

## **Blochairn Housing Association**

### **Whistleblowing Policy**

#### **Introduction**

Blochairn Housing Association is committed to the highest standards of openness, integrity and accountability. As employees and committee members are often the first to realise that there may be something seriously wrong, we expect those who have serious concerns about any aspect of our work to come forward and speak up without fear of reprisal. Therefore, we recognise that it is an important aspect of accountability and transparency to provide a mechanism to ensure that no employee, committee member or other interested party feels at a disadvantage in raising legitimate concerns.

The Public Interest Disclosure Act, 1998, gives legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns. These concerns must be made in the 'public interest' as per the Enterprise and Regulatory Act 2013, in addition, if a disclosure is not made in 'good faith', this will still be considered by an employment tribunal but compensation can be reduced by up to 25% in such circumstances.

Employers may also be held vicariously liable for workers who victimise colleagues for making a disclosure. We will take all reasonable steps to protect workers from being victimised.

All employees, committee members and others working for or acting on behalf of the Association are covered by this policy. The policy also applies to suppliers and those providing services under a contract.

A customer, member of the public or other service user, should raise any concerns regarding "Whistleblowing" directly with the Director or in writing marked 'Private and Confidential'.

#### **General Data Protection Regulations:**

We will treat personal data in line with its obligations under the current data protection regulations. Information regarding how data will be used and the basis for processing data is provided in our privacy notice.

#### **Scope of Policy**

This policy is designed to enable employees and committee members to raise concerns internally and at a high level to disclose information that the individual believes shows malpractice or impropriety. A number of policies are already in place, including disciplinary and grievance procedures. This policy is intended to cover concerns that are in the public interest and may (at least initially) be investigated separately, but may lead to the instigation of other procedures.

These concerns might include:

- Financial malpractice, impropriety or fraud
- Failure to comply with a legal obligation or Statutes
- Dangers to health and safety or the environment
- Criminal activity involving the Association, its staff, committee members or others
- Professional malpractice
- Improper conduct or unethical behaviour
- Failure to meet legal obligations
- Abuse of power or status
- Deliberate attempts to conceal any of the above

## **Legal Framework**

- Public Interest Disclosure Act 1998
- Enterprise & Regulatory Act 2013

## **Safeguards**

- **Protection**

This policy is designed to offer protection to those our employees who disclose such concerns provided the disclosure is made:

- in the public interest.
- to an appropriate person/body; and
- that the individual has reasonable belief in the validity of the concerns being raised.

We will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect the individual when they raise a concern with the above provisions acknowledged.

- **Confidentiality**

All concerns will be treated in confidence and every effort will be made not to reveal the individual's identity if they so wish. However, at the appropriate time the individual may need to come forward as a witness.

- **Anonymous Allegations**

This policy encourages individuals to put their names to any disclosures they make. Concerns expressed anonymously are much less robust, but may, nevertheless, be considered at the Association's discretion.

- **Untrue Allegations**

If an individual makes an allegation that is not confirmed by the subsequent investigation, it is probable that no action will be taken against them. However, if the individual makes an allegation that is deemed to be made 'in bad faith' i.e. frivolously, maliciously or for personal gain, disciplinary action may be taken against them and this may be up to and including dismissal. It should also be noted that under the provisions of the Enterprise and Regulatory Act 2013, if a disclosure is not made in 'good faith' this will still be considered by an employment tribunal but compensation can be reduced by up to 25% in such circumstances.

## **Raising a Concern**

- **First Step**

The individual should raise concerns with the Director.

Complaints will be investigated by the Director unless the complaint is against the Director or is in any way related to their actions. Where the complaint is related to the Director it should be addressed to the Chairperson of the Management Committee who will initially seek advice from Employers in Voluntary Housing.

Although the individual is not expected to prove beyond doubt the truth of an allegation, they will need to demonstrate that there are reasonable grounds for their concern.

The earlier the individual expresses their concern, the easier it is to action. The amount of contact between the persons considering the issues and the individual will depend on the nature of the matters raised, the potential difficulties involved and the

clarity of the information provided. If necessary, the Association will seek further information from the individual concerned.

Where a meeting is arranged, the individual can be accompanied by a trade union representative and also have the meeting off-site if they so wish.

- **Process**

On receipt of a disclosure the appropriate person will launch an investigation. Depending on the circumstances surrounding the investigation appropriate action will be taken in accordance existing policies and procedures.

- **Timescales**

Once the investigation is completed we will write to the person who raised the concern as soon as possible and:

- acknowledge that the concern has been received;
- indicate how the matter will be dealt with;
- give an estimate of how long it will take to provide a final response;
- provide information on staff support mechanisms;
- say whether further investigation will take place and, if not, explain why

### **Outcome of Investigation**

Once the investigation has been completed a decision on what action to take will be considered. If there are reasonable grounds to substantiate the complaint, an appropriate procedure will be initiated. This will be proportionate to the situation and may include referral to an external body or regulator.

Where an individual feels that their concern has not been dealt with appropriately, they can appeal the decision to the Management Committee. If, after appeal, the individual is still not satisfied with the outcome, they can raise the issue with the appropriate external regulatory body:

- Scottish Housing Regulator
- Glasgow City Council
- Health and Safety Executive
- ACAS
- Public Concern at Work
- A Trades Union

**18 June 2019**