



Whistleblowing Policy

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1.1 Introduction

- 1.1.1 The Board and Executive of Gentoo are committed to the highest possible standards of openness, probity and accountability and expect high standards of conduct from everyone involved with its business.
- 1.1.2 We believe an environment in which individuals feel able to raise any matters of genuine concern internally without fear of disciplinary action or recrimination being taken against them is essential. The concern will be taken seriously and the matter investigated appropriately, and as far as it practicable, will be kept confidential (except where disclosure is required by law).
- 1.1.3 We want to encourage individuals to report suspected wrongdoing as soon as possible and have put this procedure in place to facilitate the reporting of any concern. Please note, it will be reviewed and may be amended from time to time, in line with any changes in legislation.
- 1.1.4 This procedure applies to all employees, Board and committee members, Involved residents who wish to make disclosures, Other individuals performing functions in relation to the Group such as; Customers, Agency workers, Volunteers, Suppliers, Contractors and other relevant stakeholders.
- 1.1.5 Gentoo will also seek to support and maintain the confidentiality of the person who has had an allegation made against them.
- 1.1.6 This policy is sponsored by the Group Board, Risk and Audit Committee and Group Executive Team.
- 1.1.7 This policy aims to:
 - I. Provide avenues for individuals to raise concerns and be informed of any action taken
 - II. Assist individuals who wish to make a public disclosure
 - III. Inform individuals of how to take the matter further if they believe the appropriate action has not been taken
 - IV. Reassure individuals that those making a disclosure in accordance with this policy will not be penalised, provided that they are not knowingly making false allegations.

1.2 Legislation

- 1.2.1 The Public Interest Disclosure Act 1998 provides protection for individuals who raise legitimate concerns about specified matters. These are called qualifying disclosures. A qualifying disclosure is one made in the public interest by an employee who has a reasonable belief that:
- A criminal offence
 - A miscarriage of justice
 - An act creating risk to health and safety
 - An act causing damage to the environment
 - A breach of any other legal obligation
 - Concealment of any of the above
- 1.2.2 Is being, has been, or is likely to be, committed. It is not necessary for the individual to have proof that such an act is being, has been, or is likely to be committed, a reasonable belief is sufficient. The individual has no responsibility for investigating the matter, it is the responsibility of the Group to ensure that an investigation takes place.
- 1.2.3 Any individual who makes such a protected disclosure has the right not to be dismissed, subjected to any other detriment, or victimised, because they have made a disclosure.

1.3 Principles

- 1.3.1 Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Individuals should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.
- 1.3.2 Any matter raised under this policy will be dealt with appropriately, consistently, fairly, professionally and confidentially. The outcome of the investigation will be reported back to the individual who raised the issue where appropriate.
- 1.3.3 No employee will be victimised or suffer a detriment for raising a matter under this policy. This means that the continued employment and opportunities for future promotion or training of employees will not be prejudiced because they have raised a legitimate concern.
- 1.3.4 If misconduct is discovered as a result of any investigation under this policy, the Group's disciplinary procedure will be initiated, in addition to any appropriate external measures.
- 1.3.5 This policy is intended to assist individuals who believe that they have discovered malpractice or impropriety. It is not designed for disclosures to address the following:

- To question financial or business decisions taken by the Group
- To consider or reconsider any matters which have already been addressed under disciplinary or grievance procedures
- To investigate an individual or collective dispute for which there are established routes of complaint

1.3.6 For any meeting that is arranged under this policy, employees have the right to be accompanied by a Trade Union representative or work colleague.

1.4 Anonymity

1.4.1 Individuals are strongly encouraged to put their name to allegations.

1.4.2 Concerns made anonymously will be considered but are much less powerful and any subsequent investigation process may not be as effective as it may not be possible to make follow up enquiries.

1.4.3 Anonymous disclosures are preferred to silence about serious wrongdoing. The Group will treat all disclosures in a confidential manner and do its best to protect the identity of an individual where reasonably practicable.

1.4.4 An investigation process may reveal the source of the information and a statement by the individual reporting the concern may be required as part of the evidence. An individual's anonymity may not be protected in the event of criminal or civil action being taken.

1.4.5 Gentoo will have appropriate recording, monitoring and reporting systems in place on disclosures under this policy.

1.5 Protection and Support

1.5.1 Gentoo recognises that the decision to report a concern can be a difficult one to make because of the fear of reprisal from those responsible for the alleged malpractice. Gentoo will not tolerate harassment or victimisation and will take action to protect employees when they raise a concern.

1.5.2 Individuals have a duty of confidentiality and should not report their concerns to the media. Individuals who do so may lose their protection under the Act. However, if, for some reason, there are circumstances in which individuals feel that there is no other practicable option, individuals are encouraged to seek specialist advice from trade union representatives or the independent charity "Public Concern at Work" who can provide free advice and assistance:

Website

<http://www.pcaw.org.uk/>

Telephone

Whistleblowing Advice Line: 020 7404 6609

General enquiries: 020 3117 2520

Email

Advice line: whistle@pcaw.org.uk

The Group's employee assistance line is available for parties involved.

1.6 Malicious, false or vexatious reports

- 1.6.1 Individuals will not face sanctions where they honestly believe that their information is true, irrespective of whether their concern is proved unfounded.
- 1.6.2 The use of this policy is a serious matter and should not be used lightly. The following will be regarded as a breach of the code of conduct and may result in disciplinary action being taken against the individual concerned:
 - Making false and malicious allegations
 - Knowingly disclose or provide false information
 - Deliberately deter individuals from raising a concern
 - An instruction to cover up wrongdoing. If told not to raise or pursue any concern, even by a person in authority, individuals should not agree to remain silent and should report the matter to the appropriate person
 - Intentionally obstructing or trying to obstruct any investigation
 - Victimising or harassing someone because they are preparing to raise or have raised a qualified disclosure under this procedure

1.7 Training, awareness and communication

- 1.7.1 All employees will receive training on the content of this policy during induction and annual refresher training.
- 1.7.2 Training will be provided to all managers at Head of Service level and above, who may be involved in receiving reports and handling concerns and on the content of this policy.
- 1.7.3 The HR and Governance teams will be specially trained on whistleblowing in order to provide support and advice to managers and Board members.
- 1.7.4 All board committee members will be reminded of the policy and procedure on an annual basis.

2.1 Procedure

2.1 How to raise a concern

- 2.1.1 Anyone covered under this policy should come forward at the earliest opportunity where there is evidence of wrong doing or if there are grounds for reasonable suspicion which are strong enough to warrant reporting. Concerns will be recorded and investigated as quickly as possible.

2.2 By employees

- 2.2.1 In the first instance, and unless the employee reasonably believes their line manager to be involved in the wrongdoing, or if for any other reason the employee does not wish to approach their manager, employees should raise concerns with their immediate manager.
- 2.2.2 If it is not appropriate (depending on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice), for an employee to report alleged irregularities as above, they should take their concerns to one of the following:
- Another senior manager or member of the Group Executive Team
 - The Company Secretary
 - Assistant Director, Business Assurance Services
 - The Group Chair
 - The Chair of Risk and Audit Committee

2.3 By Board/Committee members and involved residents

The reporting procedure is as follows:

- 2.3.1 Concerns about an employee:
- Report to a member of the Group Executive Team
- 2.3.2 Concerns about a member of GET, ELG or another member of the board or a committee:
- Report to the Group Chair
- 2.3.3 Concerns about the Group Chair:
- Report to the Chair of Risk and Audit Committee

2.4 External 'Speak Up' hotline

- 2.4.1 Gentoo have enlisted the services of Safecall an external provider for whistleblowing services.
- 2.4.2 Safecall provide an independent confidential reporting line where you can raise your concerns and be assured they will be fully addressed. Calls are handled by skilled staff and all reports will be treated in complete confidence. Safecall will not disclose your name to Gentoo if you wish to remain anonymous.
- 2.4.3 You can contact Safecall at any time on the applicable Freephone number: 0800 9151571

The Safecall line is available 24/7 365 days. Alternatively Safecall can be contacted via e-mail Gentoo@safecall.co.uk or via the web www.safecall.co.uk/report

- 2.4.4 Individuals can notify a 'prescribed person or body'. If an individual decides to notify a prescribed person or body, they must make sure they notify the correct one for their issue, using the prescribed persons or bodies list. A full list of prescribed persons or bodies is detailed in 2.8.2.

The main bodies relating to Gentoo may include:

- Regulator of Social Housing
- Financial Conduct Authority
- Information Commissioner
- Environment Agency
- Health & Safety Executive

- 2.4.5 Specialist advice and guidance on how matters of concern may be pursued can be obtained from the Human Resources team, Governance team, Business Assurance Service, trade union representatives or the independent charity "Public Concern at Work" (www.pcaw.org.uk, tel. 020 7404 6609).

2.5 Next steps

- 2.5.1 The individual receiving the report will consider the concern and the relevant parties notified. Depending on the scale and nature of the concern, will notify the appropriate person.
- 2.5.2 The appropriate person is then responsible for deciding what action will be taken to investigate suspected irregularities. Depending on the nature of the irregularity the investigation will be led by an appropriate person e.g. Assistant Director Business Assurance, General Counsel, Human Resources representative.

2.5.3 Where an individual has made a report against someone in their line management, line management arrangements will be reviewed.

2.6 Feedback

2.6.1 Gentoo accepts that individuals need to be assured that the matter has been properly addressed and, subject to legal constraints, the action taken, including the outcome of any investigation, will be reported to the individual making the disclosure. In the event that no action is taken, the individual will be given an explanation.

2.6.2 Once a concern is received, Gentoo will acknowledge receipt to the individual of such concerns within three working days, if the person raising the concern has stated that they do not want feedback.

2.6.2 Within ten working days of a concern being received, Gentoo will write to the individual who raised the concern to provide an update. The confidentiality of all involved will be maintained at all times.

2.7 Response plan

2.7.1 Reported concerns will be dealt with seriously, investigated thoroughly and independently. Investigations will be dealt with consistently, fairly and professionally and will normally be coordinated by the relevant GET member. The Company Secretary may provide any additional advice that is necessary in the circumstances.

2.7.2 The action taken by the Group will depend on the nature of the concern, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Some concerns may be resolved by agreed action without the need for investigation.

2.7.3 Matters of fraud will be investigated in line with the anti-fraud, bribery and corruption policy and procedure.

2.7.4 The progress of an investigation will be documented and held confidentially by the HR team.

2.7.5 A report will be compiled and forwarded to the relevant member of the Group Executive Team or the Chair.

2.7.6 Where necessary the Regulator of Social Housing and any other relevant regulatory body may be notified of a reported concern and provide a copy of the report on the outcome of the investigation.

2.7.7 If disciplinary action is required, the investigating manager will report the matter to the Human Resources team to initiate the disciplinary procedure.

2.8 How the matter can be taken further

2.8.1 This policy is intended to provide individuals with an avenue to raise concerns within Gentoo. The Group aims to ensure that individuals will find satisfaction from the actions taken. If individuals are not satisfied or reasonably believe that the appropriate action has not been taken, the following are possible contact points:

- Group Board member
- The external Auditor
- Relevant professional bodies or regulatory organisations
- Personal Solicitor
- The Police
- The Ombudsman

2.8.2 Individuals may also notify a 'prescribed person or body'. This link provides a full list of prescribed persons or bodies:

<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies>

2.8.3 Individuals may also contact the Advisory, Conciliation and Arbitration Service (ACAS), whistleblowing charity 'Public Concern at Work' or their trade union for further guidance.

3.1 General

Roles and responsibilities

3.1.1 **Human Resources/Governance:** policy owner; ensure this policy is up to date, incorporates best practice and is legally compliant; provide advice and support; oversight of consistency of application.

3.1.2 **Individual:** understand and follow policy and procedure; ensure actions are completed in a timely manner; their own organization and conduct; escalation of issues.

3.1.3 **Line Manager:** responsible for the implementation of the policy; decision making; carrying out the required actions in a timely manner; ensure any concerns raised are taken seriously; reporting, maintaining compliance and following the policy; escalation of issues.

3.1.4 **Group Executive Team (GET)/Board and Committee Members:** sponsor of this policy; responsible for the implementation of and compliance with the policy and procedure; decision making; carrying out the required actions in a timely manner; ensure any concerns are investigated thoroughly; ensure appropriate actions are taken to resolve a concern.

- 3.1.5 **External Hotline:** understand and follow policy and procedure; deal with concerns in accordance with this policy; carrying out the required actions in a timely manner; reporting and maintaining compliance and confidentiality.
- 3.1.6 **Appropriate Person:** deal with concerns in accordance with this policy; investigate any concerns thoroughly depending on the scale and nature of the concern, and make an objective assessment.

3.2 General

- 3.2.1 This policy is issued by way of guidance on the Group's policy and practice. It does not form part of an employee's contract of employment or otherwise have any contractual effect on the Gentoo Agreement on Pay and Terms and Conditions of Employment ("the Orange Book") or the National Agreement on Pay and Conditions of Services ("the Green Book" and "the Red Book").
- 3.2.2 This policy may be varied, withdrawn or replaced at any time by the 10organization at its absolute discretion.

3.3 Monitoring and review

- 3.3.1 This policy will be reviewed every three years, or in line with business need.
- 3.3.2 Overall responsibility for this policy lies with the Executive Director (Corporate Services) and accountability lies with Human Resources. This policy is grade 1 and changes require the approval of Group Board.

3.4 Accessibility

- 3.4.1 If any aspect of this policy causes you difficulty on account of any disability, or if you need assistance because English is not your first language, you should raise this issue with the HR team, who will make appropriate arrangements.

4.1 Related Policies

The policy and procedure should be read in conjunction with the following policies:

- Code of Conduct
- Disciplinary
- Grievance

5.1 Process Flow



