

# Whistleblowing Policy (Confidential Disclosure of Information Policy)



<b>CONTROLLING AUTHORITY: Director of Corporate &amp; Customer Services</b>		<b>POLICY NO: 3</b>
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in the areas we serve



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## **CONFIDENTIALITY AND THE DISCLOSURE OF INFORMATION POLICY**

### **1. INTRODUCTION**

1.1 What Is Whistleblowing?

1.2 A “whistleblower” is someone who discovers something that is wrong and alerts his employer or the relevant authorities to what is going on. The law protects whistleblowers from their employer subjecting them to detriment or dismissal by reason of their having “blown the whistle” and from detrimental treatment by their colleagues. To be protected by the law, the act of whistleblowing must fall within the legal rules and the whistleblower must reasonably believe that their disclosure of wrongdoing is made in the public interest.

### **2. POLICY STATEMENT**

2.1 Our business is run in accordance with the law. No employee will suffer a detriment for speaking up if they believe that something is wrong.

2.1 If you have information you believe shows any of the following:

A criminal offence was committed or is being or is likely to be committed

- A person has or is or is likely to fail to comply with a legal obligation
- A miscarriage of justice has occurred or is or is likely to occur
- The health and safety of any individual has been or is being or is likely to be endangered
- The environment has been, is being or is likely to be damaged
- That information tending to show any matter falling within any one of the above categories has been, is being, or is likely to be deliberately concealed.

2.2 Please raise your concerns immediately with your Line Manager/a Line Manger/a Head of Service or any member of the Executive Management Team as the Whistleblower feels appropriate.

2.3 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases you should not find it necessary to alert anyone externally.

2.4 However, you will still be protected in law if you disclose the information to the following:

- A legal adviser in the course of getting legal advice
  - A Minister of the Crown
  - One of the prescribed persons set out in the Public Interest Disclosure (Prescribed Persons) Order 1999 (e.g. disclosure of a danger to health and safety to the Health and Safety Executive; disclosure of fraud to the Secretary of State for Trade and Industry; disclosure of breach of tax rules to HM Revenue & Customs).
- 2.5 Disclosure to any other person is not generally protected except in very limited circumstances.
- 2.6 After you have raised a concern, we will decide how to respond in a responsible and appropriate manner in consultation with you. This will usually involve making internal enquiries but it may become necessary to carry out a full investigation which may be formal or informal depending on the nature of the concern raised. We will endeavour to complete investigations within two weeks. .
- 2.7 We will keep you informed of progress and let you know when the investigation is completed. We will not be able to inform you of any matters which would infringe any duty of confidentiality owed to others.
- 2.8 If you use this policy to raise a concern which you reasonably believe to be in the public interest, we assure you that you will not suffer any form of retribution or detrimental treatment.
- 2.9 Experience shows us that despite the assurance given in 2.8 regarding not suffering any form of retribution or detrimental treatment, experience has shown us that staff are not always sufficiently confident that they will not suffer as a result of raising concerns and therefore staff may use an advocate to raise concerns on their behalf, speak for them through the investigation process and generally support the individual or team.
- 3.0 Those wishing to use advocates should contact a member of the Executive Team not responsible for the service area in which those involved work.
- 3.1 Any employee who criticises, bullies or victimises a fellow employee by reason of their whistleblowing will be liable to disciplinary action up to and including dismissal, depending on the seriousness of the conduct.

### **3.0 POLICY DETAIL**

This policy should be implemented in conjunction with the application guidance notes in the attached Appendix 1.

### **3.1 Information To Be Kept Confidential**

All sensitive information will be kept and handled confidentially, whether the information has been received formally, informally or discovered by accident. Broadly, this means:

- Anything of a personal nature that is not a matter of public record about a tenant, applicant, staff member or Board member.
- Sensitive organisational information that could be used to damage the Company or threaten the security of property or buildings.
- Tenders and quotations for services and works.

### **3.2 Access To Sensitive Information**

3.3 Staff will generally have access to all information that they genuinely need to know to carry out their work, and are under a duty to respect the confidentiality of all personal information held by the Company.

3.4 Wherever possible, staff will explain the purpose of recording potentially sensitive personal information and the people likely to have access to it before it is disclosed, so that written consent can be obtained.

3.5 If there are particular causes for concern, the information will be held in a separate secure location. Access will only be permitted with the agreement of the appropriate Line Manager or above.

3.6 Tenants will normally be referred to by reference codes rather than by name in committee reports and at committee meetings. Sensitive information about occupants (such as “occupancy by someone with HIV” or “re-housed because of fleeing domestic violence”) will be treated similarly.

### **3.7 Disclosure**

Disclosure of personal information outside the Company will only be made with the written consent of the individual concerned, except:

- To comply with the Law (e.g. the Police, Inland Revenue and Council Tax Registration Officer) or a Court Order.
- Where there is a clear health or safety risk or evidence of fraud.
- In connection with Court proceedings or statutory action to enforce compliance with tenancy conditions (e.g. applications for possession or for payment of Housing Benefit direct).

- The name, address and contact number of a tenant to contractors or other agents providing services on the Company's behalf.
- The name of a tenant and the date of occupancy to gas, electricity and water companies.
- Anonymously for bona fide statistical or research purposes, provided it is not possible to identify the individuals to whom the information relates.

### **3.8 Disposal**

Subject to the timescales set out in the procedure, all personal information including computer printouts of rent accounts and arrears and other information relating to tenants and applicants, both former and current will be shredded or destroyed when no longer required.

### **3.9 Supported Housing Projects**

Tenants in shared housing are likely to be aware of personal information about other tenants and are encouraged to respect their right to privacy.

### **3.10 Implementation**

- 3.11 All staff and Non Executive Directors will be informed of their duties and provided with practical procedural guidelines. Guidance and training (Data Protection Action-DPA) will be made available to staff who handle personal information. All contractors and agents working for the Company will be bound by the policy in the same way as direct employees.
- 3.12 All applicants, tenants and agencies with whom the Company works will be informed about this policy.

## **4.0 DEFINITIONS**

### **4.1 Right To Information**

In principle, individual tenants or applicants should be able to have access to personal information held about them and, in most cases; this is incorporated into Law or other guidance.

### **4.2 Data Protection Act 1998**

Boston Mayflower aims to comply with the legal requirements of the Data Protection Act 1998 and subsequent legislation.

In summary, the requirements are as follows:

Under the Data Protection Act, individuals have the right to:

- See most of the information held about them on computer. The exemptions to this relate to information regarding health and social work matters, statistical and research data and data relating to the prevention and detection of crime, credit reference agencies and financial regulations.
- Correct any inaccurate or misleading statement.
- Seek compensation for any damage suffered if information is misused.

### **4.3 Information About The Company**

4.4 In general terms, all information regarding the Company's activities should be freely available to anyone who asks for it.

4.5 This will include the Annual Report, all policies and procedures, leaflets, handbooks, newsletters etc.

4.6 Only information, which is considered to be confidential and sensitive, should be classed as confidential and this would include:

- Commercially sensitive information relating to bid strategies, tenders and quotations for works and services etc.
- Information that could be used to damage the Company or threaten the security of property or buildings.
- Information of a personal nature (not a matter of public record) regarding staff or board members or the Company's clients.

4.7 In view of this, it is important to ensure the information provided in committee papers etc. should not identify individual tenants or applicants.

### **5.0 MONITORING**

5.1 As with all Boston Mayflower activity, it is expected that this service will be provided in a way that conforms to all of the Policies and Standing Orders of the Company, especially, in this instance, to Equal Opportunities and Customer Care.

5.2 The Board of Management will have responsibility for monitoring progress, producing and publishing results and undertaking periodic reviews to monitor:

- Performance
- The effectiveness of procedures

5.3 The primary data used to test compliance with performance requirements will be:

- Demand for the Service e.g. numbers of requests for disclosure of information from third parties.
- Requests for access to information e.g. by tenants.
- Complaints and comments about the service

5.4 This monitoring information will be evaluated regularly and the results addressed in reviews of policy procedures and service delivery.

## CONFIDENTIALITY AND THE DISCLOSURE OF INFORMATION

### GUIDANCE NOTES

#### 1.0 INTRODUCTION

- 1.1 These notes are provided to give additional guidance on the operation of the Company's policy relating to confidentiality and the disclosure of information.
- 1.2 Everyone who has dealings with the Company has a right to privacy and to expect that all personal information about them will be handled sensitively and confidentially.
- 1.3 All staff have a duty to respect the confidentiality of all personal information held by the Company. Most breaches in confidentiality happen through lack of thought or awareness of the possible consequences, or lack of private or secure facilities. The best protection is to keep the number of people who have access to sensitive information to a minimum.

#### 2.0 WHAT INFORMATION IS CONFIDENTIAL?

- 2.1 Any personal information provided by a tenant or applicant, or by a third party about a tenant, should be treated in the strictest confidence. Personal information means any information about a living identifiable individual, i.e. their name linked with any other information about them (address, telephone number, payment record etc.). Anything seen or overheard accidentally is still personal information.
- 2.2 Except in the specific circumstances outlined below (see section (xiii)), no personal information may be passed on without the permission of the person concerned. Be particularly mindful in situations like relationship breakdowns, domestic violence or neighbour disputes. Even where the person requesting the information is a joint tenant or spouse, information should not be given without the individual's permission.
- 2.3 Some information about the Company, its projects and buildings is also sensitive and could, if disclosed, have adverse implications for the Company or current/future occupants. For example access codes for door entry systems.
- 2.4 Anyone worried or distressed by something they hear or read should seek guidance and support from their manager.

#### 3.0 IN THE OFFICE AND OUTSIDE WORK

- 3.1 Our work is always likely to bring us into contact with sensitive information which is personal to someone else, which is not ready for distribution or circulation.
- 3.2 Following a few simple guidelines will minimise the risk of this information being passed to others who do not or should not have access to it.

- Even in the most innocent of conversations, take care not to discuss any part of your work which could cause an individual or the Company embarrassment or harm.
- Don't forget that others can overhear conversations particularly in areas open to the public or adjacent to such areas.
- Confidential information should not be left in places where others can read it. If someone comes near you whilst you are working, the material should be covered and, if necessary, you should politely ask the other person to leave whilst you complete the task.

3.3 Wherever practical, sensitive documents should not be taken away from the office. If this is unavoidable, special care should be taken:

- When reading or processing documents on public transport or in public places
- Documents should not be left in cars
- If documents are taken home, they should be stored safely and not shown to other household members
- Remember that information in the wrong hands can cause a lot of damage and unnecessary stress.
- Personal information about staff, board directors or tenants should not be carried on computer disks without first being 'password protected'.

#### **4.0 IN DISCUSSIONS OR MEETINGS**

4.1 Only disclose information relevant to the case.

4.2 In shared housing projects, do not discuss personal information about one tenant with another tenant or in the presence of another tenant.

4.3 Do not disclose the name of a tenant making an allegation about another tenant without the complainant's consent.

#### **5.0 COLLECTING AND RECORDING PERSONAL INFORMATION**

5.1 Where practicable, offer a private interview.

5.2 If the conversation is over the telephone and someone else might hear, do not repeat aloud any personal information. If necessary, ask the person to say it again.

5.3 Obtain the individual's consent by first explaining why the information is needed and how it will be used. For sensitive information, also explain:

- Who will have access to it;
- The implications of not giving the information.

- Any special procedures for protecting particularly sensitive information.

5.4 If the individual does not agree, do not record or pass on the information. Explain this and its implications to the person.

5.5 Do not ask questions that are not relevant.

5.6 Ensure that any information you record is:

- **Factual and Relevant** concentrate on facts relevant to the application or conduct of the tenancy. Keep expressions of opinion to a minimum and make sure they are fully justifiable on the basis of the factual information;
- **Accurate** wherever possible, take notes during interviews and conversations and use the tenant's or applicant's own words. Check the record with the tenant or applicant if possible. Where appropriate, ask for and examine supporting documents and record this on the file;
- **Comprehensive and Clear** another staff member might have to form a judgement from the information and applicant/tenant may wish to read it.

## **6.0 HANDLING INCOMING INFORMATION**

6.1 All staff are bound by this policy on confidentiality, therefore all information is confidential.

6.2 When passing information of a highly sensitive nature between colleagues or other agencies mark envelopes "Confidential – to be opened by addressee only". Otherwise it will be opened as part of the normal postal process.

6.3 If you open such correspondence by mistake, reseal it or use a new envelope and write your name and "opened in error" on the outside before forwarding it to the addressee.

## **7.0 CORRESPONDENCE, MESSAGES AND CALLING / CONCERN CARDS**

7.1 Always use a sealed envelope for anything that is of a confidential nature (e.g. lettings, rent arrears, rent statements) when it is being sent through the external post.

7.2 When leaving a telephone message or a calling card, keep any details about the reason to the absolute minimum necessary, e.g. a request to contact you or the Company.

## **8.0 TYPING AND ADMINISTRATION**

8.1 The administration, typing, printing, photocopying, faxing and filing of confidential information must only be carried out by employees who are familiar with confidentiality procedures and who oversee the whole operation.

8.2 If necessary and practicable, confidential typing should be undertaken in a suitably private location.

- 8.3 Take care to destroy all unused rough work and any spare copies.
- 8.4 When photocopying, do not let anyone else read the documents, make only the required number of copies and check that nothing is left in the machine afterwards.
- 8.5 When faxing, ensure the first page clearly shows the contents are confidential, the fax is sent by a designated person, and alert the recipient in advance to collect it from the machine immediately. Place any incoming confidential faxes arriving when the recipient is not present in an envelope marked “confidential” before passing on the fax to the recipient.

## **9.0 WORKING WITH COMPUTERS**

- 9.1 Personal information held on computer must be password protected.
- 9.2 Lock away computer disks carrying confidential information when not in use.
- 9.3 Use automatic screen savers if there is any possibility of someone accidentally seeing confidential information on unattended computer screens.
- 9.4 Log out of the system or lock your workstation (using Ctrl-Alt-Del key combination) when leaving your desk unattended.
- 9.5 Be aware of the risk involved in holding sensitive information on portable computers.

## **10.0 KEYS**

- 10.1 All keys to Company properties must be kept in a key cabinet that is located within “Facilities”.
- 10.2 Keys should be coded and address lists held separately.

## **11.0 PASSING ON INFORMATION WITHIN THE COMPANY**

- 11.1 In view of the widespread nature of the Company’s operations, verify the identity of the person seeking information and, if necessary, ring them back.
- 11.2 **Do not seek information which you do not have a genuine need to know and, hence, do not put a colleague in a position of having to refuse to pass on information.**

## **12.0 PROVIDING INFORMATION TO THIRD PARTIES**

- 12.1 External organisations such as contractors or special needs groups providing services on behalf of the Company are bound by the confidentiality policy in the same way as direct employees. Information may be passed to them with the informed consent of tenants on a strictly need to know basis in line with this policy. These guidelines deal with requests for information from other external organisations and individuals.

**(a) General**

- Check that the person making the request, details the information required and why it is required.
- Check that the tenant or staff member's consent to disclose has been given or the request falls into one of the categories detailed below. If not, explain the Company's policy.
- Establish that there is a genuine need to know.
- Verify the identity of the person making the request.
- Except in the circumstances detailed below, make your response in writing. Always ensure a copy of what has been disclosed, or a detailed note, is retained on file.
- Remember that you must comply with the Data Protection Act 1998 at all times. Computerised information may only be disclosed to people or organisations listed in our Data Protection Register entry.

**(b) General Callers (friends, relatives, debt collectors etc.)**

- No matter how plausible the request is, explain that the Company does not give out any personal information about tenants or staff members.
- Offer to forward a letter, or in genuine emergencies, pass on a telephone message, if we know the person the caller is trying to contact.

**(c) Written Requests and Letters**

- Letters from lending institutions (banks, building societies or loan companies) requesting a reference must be accompanied by signed and dated authorisation from the tenant/staff. If not, write to the firm explaining that the tenant's/staff member's written authorisation is required before a reference can be given.
- Forward letters to tenants with a covering letter confirming that no information has been disclosed.

**(d) Housing Benefit Departments and Department for Work and Pensions Offices**

- After checking the identity of the caller (call back if in doubt) and being given the name and address of the claimant, the following may be disclosed:
- Tenancy start date;
- The weekly or monthly rent and Council Tax payable;

- Details of any DWP or Housing Benefit direct payments received;
- Tenant's previous address if relevant to the history of the claim.
- The level of arrears may also be disclosed where the Company is seeking direct payments.
- Refer requests for other information (e.g. details of sub tenants or lodgers) to the tenant, unless the Company has general written authority from the tenant to act on their behalf in respect of their claim.

**(e) Gas, Electricity and Water Companies, Council Tax Officer**

- Check the identity of the caller. Phone back if in doubt.
- For particular addresses, you may give the following information only: name of the tenant, date of commencement of tenancy, name of any previous tenant and date of commencement and termination of tenancy.
- Do not give any forwarding address unless this is necessary following the receipt of an account in the Company's name.
- If a tenant has died, you may say so but do not give the name or address of the executor. Offer to forward letters or suggest they write to the executor at the property if the tenancy has not already been terminated.

**(f) The Police**

- Whilst we wish to protect the confidentiality of personal information, we also have a duty to uphold the law and do not wish to obstruct the Police in carrying out their duties.
- Whenever the Police ask for information about a tenant, try to obtain the request in writing (by letter or fax) and establish what information is required, why it is required and the name of the officer concerned.
- Generally, only the name and address of the tenant and the household composition may be divulged without a Court Order. Requests for any other information must be channelled through a senior manager and a detailed note of what has been disclosed retained on file.
- The above does not apply where the Company is investigating fraud or criminal activities against the Company, or where threats of violence, threats to the safety of staff, or criminal damage are involved.
- Refer any requests for access to Company property to a senior manager.
- Where a member of staff or board director has a personal relationship with a local community Police Officer, care must be taken to avoid divulging information that the Police would otherwise require a Court Order to obtain.

**(g) Social Services Departments/Safeguarding**

- After checking the identity of the caller and ascertaining the reason for the request, the names and addresses of tenants may be given.
- If you are aware of neglect or child abuse, you must inform Safeguarding, having first discussed your concerns with your line manager or a Safeguarding champion.

**(h) Medical and Psychiatric Information**

- Information about a tenant's medical condition is strictly confidential to the tenant, the staff concerned and/or any agency providing such information to the Company.
- Do not pass on any information about medical condition to another agency or third party without the tenant's specific consent, except in exceptional circumstances where there is a genuine health and safety risk to the person concerned or to anyone else if the information is not disclosed.

**(i) The Press**

- Refer all press enquires to the Chief Executive or the appropriate Director.

**13.0 DAMAGE LIMITATION**

- If accidental disclosure occurs, take swift action to minimise the damage. Find out who knows, talk to them and (if a current employee) remind them of their duty to maintain confidentiality.
- Help to prevent accidental disclosures occurring by regularly pointing out that certain information is confidential and checking that people have understood.

**14.0 DISPOSAL OF INFORMATION THAT IS NO LONGER REQUIRED**

14.1 All confidential information that is no longer required should be shredded or confidentially disposed of, including computer printouts of rent accounts and arrears.

14.2 Former tenants' files are to be retained for a minimum of four years. After that, the file is to be shredded except for the tenant's name and address, names of other members of the household, date of commencement and termination of the tenancy and forwarding address.

14.3 Other financial information will be retained for six years.

14.4 In the case of any doubt, refer to a Director.

- 14.5 All information held on 'floppy disks', CDs or the hard drive of any computer equipment must be securely destroyed before such equipment is disposed of.
- 14.6 Boston Mayflower will not tolerate 'sloppy' housekeeping and will treat breaches as a disciplinary matter.

**Name of policy**

**Confidential Reporting (Whistleblowing) Policy**

**Provide a brief summary of the aims and main activities of the initiative:** (bullet points)

Boston Mayflower is committed to the highest standards of quality, probity, openness and accountability.

As a part of that commitment the Company encourages employees or others with serious concerns about any aspect of our work to come forward and express those concerns

**Completed by:** Bridget Lloyd, Director of Corporate & Customer Services

**Date:** August 2017

**STAGE 1: SCREENING**

This stage establishes whether a proposed initiative will have an impact from an equality perspective on any particular group of people or community – i.e. on the grounds of race, religion/faith/belief, gender (including transgender), sexual orientation, age, disability, or whether it is “equality neutral” (i.e. have no effect either positive or negative).

**Q 1. Who will benefit from this initiative?** Is there likely to be a positive impact on specific groups/communities (whether or not they are the intended beneficiaries), and if so, how? Or is it clear at this stage that it will be equality ‘neutral’ i.e. will have no particular effect on any group? *Please consider all aspects of Diversity including as a minimum: Age, Disability, Gender/Transgender, Race/Ethnicity, Religion/Faith/Belief, Sexuality*

All service users and customers, all staff, partners and stakeholders and anyone who comes into contact with Boston Mayflower.

**Q 2. Is there likely to be an adverse impact on one or more minority/under-represented or community group as a result of this initiative?** If so, who may be affected and why: Or is it clear at this stage that it will be equality 'neutral'? *Please consider all aspects of Diversity including as a minimum: Age, Disability, Gender/Transgender, Race/Ethnicity, Religion/Faith/Belief, Sexuality*

We do not envisage any negative impact within any of our service delivery areas through the implementation of this policy.

We believe that this policy is equality neutral.

**Q 3. Is there sufficient data on the target beneficiary groups/communities?** Are any of these groups under or over represented? Do they have access to the same resources? What are your sources of data and are there any gaps? *Please consider all aspects of Diversity including as a minimum: Age, Disability, Gender/Transgender, Race/Ethnicity, Religion/Faith/Belief, Sexuality*

This policy is specifically aimed at our staff who all have access to this policy through our intranet. In the case of Cleaners they can access on site through their Warden's office or can directly request a hard copy.

**Q 4. Outsourced services – if the initiative is partly or wholly provided by external organisations / agencies, please list any arrangements you plan to ensure that they promote equality and diversity.** *Please consider all aspects of Diversity including as a minimum: Age, Disability, Gender/Transgender, Race/Ethnicity, Religion/Faith/Belief, Sexuality*

This is an internal policy and we are responsible for implementation with partners and service users.

**Q 5. Is the impact of the initiative (whether positive or negative) significant enough to warrant a full impact assessment – see guidance?** If not, will there be monitoring and review to assess the level of impact over a period of time? *Please consider all aspects of Diversity including as a minimum: Age, Disability, Gender/Transgender, Race/Ethnicity, Religion/Faith/Belief, Sexuality*

We do not perceive any negative impact that would warrant a full Equality Impact Assessment.

Should any negative impacts be highlighted through implementation then both our Policy and EIA will be reviewed.

**Q 6. To be completed at six monthly review** Detail actions taken to assess the level of impact over a period of time, or to address any gaps in data.

*Please consider all aspects of Diversity including as a minimum: Age, Disability, Gender/Transgender, Race/Ethnicity, Religion/Faith/Belief, Sexuality*

Annually reviewed – August 2019