

RADIUS HOUSING ASSOCIATION Corporate Services			Document No: HRPO0034
	Prepared by:		B.Burdock
TITLE: Whistleblowing Policy	Authorised By: Date:		FHICS 12.03.20
	Version No:		7
	Date Ratified by Board:		Board 31.03.20
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1.0 Introduction

- 1.1 The Association is committed to conducting its business to the highest professional standards, adhering to all relevant statutory and regulatory requirements. Whilst all organisations face the risk of things going wrong from time to time, a culture of openness and accountability is essential in order to prevent such situations occurring, or to address them when they do occur.
- 1.2 This policy applies to all employees; agency workers, contractors or sub - contractors, relevant stakeholders and board members (otherwise referred to in this policy as agents).
- 1.3 The aims of the policy are:
 - To encourage employees or agents to report concerns as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate.
 - To provide employees or agents with guidance as to how to raise those concerns, and outline the process the Association will follow to deal with such concerns.
 - To reassure employees or agents that they are able to raise such concerns without fear of reprisal.

2.0 What is Whistleblowing?

- 2.1 Whistleblowing is a term used to describe a situation where an employee or agent makes a protected disclosure of information about suspected or actual wrongdoing in the workplace. It is important to the Association that any concern of employees or agents is reported and properly dealt with. The Association therefore encourages all individuals to raise any concerns that they may have about the conduct of others, or the way in which the Association conducts its business.
- 2.2 If raising a concern employees or agents must:
 - Believe the information and any allegations are substantially true;
 - Believe that they are making the disclosure to the correct/most appropriate person.

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The Association would rather that the matter was raised when it was just a concern rather than waiting for the matter to escalate, or for proof that such an act is being, has been, or is likely to be, committed. A reasonable belief is sufficient.

3.0 Protected Disclosures

3.1 The Public Interest Disclosure (Northern Ireland) Order 1998 provides protection for workers who raise legitimate concerns about specified matters in the public interest. These are called "qualifying disclosures". A qualifying disclosure is one made by an employee or agent who has a reasonable belief that one or more of the following is being, has been, or is likely to be, committed:

- A criminal offence.
- A breach of any other legal obligation.
- A miscarriage of justice.
- An act creating risk to health and safety.
- An act causing damage to the environment.
- Concealment of any of the above.

3.2 An employee or agent who makes a qualifying disclosure has the right not to be dismissed, subjected to any other detriment, or victimised, because they have made a disclosure.

4.0 Principles

4.1 Everyone should be aware of the importance of preventing and eliminating wrong doing at work. Employees or agents should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.

4.2 Any matter raised under this policy will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation communicated to the employee/agent who raised the issue.

4.3 No employee or agent will be victimised for raising a matter under this policy. This means that the continued employment and opportunities for future

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promotion or training of the employee or agent will not be prejudiced because they have raised a legitimate concern.

- 4.4 Victimization of an employee or agent for raising a qualified disclosure will be a disciplinary offence.
- 4.5 If misconduct is discovered as a result of any investigation under this procedure the Association's disciplinary policy (HRPO0047) will be invoked, in addition to any appropriate external measures.
- 4.6 An instruction to cover up wrongdoing is a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, employees or agents should not agree to remain silent and should report the matter to a director.
- 4.7 The whistleblower's identity will, so far as is possible, be kept confidential. Although no absolute promise of confidentiality can realistically be made as there may be times when it is not possible to resolve a concern without revealing the whistleblower's identity, for example where personal evidence is essential or it is a requirement of law
- 4.8 Employees or agents concerned about possible repercussions if their identity is revealed, should raise this as soon as possible with their line manager (or the person to whom the concern(s) were reported).
- 4.9 Where a whistleblower has asked for confidentiality in relation to their identity, every reasonable effort must be made to ensure that this confidentiality is maintained. If it becomes the case that the manager believes that confidentiality cannot be maintained, or there is a risk to the maintaining of confidentiality, the manager should make every effort to alert the whistleblower to this situation as a matter of urgency and to ensure all steps are taken to mitigate any potential or perceived adverse impact on the employee/agent making the whistleblowing complaint.
- 4.10 It is extremely important to raise any concerns at an early stage, if an employee or agent has serious suspicions that an offence has been committed, these concerns must be reported immediately. If in doubt about the concern the employee or agent should raise the matter anyway. The employee or agent has

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no responsibility for investigating the matter; it is the Association's responsibility to ensure that an investigation takes place.

- 4.11 The Association encourages employees or agents to raise their concerns under this policy in the first instance. If employees or agents are unsure about whether or not to raise a concern, they should discuss the issue with their line manager in the first instance or refer to section 5.5 for details of additional contacts.
- 4.12 Some employees may prefer to raise their concerns initially with their trade union representative for advice. The trade union representative will advise the employee how to use the whistleblowing policy or any of the other Radius policies which may be more appropriate.
- 4.13 Employees may be supported at any stage of the process by their trade union representative or by a work colleague.
- 4.14 Maliciously making a false allegation is a disciplinary offence.

5.0 Raising a whistleblowing concern

- 5.1 This policy is for disclosures about matters other than a breach of an employee's own contract of employment. If an employee is concerned and wishes to make a complaint about their personal terms and conditions they should use the Association's grievance procedure (HRPO0044).

There are various routes to raising a whistleblowing concern and outlined below are the main routes.

- 5.2 An employee or agent should raise any concerns with their line manager, who will red flag with SMT.

The employee or agent should complete the whistleblowing policy form (HRF 56) and include all relevant details such as dates, times, witnesses etc. relating to their concerns.

If the employee or agent believes the line manager to be involved, or for any reason does not wish to approach their line manager, or has previously

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informed their line manager and no action has been taken, then the employee or agent should contact a member of the senior management team (see 5.3).

5.3 If the employee or agent is concerned that their line manager is:

- Involved in the wrongdoing, and/or;
- Has failed to embark on a proper investigation and/or;
- Has failed to report the outcome of the investigations to the Director / Chief Executive / Board.

They should inform their Director who will instigate an investigation into the matter.

5.4 If for any other reasons the employee or agent does not wish to approach their line manager / director they should bring the matter to the attention of:

The Director of Corporate Services

Radius House
35 – 38 Lisburn Road
Belfast, BT9 6AA
Tel: 0330 123 0888

The Chief Executive

35 – 38 Lisburn Road
Belfast, BT9 6AA
Tel: 0330 123 0888

or

The Board

Radius House
35 – 38 Lisburn Road
Belfast, BT9 6AA

Any approach to the Board member / Chief Executive / Director will be treated with the strictest confidence.

5.5 All concerns will be investigated and this may involve an external body / consultant being instructed to investigate. The investigation may involve the employee or agent and other individuals involved giving a written statement.

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Any investigation will be carried out in accordance with best practice. The employee's or agent's statement will be taken into account, and they will be asked to comment on any additional evidence obtained.

The person who carried out the investigation will report their findings to the appropriate Director / whistleblowing panel, who will take any necessary action, including reporting the matter to the Chief Executive and Board who may advise any appropriate government department or regulatory agency.

If disciplinary action is required, this will be reported to Human Resources who will invoke the disciplinary policy.

On conclusion of any investigation, the employee or agent will be advised of the outcome of the investigation and what the Association has done, or proposes to do, about it. If no action is to be taken, the reason(s) for this will be explained.

All managers contacted by an employee are responsible for:

- Reporting all concerns to SMT, in a timely fashion.
- Ensuring appropriate action is taken at the earliest opportunity, responding quickly and taking concerns seriously.
- Supporting and reassuring those raising concerns.
- Responding to concerns without pre-judging.
- Reporting any agreed action.

5.6 If on conclusion of the above the employee or agent reasonably believes that the appropriate action has not been taken, they should report the matter to the proper authority. The legislation sets out a number of bodies to which qualifying disclosures may be made. Bodies relevant to our Association are:

Department for Communities (DfC)

Causeway Exchange

1-7 Bedford Street

Belfast, BT2 7EG

(028) 9082 9000

Website: www.communities-ni.gov.uk

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Northern Ireland Social Care Council

7th Floor Millennium House,
25 Great Victoria Street,
Belfast, BT2 7AQ
028 9536 2600
info@niscc.hscni.net

The Regulation and Quality Improvement Authority (RQIA)

9th Floor Riverside Tower
5 Lanyon Place
BELFAST, BT1 3BT
Tel: **(028) 9536 1990**
Email: info@rqia.org.uk
Website: www.rqia.org.uk

6.0 Anonymous Allegations

- 6.1 This policy encourages individual employees or agents and the general public to put their name to the allegation whenever possible as without this it can be difficult to fully investigate a matter and to corroborate facts. It makes it possible to clarify any ambiguous information or to ask for additional information to support the allegation.

Anonymous complaints will still be investigated taking into account:

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

7.0 Serious Allegations from Members Of The Public

- 7.1 It is important to distinguish between complaints about service standards, procedures etc. and more serious allegations or concerns that are identified in Section 2 of this policy.
- 7.2 Members of the public should refer in the first instance to the Radius Complaints Policy. If it is believed that this policy does not cover the concerns

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and that they are of a nature covered by the whistleblowing policy, these should be submitted in writing to the Chief Executive, Radius Housing, 38-52 Lisburn Road, Belfast, BT9 6AA. These concerns will be investigated and acted upon in accordance with Section 4.5 of this policy.

8.0 Qualifying Disclosure Via Digital Media

Radius will not accept qualifying disclosures via digital media including Twitter and Facebook. Anyone wishing to make a disclosure must follow the process set out in Section 5 of this policy.

9.0 Conclusion

- 9.1 While Radius cannot guarantee that the Association will respond to all matters in the way that the employee or agent might wish, the Association will strive to handle the matter fairly and properly. By using these whistleblowing arrangements employees and agents will help the Association to achieve this end. This policy does not detract from an employee's or agent's right to refer any matter externally at any time.

10.0 Client Confidentiality – Responsibility of all employees

- 10.1 All employees have a duty of confidentiality to clients. Unauthorised disclosure of personal or confidential information about a client is a serious matter which may result in disciplinary action. This may apply even if an employee believes they are acting in the best interests of a patient or client by disclosing the information.

11.0 Independent Advice

- 11.1 If employees or agents are unsure whether or how to raise a concern or would like confidential, independent advice at any stage, they may wish to contact either:

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Labour Relations Agency (LRA)

Head Office
2-16 Gordon Street
Belfast, BT1 2LG
02200 552 220
Email: info@lra.org.uk
Website: www.lra.org.uk

The LRA operates a helpline which deals with queries about employment matters, including the rights and obligations arising out of employment law. The service is available to any individual or organisation free of charge.

Public Concern at Work (PCAW)

The Green House
244-254 Cambridge Health Road
London E2 9DA
Tel: 020 3117 2520
Email: helpline@pcaw.org.uk
Website: www.pcaw.co.uk

An independent organisation which can provide guidance and training to employers on whistleblowing and can also offer free advice to employees unsure of whether or how to raise a concern about workplace wrongdoing.

12.0 References

HRPO0047	Discipline Policy
HRPO0044	Grievance Policy
HRF56	Whistleblowing Policy Form

This policy has been screened and complies with Section 75 duties.
This policy has been reviewed in line with our Recognition Agreement.