



Whistleblowing Policy

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Policy Author:	Kenny Stocks
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Scottish Housing Regulator Standard:	5
Scottish Housing Regulator Guidance:	5.6

WHISTLEBLOWING POLICY

Ardenglen Housing Association can provide this procedure on request, in large print, in Braille, on tape or in other non-written format, and in a variety of languages.

1. INTRODUCTION

- 1.1 A whistleblower can be defined as being a person who informs on someone or who puts a stop to something. In a workplace, the term is used to describe a person who has serious concerns about practices or conduct, and decides to report these to a person or persons who they believe will be in a position to deal with this. Similarly, the term would be used to describe any person, e.g. an applicant, a tenant or their relative, a contractor, or a representative from any outside agency who believes that there have been instances of improper conduct or malpractice.
- 1.2 The Ardenglen Group ('the Group'), comprising Ardenglen Housing Association as the parent and Ardenglen Developments as a subsidiary, is committed to the highest standards of openness, probity and accountability and encourages a culture of openness which enables staff or any other persons who have concerns to express these without fear that they will then be victimised.
- 1.3 Regulatory Standard 5 states that an RSL must "*conduct its affairs with honesty and integrity*" To ensure this, the Association has clear policy and procedures in place which make sure the organisation acts with transparency, honesty and propriety and avoids any public perception of improper conduct.
- 1.4 This policy recognises the provisions of the Public Interest Disclosure Act 1998, and The Enterprise and Regulatory Reform Act 2013. In particular it acknowledges the legal protections against dismissal or detriment offered to employees and other workers who raise concerns in the public interest.

2. POLICY STATEMENT

- 2.1 ***The aim of this policy is to provide a framework which enables staff, Committee Members or any other person to raise any serious concerns relating to conduct or practices within Ardenglen; and to do so in confidence without fear of reprisal. This includes a summary of the process and principles that will guide internal investigations and response.***

3. SCOPE OF THE POLICY

- 3.1 This policy is designed to enable employees of Ardenglen to raise concerns internally and at a high level to disclose information that the individual believes shows malpractice or impropriety. A number of policies and procedures are already in place, including grievance, dignity at work, and discipline.

This policy is intended to cover concerns that might be in the public interest and may (at least initially) be investigated separately, but might then lead to the commencement of such procedures. These concerns might include:

- financial malpractice, impropriety or fraud
- falsifying records
- failure to comply with a legal obligation or Statutes
- dangers to health and safety or the environment
- breaches of confidentiality
- offering or accepting bribes or other inducements
- harassment, bullying and violence of any kind in the workplace
- criminal activity
- a miscarriage of justice
- professional malpractice
- improper conduct or unethical behaviour
- attempts to conceal any of the above

3.2 The above list is not exhaustive but is intended to indicate types of behaviour and action Ardenglen would find unacceptable and within the scope of this policy.

4. PROTECTION

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

- in good faith;
- to an appropriate person/body; and
- in the reasonable belief of the individual making the disclosure that it tends to show malpractice or impropriety.

4.2 Ardenglen will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect the individual when they raise a concern in good faith.

5. CONFIDENTIALITY

5.1 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.

6. ANONYMOUS ALLEGATIONS

6.1 This policy encourages individuals to put their names to any disclosures they make. Concerns expressed anonymously are much less powerful, but will be considered at the discretion of Ardenglen.

7. UNTRUE ALLEGATIONS

- 7.1 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.
- 7.2 If, however, 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.
- 7.3 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

8. RAISING A CONCERN

- 8.1 The individual should raise concerns with their immediate line manager. If the matter concerns their immediate line manager they should speak to another manager. This information will be passed on as soon as possible to the Chief Executive.
- 8.2 Any complaints will be investigated by the Chief Executive unless the complaint is against the Chief Executive or is in any way related to their actions. Where the complaint is related to the Chief Executive, it should be addressed to the Chairperson of the Board who will in turn appoint an independent person to investigate the allegations.
- 8.3 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.
- 8.4 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, Ardenglen will seek further information from the individual concerned.
- 8.5 Where any meeting is arranged, the individual can be accompanied by a trade union representative and also have the meeting off-site if they so wish.

9. PROCESS

- 9.1 On receipt of a disclosure the appropriate person will launch an investigation.
- 9.2 Depending on the circumstances surrounding the investigation appropriate action will be taken in accordance with Ardenglen's existing policies and procedures.

10. TIMESCALES

10.1 Once the investigator has completed the investigation it will be given to the individual who instructed the investigation. They will then 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;
- supply the individual with information on staff support mechanisms; and inform the individual whether further investigations will take place and if not, explain why.

11. OUTCOME OF INVESTIGATIONS

11.1 Once the investigation has been completed and the report is received by the Chairperson, 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 may also include referral to an external body or regulator.

11.2 Where an individual feels that their concern has not been dealt with appropriately, they can appeal the decision internally to the Chair of the Audit Committee (who should not be an office bearer). If, after appealing internally the individual is still not satisfied with the outcome, they can raise the issue with the appropriate external regulatory body as outlined in Appendix 1.

12. TRAINING

12.1 The Association through its Internal Management Plan is committed to training and developing staff and committee members to their full potential in order to deliver a high quality of service in all areas of its business.

12.2 The Board induction programme includes an overview of this policy, including responsibilities for the promotion and delivery of openness and confidentiality as relevant to their job descriptions. Committee members will receive updates on these issues and specific training as required.

13. EQUALITIES AND DIVERSITY

13.1 This policy will be implemented in line with our Equality and Diversity Policy and is subject to an Equality Impact Assessment to assess the likely or actual effects of the policy to our customers in respect of their disability, age, gender, race, religion/belief, sexual orientation or gender identity to ensure equal and fair access for all.

14. MONITORING AND REPORTING

14.1 The Association will use appeals, complaints, comments or suggestions from users of this policy to monitor its effectiveness. These will also be used to prompt a review of the policy where necessary.

15. REVIEW

15.1 This Policy will be approved by the Board. It will be reviewed every three years unless amendment is prompted by a change in legislation, or monitoring and reporting reveals that a change in Policy is required sooner.

16. DISTRIBUTION

16.1 This policy will be made available to every employee and committee member and will be made freely available to any tenant or interested party.

17. LEGAL FRAMEWORK

- Public Interest Disclosure Act 1998
- Enterprise & Regulatory Act 2013
- The Bribery Act 2010

18. RELATED POLICIES

- Standing Orders
- Code of Conduct
- Control of Payments & Benefits
- Anti Bribery Policy
- Governing Body Expenses
- Gifts and Hospitality Policy
- Financial Regulations
- Personal Relationships at Work Policy
- Equalities and Diversity Policy
- Committee Code of Conduct
- Terms and Conditions of Employment

--- END OF POLICY ---

Appendix 1

List of Prescribed Persons

The Scottish Housing Regulator

Buchanan House
58 Port Dundas Road
GLASGOW G4 0HF
Telephone: 0141 242 5642
Email: shr@scottishhousingregulator.gsi.gov.uk

Glasgow City Council: Environmental & Public Health

Tel: 0845 270 1558

Health and Safety Executive

Tel: 0845 345 0055

Scottish Executive

Tel (general): 0131 556 8400

Further Sources of Information

ACAS

Helpline: 08457 47 47 47

Public Concern at Work

Tel (general): 020 7404 6609

UNITE (Trade Union) You may also speak to your work place representative.

Tel: 0845 345 0141

