



WHISTLEBLOWING POLICY

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1.0 Introduction

1.1 Statement on Confidential Reporting

The term 'whistle-blower' is used to describe someone who becomes aware of a serious problem associated with the delivery of services within the Group's companies, or the behaviour/ conduct of its employees/ representatives, and raises the matter so that it may be investigated, and if necessary, corrected.

1.2 The Group recognises the need for defined guidelines in order to:

- Demonstrate a culture of openness and accountability;
- Comply with the Public Interest Disclosure Act 1998;
- Avoid public criticism and the need for crisis management;
- Reassure employees, non-executive directors and others with legitimate concerns that they will not be victimised for expressing them;
- Clarifying issues which should be dealt with through policies other than the whistleblowing policy;
- Enable employees, non-executive directors and others to raise issues of serious concern.

1.3 The types of issues which might be the issue of serious concern include:

- A criminal offence, for example fraud;
- Someone's health and safety is in danger, including those considered to be vulnerable in accordance with the Group's Safeguarding policies;
- A risk of, or actual damage to the environment;
- A miscarriage of natural justice;
- The Group's companies are breaking the law;
- Someone is covering up wrongdoing;

1.4 False, vexatious or malicious claims

The making of a false, vexatious or malicious complaint, or the discovery of same during an investigation, will be regarded as a serious breach of procedures and in the case of employees or non-executive directors, could result in the appropriate disciplinary procedure being invoked against the complainant.

In the case of others who are not employees or non-executive directors, evidence of a false, vexatious or malicious claim may have recourse to the tenancy agreement, the complaints procedures of third party organisations, or referral to a statutory agency if considered appropriate.

Whistle-blowers are otherwise protected under the Public Interest Disclosure Act 1998.

1.5 Complaints that are not considered under the Whistleblowing policy:

- Personal grievances such as bullying, harassment and discrimination, which should be pursued via the appropriate employment policies.
- Alleged breaches of the staff or Board member (non-executive director) code of conduct unless in the category described in section 1.3 above.
- Service delivery failures which should be reported under the Group's Complaints Policy.

2.0 Responsibility

- 2.1** All employees and non-executive directors have a duty to report any incident of serious concern as soon as reasonably possible to do so.
- 2.2** Any employee who becomes aware of a problem should bring the matter to the attention of an appropriate Executive Group member, their manager, a member of the People Services Team, or where they consider it appropriate to do so, the Independent Board Member.
- 2.3** Non-executive directors should report their concern to the Group Chief Executive – j.takhar@oceanhousing.com or the Independent Board Member – Sue Brownlow – suebrownlow@gmail.com
- 2.4** Others outside of the Group's companies should raise their concerns to the Group Chief Executive or the Independent Board Member.

3.0 Confidentiality and Support

- 3.1** Concerns can be reported anonymously, but the Group may not be able to take the claim further if all of the information needed has not been provided.
- 3.2** Those raising concerns can request confidentiality, and say at the outset that they do not want anyone else to know it was them that raised the concern. Every effort will be made to protect their identity.
- 3.3** If concerns are raised directly with the media, then in most cases the whistleblower will lose their whistleblowing law rights.
- 3.4** All whistleblowing concerns will be carefully considered, and those who raise concerns listened to. In some cases, it may be necessary for a concern to be investigated even if the whistle-blower asks for it not to be taken further, if in the opinion of the Independent Board Member, Executive Group member or manager it is necessary to ensure compliance with the law, regulatory environment or good governance.
- 3.5** Should those raising concerns need additional support to record/ present them, arrangements can be made to put such support in place.
- 3.6** In the event of anyone attempting to discourage another from expressing a concern, or subsequently criticising or victimising that person for expressing their concerns, appropriate disciplinary proceedings may be instigated.

3.7 Employees, non-executive directors or others should be reassured that any concerns they raise will be considered promptly. They should not fear reprisals, recrimination or victimisation. This equally applies where those raising concerns come forward in good faith, even if, upon investigation, their concerns prove to be unjustified.

4.0 The Procedure

4.1 Upon receipt of a concern raised in accordance with the Whistleblowing policy, the Group Chief Executive should be informed, who in turn will promptly notify the Independent Board Member unless the matter refers to the said Board member, in which case the Group Chair will be informed.

4.2 Likewise, if the Independent Board Member receives the concern, they should promptly notify the Group Chief Executive, unless the concern relates to the Group Chief Executive, in which case they should inform the Group Chair, and/or an alternative Executive Group member.

4.3 The Independent Board Member and Group Chief Executive will appoint a senior manager to conduct an investigation, and to engage with the person raising the concern if known. It will not be for those raising concerns to determine how any investigation is conducted. Should the IBM and Group Chief Executive determine that an alternative form of investigation be appropriate that may incur unplanned expenditure, then authority may be required from the Group Chair depending upon the level of expenditure expected to be incurred.

4.4 The investigation should be carried out as soon as is reasonably possible, with an expectation that the investigation will be completed within four weeks from the date the concern was received, subject to the nature and complexity of the concern and availability of information needed.

4.5 The investigation should involve interviewing all parties concerned, including any witnesses, and the production of a full report to evidence a thorough and detailed investigation.

4.6 Following the receipt of the report the Independent Board Member and Group Chief Executive will determine the appropriate course of action required, which may include, but not be limited to:

- No action to be taken;
- Disciplinary proceedings;
- Reporting the matter to statutory or regulatory agencies;
- Reporting the matter to the Group's external or internal auditors;
- Reporting the matter to the Group Board or a subsidiary Board, or the Group Audit Risk and Assurance Committee.

5.0 Monitoring and Review

5.1 The Independent Board Member and Group Chief Executive shall produce a report, not less than annually, for the Group Board and Group Audit Risk and

Assurance Committee on the number, and summary nature of all whistleblowing concerns raised in a financial year, together with the resulting action taken, even if none.

5.2 The Independent Board Member and Group Chief Executive shall arrange for the Whistleblowing Policy to be reviewed on a regular basis.

5.3 A copy of this policy will be placed upon the Group's website.

6.0 Exceptional Circumstances

6.1 It is considered that in the majority of cases, and employee, non-executive director or others should be able to raise a concern in accordance with this policy and for the matter to be investigated and dealt with accordingly.

6.2 However, in the event of exceptional or emergency situations arising, it may be appropriate to contact the following agencies directly:

- In the case of a criminal offence – the Police.
- In the case of the abuse of vulnerable people – Cornwall County Council's adult or children's Social Care directorate.
- In the case of fraud – the Group's external auditors – KPMG (senior partner – Harry Mears) or the Regulator for Social Housing.

7.0 Confidential and Independent advice may be sought from:

Regulator for Social Housing, Level 1A – City Tower, Piccadilly Plaza, Manchester. M1 4BT

Telephone: 0300 124 5225

Email: enquiries@rsh.gov.uk

Protect, The Green House, 244-254 Cambridge Heath Road, London. E2 9DA

Telephone: 020 3117 2520

Email: whistle@protect-advice.org.uk