

# Whistleblowing Policy & Guidelines

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## **Executive Summary**

The Reporting of Improper Activities (“Whistleblowing”) Policy aims to support the duty of all employees not to turn a blind eye to malpractice in the work place and to speak up about genuine concerns in relation to criminal activity, breach of a legal obligation (including negligence, breach of contract, breach of administrative law), miscarriage of justice, danger to health and safety or the environment, and the cover up of any of these in the workplace. This duty applies whether or not the information is confidential.

## **2. Purpose and Scope**

All organisations face the risk of things going wrong or of unknowingly harbouring malpractice.

The Company takes malpractice very seriously. We are committed to conducting our business with honesty and integrity and we expect all staff to maintain high standards too. We encourage open communication from all those who work for us and we want everyone to feel secure about raising concerns.

All staff have protection under whistleblowing laws if they raise concerns in the correct way. This policy is designed to give staff that opportunity and protection.

It does not matter if an individual who raises a concern is mistaken about it—staff do not have to prove anything about the allegation they are making but they must reasonably believe that the disclosure is made in the public interest and that the information they have tends to show some malpractice.

This policy applies to all employees, officers, consultants, contractors of the Company and to other workers within the Company including agency workers, casual workers and home workers.

This policy does not form part of any contract of employment and the Company may amend it at any time.

## **3. When to use this Policy**

There is a difference between whistleblowing and raising a grievance. Whistleblowing is where an individual has a concern about a danger or illegality that has a public interest aspect to it, for example because it threatens customers, third parties or the public generally; but a grievance is a complaint that generally relates to an individual’s own employment position or personal circumstances at work.

This policy does not set out the procedure that applies to general grievances. If an employee has a complaint about their own personal circumstances, then they should use the Company’s Grievance Procedure instead.

#### **4. Malpractice covered by this Policy**

Whistle blowing is the reporting of suspected malpractice, wrongdoing or dangers in relation to the company activities.

The types of malpractice that are covered by this policy include:

1. Criminal offences (except those which relate to bribery and corruption, which follow a different procedure, please see below for details of our Anti-Bribery and Corruption Policy);
2. Failing to comply with legal or professional obligations;
3. Miscarriages of justice;
4. Dangers to the Health and Safety of any individual;
5. Damage to the Environment;
6. Succeeding or attempting to conceal any of the above;

This Policy also covers matters that relate to Modern Slavery (please see our Anti-Modern Slavery Statement for more information).

There is also a requirement that disclosures should be “in the public interest” and made with honest intentions to guard against any whistleblowing claim being made for purely private matters.

#### **5. Our Guarantee**

The Policy reflects the requirements of the Public Interest Disclosure Act (PIDA), which introduced statutory protection against dismissal and victimisation for all employees who speak out about concerns in the workplace.

The Company is committed to the principles set out in our Policy. If an employee uses this Policy to raise a concern, the Company gives them its assurance that they will not suffer any form of retribution or detrimental treatment. The Company will treat their concern seriously and act according to this Policy.

#### **6. Confidentiality**

We hope that staff will feel able to voice whistleblowing concerns openly under this Policy. However, if an individual asks for the matter to be dealt with confidentially, the Company will respect this and make every effort to keep identities private. If it is necessary to know the identity of an individual in order to investigate their concern we will discuss this appropriately. If, for example, disciplinary or other proceedings follow the investigation, it

may not be possible to take action, unless the individual acts as a witness. If they choose to agree to this, they will be offered advice and support.

We don't encourage staff to make disclosures anonymously. Proper investigation may be more difficult or even impossible if we cannot obtain further information from you. It is also more difficult to establish whether any allegations are credible. Whistleblowers who are concerned about possible reprisals if their identity is revealed, should come forward to the Whistleblowing Officer (or any of the other contacts listed below) who will take appropriate steps to preserve confidentiality.

## **7. Procedure for Raising a Concern**

If an individual is concerned about any form of malpractice covered by this policy, the individual should ideally raise this issue with their line manager in the first instance.

However, if an individual feels that they cannot discuss this issue with their line manager, for any reason, they can raise the matter with their Regional Managing Director, Regional Chairman if they are based in one of our regional businesses. If a Group colleague, then issues can be raised with the respective Group Director, or the CFO, Richard Stenhouse, where an individual feels unable to raise the issue with their line manager. If an individual has raised concerns and still feels as though nothing is being done, or they consider the issue is so serious that they feel they cannot discuss with the people named above, they should contact the Group Company Secretary, Rachel Cowper.

At any time during this process the Whistleblower can raise the issue internally with the Company's Whistleblowing Officer (Group HR Director Kathryn Galtress).

If the individual is raising an issue relating to bribery and/or corruption, they must instead raise their concern directly with their respective Regional Chairman, Scott Varley or Mark Cook, or with the CFO, Richard Stenhouse for Group (please see our Anti-Bribery and Corruption Policy for more information).

## **8. Responding to Concerns Raised**

The Company is committed to ensuring that anything reported will be dealt with appropriately, consistently, fairly and professionally.

The Company will arrange a meeting as soon as possible to discuss the concern raised. The individual may bring along another colleague or union representative to any meeting that takes place. Some of these meetings may be held over the phone rather than in person. The company may ask for further information about the concern raised.

Following the conclusion of the meeting the Company will decide how they wish to respond. Usually this will involve making initial internal enquiries first, but it may be necessary to carry out an investigation at a later stage, this may be either formal or informal depending on the nature of the concerns raised.

Depending on the seriousness and scale, the Company may log the concern raised in the Group's Whistleblowing Register.

The Company will keep the individual who raised the concern informed of the progress and conclusion of any investigation carried out, giving an indication of timescales where possible, but the Company will not be able to inform the individual of any matters which would infringe any duty of confidentiality to others.

## **9. Raising Your Concern Externally (Exceptional Cases)**

The main purpose of this Policy is to give our staff the mechanism to raise concerns internally with appropriate protection. The Company expects that in almost all cases, raising concerns internally is the most appropriate course of action.

However, if an individual truly feels they cannot reasonably raise their concerns internally and they believe the information and any allegations are substantially true, the law recognises that it may be appropriate for them to raise the matter with another prescribed person, such as a regulator, professional body or an MP. A list of the relevant people and bodies for this purpose and the areas for which they are responsible is available from Public Concern at Work (see contact information below).

## **10. Deterring disclosures and false allegations**

Deterring any employee from reporting a legitimate concern is viewed as a serious offence. Any employee found to be deterring another employee will be subject to disciplinary action, which could result in dismissal.

The reporting of false or malicious allegations is deemed to be a serious disciplinary offence. Any employee found to have made a malicious or deliberately false allegation may be subject to disciplinary action, which could result in dismissal.

## **11. Responsibility for implementation of the Policy**

**All employees and other workers are individually responsible for:**

- respecting and acting in accordance with this Policy
- in making any disclosure, informing the Company if there is a direct personal interest in the matter.

**Managers and supervising personnel of the Company are responsible for taking reasonably practicable steps to:**

- encourage a positive open working culture for employees and workers to express easily their concerns easily;
- refer concerns raised under this whistleblowing procedure to Human Resources;
- work with Human Resources to ensure the Company meets its obligations under the Policy such that the Company investigates any concerns raised under the Policy objectively and thoroughly, supporting the resolution of issues as expeditiously as possible.

**Human Resources Department is responsible for:**

- acknowledging receipt of disclosure to the individual formally raising a concern
- indicating, where possible, how management proposes to investigate the disclosure and the likely timescales;
- keeping the individual informed of progress on a regular basis;
- supporting the resolution of issues as expeditiously as possible;
- maintaining a confidential log to assess the effectiveness of the Policy and any emerging trends
- providing periodic anonymised reports on disclosures to the Chairman and the Group Company Secretary & General Counsel;
- Keeping the policy under review.

**12. Contact Information**

Please see below the contact information for anyone named within this Policy, if the person you are seeking to contact is not on this list, all contact information can be found on the Company's Intranet.

Name of regulator	Contact details
Whistleblowing Officer - Kathryn Galtress	Email: <a href="mailto:Kathryn.galtress@avanthomes.co.uk">Kathryn.galtress@avanthomes.co.uk</a> Telephone: 07881515262
CFO – Richard Stenhouse	Email: <a href="mailto:Richard.stenhouse@avanthomes.co.uk">Richard.stenhouse@avanthomes.co.uk</a> Telephone: 07771868889
Regional Chairman (Scotland, NE & Yorkshire) – Scott Varley	Email: <a href="mailto:Scott.varley@avanthomes.co.uk">Scott.varley@avanthomes.co.uk</a> Telephone: 07970364792
Regional Chairman (Central, Midlands and NW) – Mark Cook	Email: <a href="mailto:Mark.cook@avanthomes.co.uk">Mark.cook@avanthomes.co.uk</a> Telephone: 07957837490

**13. Independent Advice**

Any individual wishing to take independent advice at any stage of the process may contact the independent charity - Public Concern at Work ([www.pcaw.co.uk](http://www.pcaw.co.uk)) on 0207 404 6609, or email [helpline@pcaw.co.uk](mailto:helpline@pcaw.co.uk): They provide free and confidential advice on whistle blowing matters. Individuals are reminded not to disclose any confidential information they have received from Public Concern at Work.