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# WHISTLEBLOWING POLICY

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Next Revision Due: April 2029

Policy Owner: Governance / Resources

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## 1. SCOPE / PURPOSE

- 1.1. Adra is committed to good practice and high standards of behaviour. Adra needs people to 'speak up' when they feel something is wrong, so we can do something about it. Adra takes concerns seriously and will ensure these are investigated and managed properly.
- 1.2. At its core, 'whistleblowing' is the reporting of suspected wrongdoing – this Policy outlines how this can be done and how Adra would handle any such cases. The reporting of certain types of wrongdoing could constitute a 'Protected Disclosure' which qualifies for particular legal protection under Whistleblowing Law – this Policy also addresses this.

## 2. POLICY DETAIL / PROCEDURE

### 2.1. What is Whistleblowing?

- 2.1.1 Like introduced, 'whistleblowing' is the reporting of suspected **wrongdoing**. Concerns could relate to an incident that has happened in the past, is happening now, or is likely to happen in the future.
- 2.1.2 Whistleblowing generally relates to **serious concerns** which someone feels cannot be raised through more routine channels (such as through a discussion with their manager or HR, or by raising personal / individual concerns through the Grievance Procedure).
- 2.1.3 The following are some examples of serious concerns that might be reported through the *Whistleblowing Policy*:
  - Suspicion that a criminal offence has been committed (e.g. fraud or theft by an employee)
  - Suspicion that legislation / regulations are deliberately being breached (e.g. in relation to health and safety, or environmental protection)
  - Safeguarding concerns including suspicion of abuse or neglect of a child or adult at risk. (In general, *Adra's Safeguarding Policy / Procedure* should be followed – if however, you believe that Adra staff or contractors are involved, or they are neglecting their duties to address a situation, then this *Whistleblowing Policy* can be used).
  - Suspicion that harassment, discrimination, or sexual misconduct is occurring (this could also relate to failure by the organisation to take reasonable steps to prevent sexual harassment).
  - Suspicion that internal regulations / policies are deliberately being breached (e.g. the *Financial Regulations* or *Contract Procedure Rules*)

- Suspicion that unethical behaviour is taking place in breach of a Code of Conduct or professional expectation.

The scenarios listed above are just a few non-exhaustive examples.

2.1.4 **Appendix B** gives guidance on what could constitute a ‘Protected Disclosure’, which may qualify for particular legal protection under Whistleblowing Law. Even if someone is unsure if the scenario comes into that category, it is still important to report wrongdoing. It is stressed that Adra encourages reporting, and takes concerns seriously, and will always operate in the spirit of protecting those that raise legitimate concerns.

## 2.2 **Who does this Policy apply to?**

Everyone who carries out work for Adra or Medra can use this policy to report suspected wrongdoing. This includes:

- All employees (including agency staff)
- Board Members / Co-optees
- Contractors and sub-contractors (including consultants)

## 2.3 **How to Report a Concern**

2.3.1 People working for an organisation are often the first to realise that there may be something seriously wrong. However, they may not want to speak up about concerns because they feel it would be disloyal to their colleagues or the organisation. They may also worry that there could be retaliation towards them and 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. Adra wants people to feel confident to use this Policy, and to be assured that if they are genuinely concerned about a matter they raise, they will be dealt with fairly and sensitively. Concerns might ultimately prove unfounded, but Adra would rather that they are raised.

2.3.2 Whistleblowers are not expected to prove the truth of an allegation beyond doubt, but they should have reasonable grounds for their concern.

2.3.3 It is important that the procedure in this Policy is used, and best that concerns are raised internally within Adra in the first instance – although the Policy does allow for concerns to be raised outside the organisation in certain circumstances.<sup>1</sup>

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<sup>1</sup> Nothing in this Policy takes away the rights of an individual which are provided for in the *Public Interest Disclosure Act 1998*. Guidance around this 1998 Act guides that individuals should consider making a disclosure to internally to their employer first. <https://www.acas.org.uk/whistleblowing-at-work/how-to-make-a-whistleblowing-disclosure>

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- 2.3.3 Members of staff / the Board are not precluded from discussing a concern with a work colleague. It is accepted that this might make them feel more comfortable, and potentially easier to raise the matter. However, it is highlighted that the earlier a concern is reported straight away directly to the Designated Officer, then the easier it is for Adra to address any wrongdoing.
- 2.3.3 **Adra's Designated Officer is the first point of contact to report a concern to under this Whistleblowing Policy. This is Adra's Company Secretary – their contact information is at Appendix 1.**
- 2.3.4 **Appendix 1** details who can be contacted if the Designated Officer is implicated in the concern someone wishes to raise, or if they are unavailable. Should someone be concerned about any aspect of the internal process, they can speak to the independent whistleblowing charity [Protect](#) who operate a confidential helpline.
- 2.3.5 Where concerns are raised, the Designated Officer will arrange an initial interview with the individual making the report. The purpose of this initial interview is to understand the concern. The individual raising the concern will be asked if they wish for their identity to be disclosed.<sup>2</sup> They will be reassured about protection from possible retaliation or victimisation. The individual will be asked whether they wish to make a formal written statement – in any case, the Designated Officer will write a summary of this initial interview, which will be agreed by both parties.
- 2.3.6 **For clarity, at all times and for all matters, if someone is in immediate danger needing emergency action from the Emergency Services then they should be called on 999.**
- 2.4 **Confidentiality and Anonymity**
- 2.4.1 **Confidentiality:** All concerns will be treated in confidence. Adra will do its best to protect the identity of someone who raises a concern – their name or position will not be revealed without their permission, or unless Adra is bound to do so by law. This principle will be explained at the time that a concern is raised. It should be appreciated that for some serious concerns, a resulting investigation may have to reveal the source of the information.
- 2.4.2 **Anonymous Allegations:** This Policy encourages individuals to be willing to put their name to an allegation. Concerns reported anonymously are much less powerful, and may make it difficult for Adra to address the matter raised.
- 2.5 **Safeguards from Retaliation or Victimisation**
- 2.5.1 Adra recognises that reporting a concern can be very difficult. If someone believes that what they are saying is true, they should have nothing to fear – they will be doing a duty to Adra and those for whom Adra are providing a service.

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<sup>2</sup> Please refer to the following section regarding Confidentiality and Anonymity.

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- 2.5.2 Adra will not tolerate any form of retaliation or victimisation, and will take appropriate action to protect those that raise a concern in good faith. People can contact the Designated Officer directly if they did feel they were experiencing retaliation or victimisation. Adra would take appropriate action against anyone displaying any form of retaliation.
- 2.5.3 The fact that someone has reported a concern through this Policy will not influence any of Adra's redundancy or disciplinary processes. Furthermore, an employee has certain 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. There is further information on this law at **Appendix 2**.
- 2.5.4 It is assured that if an individual makes an allegation in good faith, which ultimately cannot be confirmed by the investigation process, no action will be taken against them. If, however, it transpires that an allegation was clearly malicious, or simply done for personal gain with no real concern, or frivolously, then disciplinary action may be taken
- 2.6 **The Investigation Process**
- 2.6.1 The Designated Officer will co-ordinate the handling of any concern brought under this Policy.
- 2.6.2 Some concerns may be resolved following this initial interview by agreed action without the need for any further investigation process.
- 2.6.3 In some instances, the Designated Officer may determine that urgent action is required immediately before starting an investigation process. Where relevant, this will be taken without delay before any investigation process is conducted.
- 2.6.4 As above, the Designated Officer will co-ordinate the handling of any instance. They will determine the appropriate course of action, and seek legal and / or professional advice where they consider appropriate. The overriding principle, which will be borne in mind, is the public interest.
- 2.6.5 The matters(s) raised may be:
- Investigated by the Designated Officer (or an officer chosen by them)
  - Investigated through a disciplinary process
  - Investigated with support from Adra's internal or external auditor
  - Referred to the Regulator
  - Referred to the Police
  - Referred to the Local Authority Safeguarding Team
  - Investigated through an independent / external inquiry

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- 2.6.6. There are circumstances where no further investigation / action would be taken – for example, where there is not enough evidence to proceed on, or it is clear that the matter is vexatious or frivolous.
- 2.6.7 Separately, it might become clear that the matter raised is not something to be directed through the *Whistleblowing Policy*, and rather is something to be addressed through more routine channels (such as the Grievance Procedure). The matter would be re-directed to such channels where appropriate.
- 2.6.8 The Designated Officer will keep the Chief Executive informed of any concerns raised through this Policy. If, exceptionally, a concern involved the Chief Executive, the Designated Officer will inform the Chair of the Board.
- 2.7 **Communicating with the Individual who Brought the Concern**
- 2.7.1 Adra appreciates that someone bringing a concern would want to know that the matter has been addressed. Therefore, subject to any legal constraints, Adra will maintain contact as follows.
- 2.7.2 Within ten working days of a concern being raised, the Designated Officer will write to the individual:
- Acknowledging that the concern was received through this *Whistleblowing Policy*
  - Indicating how the matter will be handled
  - Stating whether any initial enquiries have been made, and
  - Stating whether any further investigations will take place and if not, why not.
  - Giving an example of how long it will take to give a final response
- 2.7.3 The contact between the Designated Officer (or any other officer considering the matter) and the individual bringing the concern will depend on the nature of the matter raised. If necessary, they would be contacted for further information (for example, as an investigation progresses and further detail or clarity is required around events).
- 2.7.4 Where any meeting or interview is arranged with the individual who brought the concern, they can be accompanied by a representative or a colleague. For the avoidance of doubt, this includes being allowed to be accompanied by a Trade Union representative. Meetings can be held away from Adra's offices / premises if this would make the individual more comfortable.
- 2.7.5 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 the individual who brought the concern is required to give evidence in criminal or disciplinary proceedings, Adra will arrange for them to receive advice about the procedure.

2.7.6 Where it is appropriate to do so, Adra will inform the individual of the outcome of the matter and any actions that have taken place. It is highlighted that this may not always be possible, for example if legal proceedings preclude this occurring.

## 2.8 How the Matter Can be Taken Further

2.8.1 Adra hopes that someone who brought the concern will be satisfied with any action taken. If not, and the individual feels it is right to take the matter further outside of Adra, they are strongly encouraged to seek advice (including to consider protection under the *Public Interest Disclosure Act 1998*).

2.8.2 The independent whistleblowing charity, **Protect**, operates a confidential helpline and will be able to support with the above. They also have a list of Prescribed Regulators / Persons that different concerns could be escalated to. Their contact details are included in **Appendix 1**.

2.8.2 It is suggested that Protect is a good first point of contact for guidance. The following are other possible contact points:

- Adra's Internal Auditor, Forvis Mazars (contact details in **Appendix 1**)
- The Regulator, Welsh Government (contact details in **Appendix 1**)
- Trade Union
- The Police
- Regulatory organisations that are relevant to the matter at hand. For example, the Health and Safety Executive in relation to a Health & Safety matter.
- The Local Authority Safeguarding Team (where the matter relates to safeguarding failing). The National Society for the Prevention of Cruelty to Children (NSPCC) Whistleblowing Advice Line can also be contacted about matters relating to child protection and welfare.

It will very rarely be appropriate to alert the media, as this may mean the legal protection granted to the Whistleblower is removed.

## 2.9 Record-keeping by Adra

2.9.1 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. This Register is password-protected for confidentiality and is overseen by the Company Secretary.

## 2.10 Reporting by Adra

2.10.1 Adra will notify the Regulator (Welsh Government) about all whistleblowing concerns that result in a Notifiable Event. Adra's has a Guidance Document on what constitutes a Notifiable Event

(CSg14). The notification will be made by the Company Secretary and will include how the case is being dealt with.

2.10.2 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 full 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.

### 3. RESPONSIBILITIES AND ARRANGEMENTS

Role	Responsibility
Company Secretary (The Head of Governance)	This post is the main Designated Officer to whom individuals can raise concerns. This post is also the Monitoring Officer who has overall responsibility for the maintenance and operation of this Policy.
Director of People & Communications	The Director of People & Communications has important strategic responsibility for promoting a culture of openness and accountability in which people feel able to raise concerns. As outlined at Appendix 1, this post would be the contact point to raise a concern should someone be concerned that the Company Secretary is implicated.
Chief Executive	The Chief Executive has important strategic responsibility for promoting a culture of openness and accountability in which people feel able to raise concerns. As outlined at Appendix 1, this post would be the contact point to raise a concern should someone be concerned that both the Company Secretary and the Director of People and Communications are implicated in a concern.
Board Members	The Board has ultimate responsibility for ensuring that the organisation maintains robust and effective whistleblowing arrangements. As outlined at Appendix 1, the Chair of the Board would be the contact point to raise a concern should someone be concerned that all 3 posts above are implicated in a concern.

### 4. DEFINITIONS

- Reference to **Adra** means Adra (Tai) Cyfyngedig
- Reference to **Medra** means Medra Cyfyngedig

### 5. ASSOCIATED LEGISLATION AND DOCUMENTS

- **Public Interest Disclosure Act 1998 (PIDA)** (as amended by the **Enterprise and Regulatory Reform Act 2013**). Please refer to **Appendix 2** for further information on this legislation.
- **CSg14 – Adra Guidance on Notifiable Events** – Adra will notify the Welsh Government Regulator of any notifiable event arising from a whistleblowing case, in line with regulatory expectations. This document supports Adra in administering such instances.

As covered within this Policy, there are various matters that might be the subject of a concern, and such matters might have particular legislation and / or policies relevant to them.

## 6. RECORD OF REVISIONS TO THIS POLICY

Issue	Date	Comments	Written By	Approved for content
01	07.11.2012	Policy Created	Delyth Williams	Board's HR Committee
02	01.08.2014	Change in job title	Delyth Williams	Delyth Williams
03	03.06.2018	General review and update	Delyth Williams	Delyth Williams
04	10.10.2020	Update name change of CSSIW to Care Inspectorate Wales	Delyth Williams	Delyth Williams
05	January 2021	Update	Delyth Williams	Delyth Williams
06	14.09.2022	General review in line with sector best practice	Aled Davies	Board
07	08.09.2023	Update of contact details of new Chief Executive	Aled Davies	Aled Davies
08	April 2026	General review	Aled Davies and Gwenna Littlewood	Board

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

## 7. EQUALITY AND DIVERSITY

7.1 In applying this policy, Adra will be committed to treating all whistleblowing cases fairly and with regard to its ***Equality and Diversity Policy***.

Implications have been considered and it has been assessed that 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*. It is highlighted that this *Whistleblowing Policy* explicitly states that “Adra will not tolerate any form of retaliation or victimisation, and will take appropriate action to protect those that raise a concern in good faith. This would include taking appropriate action against anyone displaying any form of retaliation.”

The Policy also contains the contact details of an independent whistleblowing helpline.

## 8. GENERAL DATA PROTECTION REGULATIONS (GDPR)

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

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**APPENDIX 1 - CONTACT INFORMATION:**

**CONTACT DETAILS FOR RAISING A CONCERN:**

**Designated Officer – Company Secretary (the Head of Governance post):**

Aled Davies

Email: [Aled.Davies@adra.co.uk](mailto:Aled.Davies@adra.co.uk)

As is outlined within this Policy, this individual is the first point of contact to report a concern to.

If someone is concerned that the Company Secretary is implicated in the concern being raised, then the concern should be reported to the Director of People and Communications.



**Director of People and Communications**

Delyth Williams

Email: [Delyth.Williams@adra.co.uk](mailto:Delyth.Williams@adra.co.uk)

If someone is concerned that both the Company Secretary and the Director of People and Communications are implicated in the concern being raised, then the concern should be reported to the Chief Executive.



**Chief Executive**

Iwan Trefor Jones

Email: [Iwan.T.Jones@adra.co.uk](mailto:Iwan.T.Jones@adra.co.uk)

If someone is concerned that all of the three posts above are implicated in the concern being raised, then the concern should be reported to the Chair of the Board.



**Chair of the Board**

Sasha Davies

Email: [sasha.davies@adra.co.uk](mailto:sasha.davies@adra.co.uk)

The sequence above could also be followed if one of the officers was unavailable (e.g. away on leave) and someone felt the matter needed to be raised urgently.

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**ADDITIONAL CONTACT POINTS / SOURCES OF INFORMATION**

**Internal Audit Contact**

Darren Jones of Forvis Mazars

[darren.jones@mazars.co.uk](mailto:darren.jones@mazars.co.uk)

**The Welsh Government Housing Regulator**

Simon Fowler

[Simon.Fowler@gov.wales](mailto:Simon.Fowler@gov.wales)

Direct Line: 03000 625256

**'Whistleblowing for Employees' from Gov.Uk:**

[www.gov.uk/whistleblowing](http://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

**ACAS – an independent body that provide free and impartial advice on employment matters:**

<https://www.acas.org.uk/whistleblowing-at-work>

Telephone: 0300 123 1100

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## **APPENDIX 2 – GUIDANCE ON ‘PROTECTED DISCLOSURES’**

Certain reporting could be classed as a **‘Protected Disclosure’** that has particular legal protections under the *Public Interest Disclosure Act 1998*. Where the reporting is in this category, the whistleblower is legally protected from:

- Unfair dismissal – if someone with the legal status of employee is dismissed for whistleblowing, it will be treated as an automatic unfair dismissal.
- ‘Detriment’ (this means someone being treated worse than before, and/or having their situation made worse because they made the disclosure).

Further information on the legal protection is available on [the ACAS Website](#).

For reporting to be classed as a **‘Protected Disclosure’**, the individual must have a **reasonable belief** of the wrongdoing, and the disclosure must be being made **in the public interest** and **relate to one of the following**:

- (a) that a criminal offence has been committed, is being committed or is likely to be committed,
- (b) that a person has failed, is failing or is likely to fail to comply with any legal obligation to which he is subject,
- (c) that a miscarriage of justice has occurred, is occurring or is likely to occur,
- (d) that the health or safety of any individual has been, is being or is likely to be endangered,
- (e) that the environment has been, is being or is likely to be damaged, or
- (f) that information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed.

The requirement for a **reasonable belief** means that knowingly untrue disclosures (or a malicious one without genuine belief / concern) would not be protected.

**‘In the public interest’** means that the disclosure must relate to wrongdoing that affects more than just the individual, and has a wider impact on others – such as colleagues, customers, the public, or the integrity of an organisation. It is important to highlight that:

- Someone might not be totally sure if something is ‘in the public interest’ – for example, they might think that something is an isolated incident only affecting them. Nevertheless, it is important to consider that there could be a risk of the perpetrator carrying on this behaviour, and so raising it could potentially be in the public interest by helping to ensure it does not happen again.
- A disclosure can still be protected even if the whistleblower is partly motivated by personal concerns, as long as the issue has a broader impact.
- This requirement simply determines whether a disclosure would qualify for the specific legal protection under the Public Interest Disclosure Act (PIDA) 1998. As outlined within the Policy, even if someone is unsure if the scenario comes into this category, it is still important to report wrongdoing. It is stressed that Adra encourages reporting, takes concerns seriously, and will always operate in the spirit of protecting those that raise legitimate concerns.