



Whistleblowing Policy

Version 2

Approved by: Board
Approved date: 26 May 2017

1.0 Introduction

- 1.1 As a Registered Provider of social housing, Optivo is committed to the highest standards of quality, integrity, openness and accountability. Our values are based on mutual respect, trust and fairness in all our dealings. Optivo treats incidents of whistleblowing seriously and will ensure that these are reported, investigated and managed appropriately. Optivo promotes a culture in which its people feel they can raise genuine concerns without fear of victimisation, discrimination or disadvantage, and, as part of that commitment, positively encourages the use of this Policy.
- 1.2 Employees are often the first to realise that there may be something seriously wrong within an organisation. The purpose of this Policy is to ensure that serious concerns about issues of malpractice within Optivo can be raised in confidence and explains the protection afforded to whistleblowers.
- 1.3 The Policy applies to all:
- Optivo employees, including agency workers and volunteers
 - Board, Committee, Subsidiary and resident governance members
 - Employees of suppliers/contractors working for Optivo or one of its subsidiaries
 - Those providing services under a contract or other agreement with Optivo.
- 1.4 For the purposes of this Policy, the term 'employee' includes all of the above.
- 1.5 This Policy does not apply in the following circumstances which are not covered by whistleblowing law and should be handled under Human Resources policies in line with The Enterprise and Regulatory Reform Act 2013 (unless the matter is of public interest):
- Personal grievances concerning an individual's terms and conditions of employment, or other aspects of the working relationship
 - Complaints by an individual of being bullied, harassed or discriminated against
 - Disciplinary matters.
- 1.6 There may be occasions when considering the performance/conduct of an employee in line with an existing HR Policy, wider issues are identified (e.g. safeguarding concerns). In such circumstances, a separate investigation may be instigated under

the Whistleblowing Policy if the matter is considered to be in the public interest.

- 1.7 If a resident or service user has a concern about Optivo, this should be reported to their Housing Officer in the first instance or raised as a complaint with the relevant Optivo Team for investigation.

2.0 The Legal Framework

- 2.1 The UK Public Interest Disclosure Act 1988 provides protection for employees who disclose information that might otherwise be regarded as confidential. This Whistleblowing Policy covers handling concerns where the interests of others, or the organisation itself, are at risk and making a disclosure is in the public interest.

Examples of such disclosures are:

- A criminal offence (e.g. fraud, bribery, corruption and theft)
- Endangering the health and safety of employees, residents or the general public
- Risk or actual damage to the environment
- Improper conduct or unethical behaviour
- Failure to comply with any legal or professional obligation or regulatory requirement, including failure to disclose a serious conflict of interest
- Abuse or neglect of vulnerable people (safeguarding)
- Deliberately concealing any of the above.

- 2.2 The provisions of the Act protect employees from being subjected to a detriment because of their whistleblowing. Detriment can take many forms, but includes dismissal, the denial of a promotion or access to training. Under the Act, individuals can also be personally liable for victimising colleagues who have made a disclosure, and employers may also be held liable for their behaviour.

- 2.3 Optivo will do everything possible to protect an employee's identity when a concern is raised and where the individual does not want their name disclosed. However, during the course of an investigation, or if criminal action is necessary and they are required to give evidence in Court, the whistleblower's identity may become apparent.

- 2.4 The Enterprise and Regulatory Reform Act 2013 introduced the requirement for any disclosure about an organisation to show how the whistleblower believes the disclosure is in the public interest, although this term is not defined in the Act.

3.0 Optivo's commitment

- 3.1 Optivo will support and protect any whistleblower (see section 1.3) who has volunteered information under this Policy from reprisals or victimisation. If any discrimination or harassment takes place as a result of whistleblowing, Optivo will take appropriate action under its disciplinary procedures against any individual found to be acting unfairly towards the whistleblower.

- 3.2 Any disclosure to Optivo may include allegations, but it cannot solely be an allegation

without information (i.e. simply voicing a concern). In order for the whistleblower to be protected by the UK Public Interest Disclosure Act 1998, their disclosure must include information so appropriate action can be taken such as an investigation. See [Guidance on Making a Whistleblowing Disclosure](#).

- 3.3 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.
- 3.4 However, if a whistleblower raises malicious or unfounded concerns, this will be taken seriously and the individual dealt with under Optivo's Disciplinary Policy and Procedure.

4.0 Reporting Arrangements

- 4.1 The Audit & Risk Committee has responsibility for whistleblowing matters. Any whistleblowing cases will be reported to that committee. However, all serious disclosures where significant loss (greater than £5,000) or reputational risk is suspected are also reported to the Executive Team, Chair of the Audit & Risk Committee and Board Chair within 48 hours of receipt.
- 4.2 The HCA may be notified of cases of fraud, depending on the severity and individual circumstances – refer to the Anti-Fraud, Bribery & Corruption Policy for further information.

5.0 Related documents

- The Public Interest Disclosure Act 1998
- The Equality Act 2010
- The Enterprise and Regulatory Reform Act 2013
- The HCA's Governance and Financial Viability Standard
- The NHF's Code of Conduct 2012
- The NHF's Code of Governance 2015
- Anti-Fraud, Bribery & Corruption Policy
- Anti-Money Laundering Policy
- [Gifts and Hospitality Policy](#)
- [Probity Policy](#)
- [Safeguarding Policy](#)
- Disciplinary Policy
- Grievance Policy
- [Guidance on making a Whistleblowing Disclosure](#).

6.0 Review

This Policy will be reviewed in eighteen months after amalgamation as part of the next Governance Review. If necessary, this Policy will be reviewed sooner to incorporate legislative, regulatory, best practice developments, or address

operational issues and any proposed changes will be presented to the Optivo Board for approval.