contractor management arrangements.</li> <li>7) Clear lines of reporting incidents.</li> <li>8) Timely and thorough investigations.</li> <li>9) Appropriate action taken against wrong-doers.</li> <li>10) Effective induction processes for employees and Board Members.</li> </ul>

## 4.2 **Key Risk Indicators and Control Limits**

Key risk indicators for this Policy will be reported to the Audit & Risk Committee at every meeting (and to Board, where appropriate) as part of Cobalt's assurance framework (except where there is no information to report for that period):

- Number of Whistleblowing incidents
- Time taken to investigate Whistleblowing incidents
- Trends relating to reported Whistleblowing incidents

## 5 **Regulatory & Legislative Compliance**

5.1 The Public Interest Disclosure Act 1998 gives legal protection to employees against being dismissed or penalised by their employers if they make complaints or public disclosures about malpractice. It is a fundamental term of every contract of employment that an employee will faithfully service their employer and not disclose confidential information about the employer's affairs. However, where an employee discovers information which they believe shows malpractice or wrong doing, then this information should be disclosed without fear of reprisal.

## 6 **Links to Other Key Documents**

- Dignity at Work Policy
- Disciplinary Process
- Grievance Procedure
- Fraud, Corruption and Bribery Policy
- Safeguarding Policy
- Public Interest Disclosure Act 1998



## 7 Governance of this Policy

<b>Equality and Diversity</b>	An Equality Impact Assessment was carried out on this Policy on 26 <sup>th</sup> February 2021. No adverse discrimination was identified.
<b>Financial and Links to VfM</b>	Non-delivery of this Policy carries the risk of incurring costs and compensation from accidents, litigation and compensation.
<b>Privacy and Data Protection</b>	The Policy does not involve the collection/use of personal data from staff/customers nor involves data processing.
<b>Health and Safety</b>	Failure to implement this Policy carries the risk of endangering someone's health and safety and/or damage to the environment.
<b>Development and Consultation</b>	Not applicable for this Policy.
<b>Customer Profiles and Accessing Services Data</b>	Not applicable for this Policy.
<b>Monitoring and Review</b>	<p>Performance of the following will be reported to the Audit &amp; Risk Committee at every meeting and to Board, if relevant (except where there is no information to report for that period):</p> <ul style="list-style-type: none"> <li>• Number of Whistleblowing incidents</li> <li>• Time taken to investigate Whistleblowing incidents</li> <li>• Trends relating to reported Whistleblowing incidents</li> </ul>
<b>Roles &amp; Responsibility</b>	<p>The Director of Governance, Assurance &amp; Risk is responsible to the Chief Executive and the Board for ensuring the effective implementation of this Policy.</p> <p>Implementation of and adherence to the Policy will be monitored by the Audit &amp; Risk Committee.</p>

## 8 Definitions

8.1 The term "Whistleblowers" relates to any person who uses this Policy.

8.2 A "disclosure" is defined as information which relates to some danger, fraud or other illegal or unethical conduct connected with the workplace, be it of the employer or their fellow employees.