



GOV-POL-14-01

Torus Whistleblowing Policy

December 2018

Contents

Page

1. Policy Aim	4
2. Scope	4
3. Policy Detail	4
4. Policy Consultation	6
5. Policy Implementation & Monitoring/Reporting	6

1. Policy Aim

- 1.1 Torus is committed to high standards of probity, openness and accountability. The aim of this Policy is to encourage staff, individuals or companies that are providing goods or services to the Torus group and who have serious concerns about any aspect of its work, feel confident to come forward and express those concerns without fear of penalty or punishment. This will allow the matter to be investigated and action taken rather than a serious matter being overlooked or communicated to outside sources.
- 1.2 This policy aims to:
- encourage individuals to feel confident in raising serious concerns and to question and act upon concerns about practice;
 - provide avenues for individuals to raise those concerns and receive feedback on any action taken;
 - reassure staff, individuals or companies that they will be protected from possible reprisals or victimisation if they have made any disclosure in the public interest.

2. Scope

- 2.1 This is a Group-wide policy and as such applies to all subsidiaries. It applies to staff, tenants and residents, customers and clients, and associated companies.
- 2.2 The Policy does not cover matters that are covered by other policies or procedures. These may include:
- Staff complaints about their employment
 - Fraud and Bribery policies
 - Customer complaints about our services
 - Allegations of bullying or harassment which are not due to raising concerns under the Whistleblowing Policy

3. Policy Detail

- 3.1 The Public Interest Disclosure Act 1998 provides protection to anyone who is “making a disclosure in the public interest”. This covers situations where an individual raises serious concerns or passes on information concerning wrongdoing, typically in a work environment.

Disclosures must be in the public interest which usually means that it must affect others and should not be a personal grievance or complaint.

3.2 This could include:

- that a criminal offence has been committed, is being committed or is likely to be committed,
- that a person has failed, is failing or is likely to fail to comply with any legal obligation to which he is subject,
- that a miscarriage of justice has occurred, is occurring or is likely to occur,
- that the health or safety of any individual has been, is being or is likely to be endangered,
- that the environment has been, is being or is likely to be damaged, or
- 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.

3.3 In most cases concerns should be raised with the direct line manager. Should this not be appropriate, for example because they are the person about whom there are concerns, an approach should be made to that person's line manager. If this is not felt to be appropriate, for the same or other reasons, then an approach should be made to the Director of Business Assurance or the Director of Organisational Development.

3.4 Should there be any other cause for concern in which it is felt the above approaches are unsuitable, or inappropriate, then a direct notification may be made to the Chair of the Group Audit & Risk Committee, who may in turn determine whether to appoint a senior manager to investigate, and/ or may seek advice from the Groups Internal Auditors.

3.5 The group recognises that the decision to report a concern can be difficult, not least, because of fear of reprisal as a result of making a report. Staff must not suffer any detrimental treatment as a result of raising a concern in good faith. Detrimental treatment includes dismissal, disciplinary actions, threats, harassment, victimisation and any other unfavourable treatment and action will be taken to protect individuals in these circumstances.

3.6 Torus recognises that employees may wish to seek advice and be represented by their trade union representative or a colleague when using the provisions of this policy. Torus will

support employees who disclose information relating to abuse towards residents by other staff members.

- 3.7 The Group will do its best to protect an individual's identity when a concern is raised unless there is a requirement in law to make this known. As part of the investigation process conducted as a result of whistleblowing the investigation may reveal the source of the information and a statement by the individual may be required as part of the evidence.
- 3.8 This Policy encourages individuals to give their name when allegations are made. Concerns raised anonymously tend to be far less effective but they will be considered at the discretion of the Group, dependent on the seriousness of the allegation and the credibility of the concern.
- 3.9 Further guidance on how to raise concerns under this policy will be found in the Whistleblowing Procedures and associated guidance.

4. Policy Consultation

- 4.1 This is an amended version of previous policy documents held by the former LMH and Torus Groups.

5. Policy Implementation & Monitoring/Reporting

- 5.1 The implementation of this policy will be within the scope and control of the Director of Business Assurance.
- 5.2 General information on Torus' approach and commitment to supporting whistleblowing will be readily available on internal and external websites and will be further promoted from time to time to raise awareness.
- 5.3 Monitoring of the implementation and application of this policy will be through the Group Audit & Risk Committee.

App – Definitions (only if necessary)

The Public Interest Disclosure Act 1998 provides protection to anyone who is “**making a disclosure in the public interest**”. In order for a disclosure to gain statutory protection it must relate to one of the following matters:

- A criminal offence
- Failure to comply with any legal obligation
- A miscarriage of justice
- Danger to health and safety of any individual
- Danger to the environment
- Deliberate concealment of any of the above