



WHISTLE BLOWING POLICY

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REVISION/REVIEW SHEET

Issue	Brief Description of Reason for Change	Document Owner	Date Issued
Policy Created – Issue 1	-	-	-
2	Change in job title	Delyth Williams	01.08.14
3	General review and update	Delyth Williams	03.06.18
4	Update name change of CSSIW to Care Inspectorate Wales	Delyth Williams	10.10.20
5	Update	Delyth Williams	January 2021
6	General review in line with sector best practice	Aled Davies	14.09.22
7	Update of contact details of new Chief Executive	Aled Davies	08.09.23

1. POLICY STATEMENT

Adra is committed to the highest standards of integrity, openness, and accountability, and welcomes whistleblowing as an integral part of our approach to probity.

Our approach to whistleblowing aims to be open and transparent. We need colleagues to ‘speak up’ when they feel something is wrong, so we can do something about it. Colleagues can feel confident they can raise genuine concerns without fear of victimisation, discrimination, or reprisal.

Concerns can be raised at any time about an incident that happened in the past, is happening now or is likely to happen in the future. Concerns may prove unfounded, but we would rather they are raised than risk a problem getting worse. We’ll take concerns seriously and ensure these are reported, investigated, and managed in the right way.

2. PURPOSE

The Whistle blowing Policy aims to;

- encourage employees, Board Members and contractors to feel confident in raising serious concerns and to question and act upon concerns about practice,
- provide an avenue for employees and Board members to raise concerns and receive feedback on any action taken,
- allow employees and Board members to take the matter further if they are dissatisfied with the organisation’s response; and
- reassure employees and Board members that they will be protected from reprisals or victimisation for whistle-blowing in good faith.

3. WHAT IS WHISTLE BLOWING ?

‘Whistleblowing’ is the disclosure of information relating to suspected wrongdoing, danger, fraud, failure to comply with health and safety requirements or other illegal or unethical conduct in the workplace.

Any concerns disclosed under this policy should be in the public interest. This means that you should believe that your concern affects the rights, health, or finances of the public at large. If the matter is more of an individual or personal nature, you should raise your concerns through the company’s Grievance Procedure.

You should raise your concern at any time about an incident that happened in the past, is happening now or that you will believe will as a result of any of the above.

4. WHO DOES THIS POLICY APPLY TO?

This policy applies to everyone who carries out work for Adra including all employees (including Agency Staff); Board Members; Contractors and sub-contractors (including consultants).

It is the responsibility of all employees, Board members and contractors to work within this policy. The Monitoring Officer (Company Secretary) has overall responsibility for the maintenance and operation of this policy.

This Policy shall apply to **Adra (Tai) Cyf** (the Parent) and any of its subsidiaries (including **Medra Cyf**)

5. SCOPE

Adra is committed to the highest possible standards of governance, openness, honesty, transparency, and accountability. We encourage employees, Board members and others with serious concerns about any aspect of Adra's business to come forward and voice those concerns. The Whistle blowing Policy is intended to encourage and enable Adra employees, Board members and contractors to raise serious concerns within Adra, rather than overlooking a problem or communicating the information to external sources in the first instance. It is recognised that most cases will need to proceed on a confidential basis.

Employees are often the first to realise that there may be something seriously wrong within Adra. However, they may not want to speak up about concerns because they feel it would be disloyal to their colleagues or to Adra. They may also believe they may be victimised, discriminated against or disadvantaged if they report wrongdoing may feel that it is easier to ignore the concern rather than report it, especially if it is only a suspicion that something may be happening.

This Whistle blowing Policy is intended to encourage and enable employees to raise serious concerns within Adra rather than overlooking a problem or 'blowing the whistle' outside, and that they can do so without fear of victimisation, discrimination, or disadvantage.

Adra expects employees, Board members and contractors to use this procedure and to feel confident that if they are genuinely concerned about a matter they raise, they will be dealt with fairly and sensitively. It is important that the procedure is used and that concerns are raised internally within Adra in the first instance, although the policy does allow for concerns to be raised with designated persons outside the organisation in exceptional circumstances.

If the matter is reported outside, for example to the media, without justifiable reason and without having first used this procedure, Adra reserves the right to take action to protect its own interests, for example to prevent the disclosure of confidential information which is damaging to its reputation or against the public interest.

Nothing in this policy however takes away the rights of an individual, which are provided for in the Public Interest Disclosure Act 1998. The Act itself directs workers towards raising the matter internally in the first place and where there is an internal “whistleblowing” procedure such as this, to use it.

5. POLICY DETAIL

This policy is intended to cover any major concerns that someone may have that fall outside the scope of existing internal procedures. These concerns include:

- a criminal offence has been committed (e.g. fraud, bribery, tax evasion, corruption and theft) , or is being committed or is likely to be committed;
- improper conduct or unethical behaviour in breach of the Adra Code of Conduct or Board member Code of Conduct;
- showing undue favour over a contractual matter or to a job applicant;
- malpractice or ill treatment of a client/customer by a member of staff;
- repeated ill treatment of a client/customer, despite a complaint being made;
- disregard for legislation, particularly in relation to health and safety at work;
- that the environment has been or is likely to be damaged;
- breach of Financial Regulations or Standing Orders;
- 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)
- that information on any of the above has been, is being or is likely to be, concealed;

Note: this list is not exhaustive

Under the policy, any serious concerns that an employee, Board member or contractor may have about any aspect of the services we provide or the conduct of Adra employees or Board members (or anyone acting on behalf of Adra) can be reported under the Whistle blowing Policy.

This may be something that:

- makes someone feel uncomfortable in that it constitutes a breach of accepted standards of conduct, their own experience of the standards they believe Adra subscribes to; or
- is against our Standing Orders and policies; or
- falls below established standards of practice; or
- amounts to improper conduct.

Adra has a range of policies and procedures, which deal with standards of behaviour at work; they cover Code of Conduct, Discipline, Grievance, Complaints etc. Employees are encouraged to use the

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provisions of these procedures when appropriate. However, this policy does not replace Adra's Disciplinary and Grievance procedure.

Safeguards

Harassment or Victimisation

Adra is committed to good practice and high standards and wants to be supportive of its employees, Board Members and contractors.

Adra recognises that deciding whether or not to report a concern can be very difficult. If the employee believes that what they are saying is true, they should have nothing to fear because they will be doing their duty to their employer and those for whom Adra are providing a service.

Adra will not tolerate any harassment or reprisals (including informal pressures) and will take appropriate action to protect employees, Board members and contractors when they raise a concern in good faith.

Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect the employee.

Furthermore, an employee has protection under the law through the Public Interest Disclosure Act 1998 (PIDA), and in certain circumstances can take a complaint to an Employment Tribunal if they are treated unfairly at work as a result of whistleblowing disclosures made in good faith.

However, disclosures that are malicious or knowingly untrue are not protected under PIDA.

Confidentiality

All concerns will be treated in confidence and every effort will be made not to reveal the identity of the whistle-blower if you so wish. Adra will do its best to protect your identity when they raise a concern and do not want your name to be disclosed. In other words, we will not reveal your name or position without your permission or unless we have to do so by law. We would explain this at the time you raise a concern, so you can decide whether or not to proceed.

It should be appreciated, however, that if an investigation is conducted as a result of whistle blowing, the investigation may reveal the source of the information and a statement by the individual may be required as part of the evidence.

Anonymous Allegations

This policy encourages individuals to put their name to your allegation whenever possible.

Concerns expressed anonymously are much less powerful but will be considered at the discretion of Adra.

In exercising this discretion, the factors to be taken into account would include:

- The seriousness of issues raised
- The credibility of the concern; and
- The likelihood of confirming the allegations from attributable sources.

Unproven/Untrue Allegations

If an individual makes an allegation in good faith, which cannot be confirmed by the investigation, no action will be taken against them. If, however, they make an allegation frivolously, maliciously or for personal gain, disciplinary rules and procedures will be used.

6. WHISTLEBLOWING PROCEDURE

How to Raise a Concern

Although whistleblowers are not expected to prove beyond doubt the truth of an allegation, they will need to demonstrate to the person contacted that there are reasonable grounds for their concern.

They may wish to consider discussing their concern with a work colleague or a relevant person first (Board members may wish to discuss with another Board member) and they may find it easier to raise the matter if there are two (or more) who have had the same experience or concerns.

Employees, Board members and contractors are strongly encouraged to raise their concerns internally in the first instance, and should they have any concerns about any aspect of the process, they can also speak to the independent whistleblowing charity, [Protect](#) who operate a confidential helpline.

The earlier individuals express their concern the easier it is to take action.

As a first step, employees should normally raise concerns with their immediate manager or their senior manager. This depends, however on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if they believe that their line management is involved, they should approach one of the Designated Officers. (See Appendix 1)

Where concerns are not raised with the line manager, the Designated Officer will be the first point of contact for individuals who wish to raise concerns under the provisions of this policy. Under normal circumstances the designated officer for the purpose of this policy is the Company Secretary. However, if the above named officer is implicated in any way in the concern that they wish to raise,

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then their concern should be directed to the Assistant Director - People Service. If the Assistant Director – People Services has been involved, your concern should be raised with the Chief Executive. Should your concern relate to a Director or Chief Executive, you should raise your concern with the Chair of the Board.

Where concerns are raised, whether in writing or otherwise, the Designated Officer will arrange an initial interview, which will be confidential, to ascertain the area of concern. At this stage the employee will be asked if they wish their identity to be disclosed and will be reassured about protection from possible reprisals or victimisation. They will also be asked whether they wish to make a formal statement. In either case, the Designated Officer will write a brief summary of the interview, which will be agreed by both parties.

The Designated Officer will report to the Chief Executive who will be responsible for the commission of any further investigation. If, exceptionally, the concern involves the Chief Executive this report will be made to the Chair of the Board who will decide how the investigation will proceed. This may include an external investigation.

Board members should raise a concern with the Chair of the Board, if a concern involves the Chair of Board, the matter should be referred to the Designated Officer.

How Adra Will Respond?

The Designated Officer will formally respond to the concerns in all cases.

Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required, this will be taken before any investigation is conducted.

Where appropriate, the matters raised may:

- be investigated by management, internal audit, or through the disciplinary process
- be referred to the regulator
- be referred to another regulator
- be referred to the police
- be referred to the external auditor
- form the subject of an independent inquiry
- Take no further action because, for example, there might not be enough evidence for us to proceed upon, or Adra may have been assured that we have dealt with the matter appropriately or consider the matter to be vexatious or frivolous.

In order to protect individuals and those accused of misdeeds or malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it is to take. The overriding principle, which Adra will have in mind, is the public interest. Concerns or allegations

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which fall within the scope of specific procedures (for example child protection or discrimination issues) will normally be referred for consideration under those procedures.

Within ten working days of a concern being raised, the Designated Officer will write to the individual:

- Acknowledging that the concern has been received
- Indicating how the matter should be dealt with
- Giving an example of how long it will take to give a final response
- Stating whether any initial enquiries have been made, and
- Stating whether any further investigations will take place and if not, why not.

The amount of contact between the officers considering the issues and the whistleblower will depend on the nature of the matter raised, the potential difficulties involved and how clear the information provided is. If necessary Adra will ask for further information from the employee or Board member.

Where any meeting is arranged (this can be off-site) employees, Board members, or contractors can be accompanied by a representative or a colleague. They may invite a Trade Union representative, work colleague or other Board member to be present during any meetings or interviews in connection with the concerns raised.

Adra will take steps to help as much as possible to minimise any difficulties, which may be experienced as a result of raising a concern. For example, if an employee, Board member or contractor is required to give evidence in criminal or disciplinary proceedings Adra will arrange for them to receive advice about the procedure.

Adra accepts that a whistleblower needs to know that the matter has been properly addressed. Therefore, subject to legal constraints, Adra will inform them about the investigation and its outcome.

How the Matter Can be Taken Further

This policy is intended to provide employees, Board members and contractors with an avenue within Adra to raise concerns. Adra hopes they will be satisfied with any action taken. If not, and they feel it is right to take the matter outside Adra, the following are possible contact points where you will be able to obtain advice about the protection given under the Public Interest Disclosure Act 1998:

- The Regulator
- The Auditors
- Trade Union
- relevant professional bodies or regulatory organisations i.e. Health and Safety Executive, Audit Commission and utility regulators
- a relevant voluntary organisation

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- the police

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing within the scope of the Adra's Group operation. In most cases they should not find it necessary to alert anyone externally.

The law recognises that in some circumstances it may be appropriate for individuals to report concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. We strongly encourage whistleblowers to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Protect, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern. Their contact details are included in Appendix 1.

Whistleblowing concerns usually relate to the conduct of our staff, but they may sometimes relate to the actions of a third party, such as a customer, supplier or service provider. In some circumstances the law will protect individuals who raise the matter with the third party directly. However, we encourage whistleblowers to report such concerns internally first. They should contact their line manager or the HR Department for guidance in the first instance.

Our internal auditors are aware of this policy and our wish to be open and accountable for our actions. They can also be contacted in confidence for advice and as a contact for raising concerns or starting investigations. Contact details for our current professional advisers can be found at Appendix 1.

We will notify the Housing Regulator about all whistleblowing concerns that result in a notifiable event. The notification will be made by the Company Secretary and include how the case is being dealt with and should also ensure that each case is recorded and monitored and that regular updates are provided on the status of each case. Notifiable events constitute matters that may negatively impact :

- the interests or safety of tenants and other service users;
- The financial health of the RSL, or
- the good governance and reputation of an individual RSL or the sector.

The Public Interest Disclosure Act 1998 aims to promote greater openness in the workplace and, by amending the Employment Rights Act 1996, protects "whistleblowers" from inappropriate treatment, i.e. victimisation or dismissal, for raising concerns about matters in the public interest.

The Act also makes it clear that everyone employed by Adra must not reveal any commercially sensitive or confidential information they have access to during their employment unless what they reveal is linked to one of the issues of concern covered by the Whistle blowing policy.

Reporting

Any whistleblowing case will be reported to the Audit and Assurance Committee and, depending on the nature of the case, information may also be shared with the Board. This will include a summary description of any issue raised, the outcome of the investigation and subsequent action taken. For clarity, the details of the whistle-blower would not be revealed.

Recording

All cases will be added to the Fraud and Whistleblowing Register. The Register will include the date and description of any issue raised, the outcome of the investigation and subsequent action taken. The Register is password protected and is overseen by the Company Secretary, with support from the Group Director of Resources.

7. EQUALITY AND DIVERSITY

In applying this policy, Adra will be committed to treating all whistle blowing cases fairly and with regard to its Equality and Diversity policy.

Implications have been considered and this policy has been assessed to have the following effects:

- it is possible that those who have a protected characteristic may feel more concerned about being discriminated against or victimised if they raise concerns via the Whistleblowing policy.

To address this the following adjustments have been made:

- The policy explicitly states that the individual *'will not tolerate any discrimination or harassment as a result of whistleblowing. Where a colleague is victimised for raising a concern, Adra will take appropriate action against those responsible.'*
- There is also a link to an independent whistleblowing helpline.

8. DATA PROTECTION

In applying this policy, Adra has considered the General Data Protection Regulations (GDPR), and we will ensure that any data is used in line with those regulations and in line with Adra's Data Protection policy.

9. REVIEW

In order to continually develop good practice Adra will review this policy every 3 years unless there is a change in legislation.

APPENDIX 1

CONTACT INFORMATION:

Company Secretary:

Aled Davies

Aled.Davies@adra.co.uk

Assistant Director of People

Delyth Williams

Delyth.Williams@adra.co.uk

Chief Executive:

Iwan Trefor Jones

Iwan.T.Jones@adra.co.uk

Chair of Board

Hywel Eifion Jones

Hywel.E.Jones@adra.co.uk

Internal Audit Contact:

Rob Hanley

Rob.hanley@mazars.co.uk

Further Sources of Information

The Welsh Government Housing Regulator

Simon Fowler

Simon.Fowler@gov.wales

Direct Line: 03000 625256

Whistleblowing for Employees.gov

www.gov.uk/whistleblowing

Protect – the UK's independent whistleblowing charity (previously known as Public Concern at work) <https://protect-advice.org.uk/contact-protect-advice-line/>

Telephone: 020 3117 2520