



Places to live. Space to grow.

Whistleblowing Policy

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Definitions

A worker is defined in the Whistleblowing legislation as an individual who:

- has a contract or other arrangement to do work or services personally for a reward (a contract can be written or unwritten)
- receives reward in the form of money or a benefit in kind, for example the promise of a contract or future work
- only has a limited right to send someone else to do the work (subcontract)
- whose employer has to have work for them to do as long as the contract or arrangement lasts
- is not doing the work as part of their own limited company in an arrangement where the 'employer' is actually a customer or client

1. Introduction and Purpose

- 1.1. West Kent is committed to maintaining the highest standards of quality, probity, openness and accountability and expects all workers and stakeholders to maintain high standards. However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring unethical conduct. A culture of openness and accountability is essential to prevent such situations occurring and to address them when they do occur.
- 1.2. Whistleblowing concerns will usually relate to the conduct of West Kent's workers and stakeholders, but they may sometimes relate to the actions of a third party such as a customer, supplier or service provider. Therefore, this policy applies to anyone carrying out work for, or on behalf of, West Kent including all employees, officers, consultants, contractors, volunteers, interns, casual workers, agency workers, recognised resident representatives, customers, suppliers board members and other stakeholders, henceforth 'workers and stakeholders'.
- 1.3. West Kent encourages workers and stakeholders to report such concerns internally. Workers and stakeholders should follow section 3 for reporting such concerns.
- 1.4. The aims of this policy are:
 - 1.2.1 To encourage workers and stakeholders to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate and that their confidentiality will be respected.
 - 1.2.2 To provide workers and stakeholders with guidance as to how to raise those concerns.
 - 1.2.3 To reassure workers and stakeholders that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.
 - 1.2.4 All workers and stakeholders are responsible for the success of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing.
 - 1.2.5 This policy does not form part of any employee's contract of employment or other contractual terms and West Kent may amend this policy at any time.

2. Responsibilities

2.1.1 Board

The Board has overall responsibility for monitoring the effective implementation of the Whistleblowing Policy and associated procedures. Serious whistleblowing events are reportable to the Chair of the Board, the Vice Chair and the Chair of the Audit and Risk Committee. Whistleblowing matters relating to the Board or Chair of the Board would be reportable to the Company Secretary and/or external parties as set out in Appendix 2.

2.1.2 Audit and Risk Committee

The Audit and Risk Committee receives quarterly reports on all whistleblowing incidents.

2.1.3 **Executive Team (ET)**

ET (comprising the Chief Executive and Executive Directors) is responsible for ensuring the organisation:

- maintains appropriate procedures for workers and stakeholders to raise whistleblowing concerns and to investigate and address concerns raised;
- has an appropriate framework for monitoring and reviewing the effectiveness of relevant controls on an appropriate basis.

2.1.4 **Company Secretary**

The Company Secretary is the main point of contact for all whistleblowing reports and is responsible for investigating and reporting on whistleblowing incidents.

2.1.5 **Line Managers**

Line Managers are responsible for ensuring workers and stakeholders are aware of the Whistleblowing Policy and for promptly reporting any whistleblowing concerns raised with them to the Company Secretary.

2.1.6 **All workers and stakeholders**

All workers and stakeholders are responsible for ensuring that they are familiar and compliant with this policy and for reporting any areas of concern promptly and for ensuring that they act with integrity and propriety, within the law, and in accordance with relevant policies, systems, procedures and West Kent values.

3. **Regulation**

- 3.1. Whistleblowing law is located in the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998). This legislation provides specific protections for 'workers', to ensure that they are not adversely impacted by making a disclosure. It includes the right for an employee to take a case to an employment tribunal if they have been victimised at work or they have lost their job because they have 'blown the whistle'.

4. **Policy Statement**

4.1. **What is Whistleblowing?**

- 4.1.1 West Kent is committed to listening to the concerns of its workers, stakeholders and partners and aims to create an open, transparent and safe working environment, where workers and stakeholders feel able to speak up without fear of reprisal. West Kent encourages workers and stakeholders to raise any concerns promptly, as this could prevent wrongdoing, help West Kent to control risk, preserve its reputation and even protect people from harm.

- 4.1.2 Whistleblowing is the disclosure of information which relates to suspected wrongdoings or dangers at work. This may include:

- Criminal activity;
- Failure to comply with any legal obligation;
- Miscarriages of justice;
- Danger to health and safety;

- Damage to the environment; or
- The deliberate concealment of any of the above matters.

- 4.2. A whistleblower is a person who raises a genuine concern relating to any of the above. If any worker has any genuine concerns related to suspected wrongdoing or danger affecting any of West Kent's activities, they should report it under this policy.
- 4.3. If an employee has a complaint relating to their own personal circumstances, such as the way they have been treated at work, they should use West Kent's grievance procedure.
- 4.4. To raise a whistleblowing concern, a worker or stakeholders should follow the guidance in this policy. If a worker or stakeholder is not sure whether something is in the scope of this policy, they should discuss the issue with their manager, the Company Secretary or their key West Kent contact.
- 4.5. Employees can also approach the Human Resources team, the Company Secretary or a member of the Staff Consultation Committee (SCC) for support in raising their concerns.
- 4.6. West Kent encourages everyone to raise concerns internally, in line with the procedure set out in the policy, as this can help us to address any wrongdoing quickly.
- 4.7. Abusing this process by raising unfounded or malicious allegations, making allegations for personal gain or that you know are untrue will be treated as serious disciplinary matters.
- 4.8. If misconduct is discovered following an investigation under this procedure West Kent's disciplinary procedure will be used, in addition to any appropriate external measures.
- 4.9. An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, employee should not agree to remain silent. They should report the matter to a director.

5. **Reporting**

- 5.1. The process for raising whistleblowing concerns is set out in the process flow at Appendix 1 and below.
- 5.2. **Step one**
 - 5.1.1 Workers and stakeholders should raise any concerns with the Company Secretary [the Head of Risk and Governance] by email to companysecretary@wkha.org.uk. Concerns can also be raised internally by contacting the Company Secretary directly by phone, email or teams and externally by contacting the Customer Services helpdesk (01732 749400) and requesting a callback from the Company Secretary. If the worker or stakeholder believes the Company Secretary to be involved, or for any reason does not wish to approach the Company Secretary, then they should proceed straight to step three.
 - 5.1.2 In addition to raising their concerns with the Company Secretary, workers and other stakeholders may also raise concerns with their manager, another manager or Human Resources, if they feel comfortable doing so. The Staff Consultative Committee Representatives can support employees wishing to raise a whistleblowing concern.

5.1.3 A manager or director who has had an alleged incident of fraud, bribery or tax evasion reported to them must refer to the relevant policy. Any concerns about money laundering must be reported by the individual worker or stakeholder immediately and confidentially direct to the Executive Director of Finance, in their capacity as Money Laundering Reporting Officer (MLRO), without involving any other parties.

5.3. Step two

5.3.1 The Company Secretary will arrange an investigation into the matter supported, as appropriate, by advice from Human Resources, legal advisers, or other stakeholders (either by investigating the matter themselves or immediately passing the issue to an appropriately senior manager or stakeholder representative to lead).

5.3.2 The individual making the report will be called to a meeting within a reasonable period following raising the complaint to discuss their concern.

5.3.3 Employees may bring a Staff Consultative Committee representative, a colleague or union representative to any meetings under this policy. The employee's companion must respect the confidentiality of the disclosure and any subsequent investigation. External parties would normally be contacted through the most appropriate relationship lead at West Kent (for example in the case of suppliers, the contract manager, unless that individual is also implicated in the whistleblowing report).

5.3.4 The Company Secretary or alternative senior manager leading the investigation will take down a written summary of the concern and will provide the individual making the report with a copy within a reasonable period following the meeting. The investigation lead should also aim to give the individual an indication of how they propose to deal with the matter. The individual making the report may be required to attend additional meetings to provide further information.

5.3.5 West Kent hopes that workers and stakeholders will feel able to voice whistleblowing concerns openly under this policy. If workers and stakeholders want to raise their concerns confidentially, West Kent will make every effort to keep the worker's identity secret but this may not be possible. If it is necessary for anyone investigating the concern to know the worker's identity, this will be discussed with the worker.

5.3.6 West Kent does not encourage workers and stakeholders to make disclosures anonymously. Proper investigation may be more difficult or impossible if further information cannot be obtained from the worker. It is also more difficult to establish whether any allegations are credible.

5.3.7 Employees who are concerned about possible reprisals, if their identity is revealed, should inform Human Resources and appropriate measures can then be taken to preserve confidentiality. If employees are in any doubt they can seek advice from Protect, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are at in Appendix 2.

5.3.8 The individual making the report must keep all matters about the allegations raised and the investigation confidential, otherwise the investigation risks being prejudiced.

5.3.9 When conducting the investigation, the Company Secretary or alternative senior manager leading the investigation should consider whether the allegations are serious enough to bring the reputation of West Kent into disrepute, should the persons allegedly involved remain at work / in contract, or where the investigation could be compromised, if the

persons connected with the qualifying disclosure were to remain in work. Where the investigation could be hampered, the nominated lead should seek to have suspended any person who may affect the outcome of the investigation. Such suspensions should be carried out on the advice of the Human Resources team.

- 5.3.10 Following the investigation, the nominated lead will report the matter to the Human Resources team and, if appropriate, the relevant Executive Director(s), and recommend next steps. There may be no further action required, or it may be necessary to take action under West Kent's disciplinary or capability policy where the investigation concludes there is a likelihood that wrongdoing has occurred.
- 5.3.11 The Company Secretary or Executive Director of Finance will inform the Board of any whistleblowing complaints and the action taken. This will include the need to report the matter to any appropriate government department or regulatory agency, including the annual fraud and whistleblowing return to the Regulator.
- 5.3.12 West Kent will aim to keep the individual making the report informed of the progress of the investigation and its likely timescale, however sometimes the need for confidentiality may prevent giving the worker specific details of the investigation or any disciplinary action taken as a result. Individuals should treat any information given about the investigation as confidential.

5.4. **Step three**

- 5.4.1 If a worker is concerned that their manager or lead contact at West Kent is involved in the wrongdoing, they should raise their concerns only with the Company Secretary, via the companysecretary@wkha.org.uk email address, and should not raise the matter with their line manager.
- 5.4.2 If the worker is concerned that the Company Secretary [Head of Risk and Governance] is involved in the wrongdoing, or they have failed to make a proper investigation or failed to report the outcome of the investigations to the board, the worker should inform a West Kent Executive Director. A list of all executive directors is available on the intranet, West Kent's website or from Human Resources.
- 5.4.3 The Executive Director will arrange for another manager to complete the procedure as set out in step two above. If for any other reason the worker does not wish to approach the Company Secretary, or the Human Resources team, they should also in the first instance, contact a West Kent Executive Director.
- 5.4.4 If the worker does not wish to approach an Executive Director, they should contact one of the following members of West Kent's board of management:

Piers White (Chair of board):

piers.white@wkha.org.uk

Janet Eilbeck (Chair of Audit and Risk Committee
and Vice Chair of the Board):

janet.eilbeck@wkha.org.uk

5.4.5 **Step four**

- 5.4.6 If the individual making the report is not happy with the way in which their concern has been handled, they may wish to report the matter to another proper authority. The legislation sets out a number of bodies to which qualifying disclosures may be made. These include:

- West Kent's external auditors – published in West Kent's annual accounts

- The Regulator of Social Housing (prescribed body, see contact details below)
- Police
- HM Revenues and Customs (HMRC);
- Financial Conduct Authority (FCA);
- Health and Safety Executive;
- Environment Agency;
- Information Commissioners Office (ICO);
- Charity Commission
- Care Quality Commission
- Serious Fraud Office.

5.4.7 Step five

5.4.8 All whistleblowing reports represent an opportunity to learn and reflect. After each whistleblowing investigation, a lessons learned review will be undertaken covering both the area under investigation and the operation of the Whistleblowing Policy and Procedure and will be reported to the Executive Team and, where appropriate, the Audit and Risk Committee.

5.5. External disclosures

5.5.1 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace, which will help West Kent to act promptly on the information and address any wrongdoing swiftly. In most cases, workers and stakeholders should not find it necessary to alert anyone externally.

5.5.2 The law recognises that in some circumstances it may be appropriate for workers and stakeholders to report their concerns to an external body such as a regulator. We strongly encourage employees 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 at the end of this policy.

6. Protection and support for whistleblowers

6.1 It is understandable that whistleblowers are sometimes worried about possible repercussions. West Kent encourages openness and will support workers and stakeholders who raise genuine concerns under this policy, even if they turn out to be mistaken.

6.2 Whistleblowers will not be victimised or suffer any detrimental treatment for raising a matter under this policy and procedure. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. This means that the continued employment and opportunities for future promotion or training of the employee will not be prejudiced because they have raised a legitimate concern. If an employee believes that they have suffered any such treatment they should inform Human Resources immediately. If the matter is not remedied, they should raise it formally using West Kent's Grievance Policy.

6.3 Victimisation of an employee for raising a qualified disclosure will be a disciplinary offence. No one should threaten or retaliate against whistleblowers in any way.

7. Consultation

- 7.1 Although the effective operation of whistleblowing controls impacts on customers, compliance with them is a statutory and regulatory requirement on West Kent and therefore not at our discretion to amend. On that basis, customer engagement has not been completed on this policy.

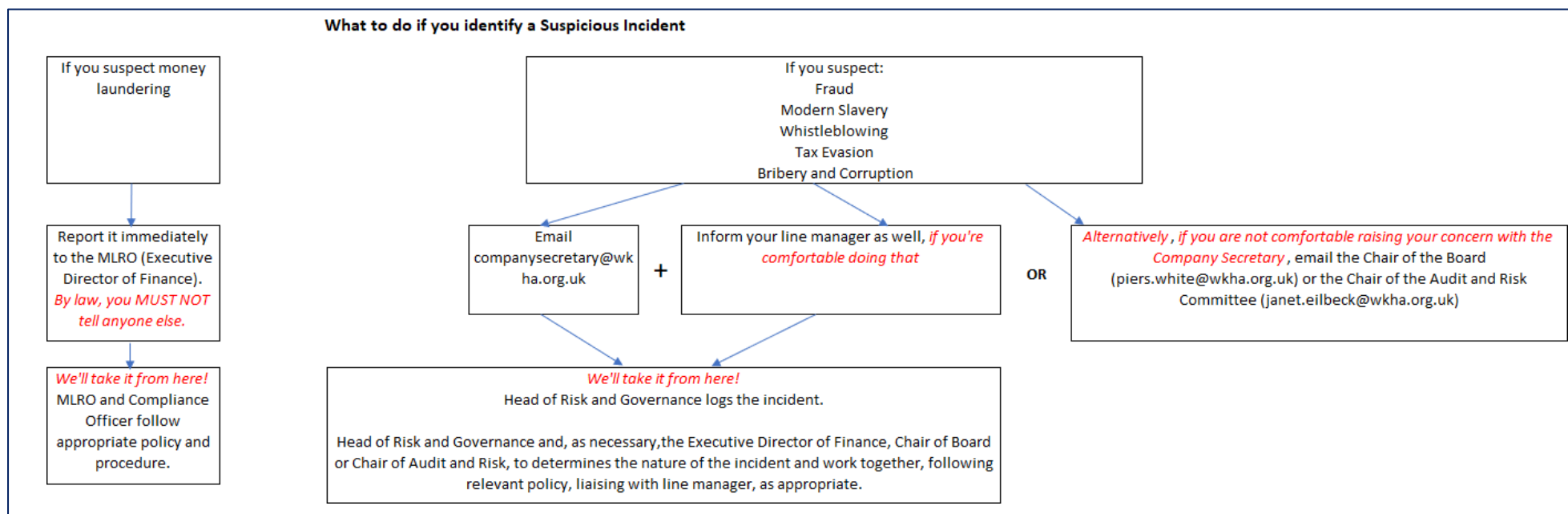
8. Communication

- 8.1. This policy will be made available to all employees via the intranet. Key principles will be communicated to contractors and other agents operating on behalf of West Kent as part of contractual documentation.

9. Monitoring, implementation and review

- 9.1. This policy and procedure will be monitored by the Head of Risk and Governance and the Head of People.
- 9.2. The policy will be implemented by all workers and stakeholders, managers and directors.

Appendix 1: Whistleblowing reporting flow chart



Appendix 2 – Third party contacts

9. **Protect (independent whistleblowing charity)**
Helpline: 0203 117 2520
Website: [Protect - Speak up stop harm - Protect - Speak up stop harm \(protect-advice.org.uk\)](https://protect-advice.org.uk)
10. **Regulator of Social Housing** (prescribed body under the Public Interest Disclosure Act 1998 about matters relating to registered providers of social housing)
Referrals and Regulatory Enquiries team
Regulator of Social Housing
Level 2
7-8 Wellington Place
Leeds
LS1 4AP
United Kingdom
Email: enquiries@rsh.gov.uk
Call: 0300 124 5225

[Summary of Key Changes]

- The role of the Company Secretary has been more clearly defined, acting as primary recipient for whistleblowing reports and provide a clear process flow for reporting concerns;
- The policy has been amended to align better with the new Anti-Bribery and Corruption and Anti-Tax Evasion Policies (currently in draft); Fraud Policy and Anti-Money Laundering Policy;
- References to external agencies have been updated.