

# Whistleblowing Policy

<b>Policy Implementation Checklist</b>	
Policy Guardian	Chief Executive Officer
Policy Author	Corporate Services Manager
Policy Title:	Whistleblowing
Approved by Chief Executive on:	6 June 2017
Approved by Linthouse Management Committee on	6 June 2017
Effective from:	01 August 2017
Due for Review on	June 2020
SHR Regulatory Framework: Regulation of Social Housing in Scotland	Governance and Financial Management: Regulatory Standard No.5 <i>'The RSL conducts its affairs with honesty and integrity.'</i>
Policy Linkages:	<ul style="list-style-type: none"> <li>• Anti- Bribery Policy</li> <li>• Anti- Fraud Policy</li> <li>• Standing Orders</li> <li>• Code of Conduct for Staff</li> <li>• Code of Conduct for Management Committee Members</li> <li>• Notifiable Events Policy</li> </ul>
Training Completed on:	20 September 2017
Posted on Website on:	
Staff Sign off as Read and Training Completed	20 September 2017
Management Committee Sign off as Read and Training Completed	20 September 2017

# Whistleblowing Policy

<b>Contents</b>	<b>Page</b>
1. Introduction	3
2. Policy Statement	4
3. Scope of the Policy	4
4. Improper Behaviour	4
5. Protection	5
6. Confidentiality	5
7. Anonymous Allegations	6
8. Untrue Allegations	6
9. Raising a Concern	6
0. Process	8
1. Timescales	8
2. Outcome of Investigation	8
3. Training	9
4. Equalities	9
5. Monitoring and Review	9
6. Review	9
7. Distribution	9
8. Legal Framework	9
9. Appendix 1	10

# Whistleblowing Policy

## 1. Introduction:

1.1 Linthouse Housing Association (LHA) 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.

1.2 LHA is committed to the following values:

- Customer Driven – We are committed to providing a quality, customer focused service that demonstrates value for money, delivered by professional and caring staff.
- Honest – Our Committee and staff team are all bound by clear Codes of Conduct to make sure we not only do our jobs openly, honestly and to the highest standards of probity, but that we manage and declare any real or perceived conflicts of interest.
- Accountable – Our Committee as the governing body and our leadership team will provide strong leadership and oversight, ensuring tenant, ensuring tenant and other service user interests are protected and at the forefront of all that we do.
- Transparent – We will ensure that our actions are transparent and will publicise information on how we are performing, welcoming challenge and feedback to continuously improve the effectiveness and relevance of the service we provide.

1.3 The Scottish Housing Regulator requires an RSL to conduct its affairs with honesty and integrity. The Regulator expects all RSLs to have a whistleblowing policy in place which tells both staff and Management Committee members how they can safely raise concerns without the fear of reprisal. It also expects RSLs to take any concerns raised seriously and to look properly into the matter.

1.4 Regulatory Standard 5 states that an RSL must “*conduct its affairs with honesty and integrity.*” To ensure this, the Association has clear policies and procedures in place which make sure the organisation acts with transparency, honesty and propriety and avoids any public perception of improper conduct.

1.5 A whistle-blower 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.

1.6 This policy recognises the provisions of the Public Interest Disclosure Act 1998 (PIDA) 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. This means that you should not be treated less favourably for making the disclosure, if it is made in good faith, and you reasonably believe that the information is true.

## **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 LHA; 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 Policy:**

3.1 This policy is designed to enable employees of LHA to raise concerns internally and at a high level to disclose information that the individual believes displays malpractice or impropriety. 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

## **4. Improper Behaviour**

4.1 LHA expects its staff members to carry out their work activities to the highest possible standards and to the best of their capabilities. Similarly, staff and Management Committee members must not act in any way which could jeopardise the reputation and well-being of the organisation or the Scottish social housing sector as a whole. Action and behaviour which LHA

deems as being unacceptable includes:

- failure to comply with the LHA's Policies and current legislation
- failure to comply with the LHA'S Codes of Conduct for Employees and Management Committee Members
- fraud
- falsifying records
- offering or accepting bribes or other inducements
- non-disclosure of interests
- breaches of confidentiality
- failure to identify Health & Safety hazards and/or failure to rectify these
- harassment, bullying and violence of any kind in the workplace
- use of discriminating practices or actions
- gross incompetence
- gross negligence of duties and responsibilities
- improper behaviour towards tenants or acting on behalf of tenants in personal matters, particularly financial matters

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

## **5. Protection:**

5.1 This policy is designed to offer protection to those employees of LHA 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.

5.2 LHA 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. (N.B. Workers who 'blow the whistle' on wrongdoing in the workplace can claim unfair dismissal if they are dismissed or victimised for doing so.)

5.3 The investigating officer will take appropriate advice from LHA legal advisers in terms of ensuring compliance with the law. This is to ensure the protection of the Whistle-blower or any person about whom allegations have been made in good faith.

## **6. Confidentiality:**

6.1 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.

## **7. Anonymous Allegations:**

7.1 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 LHA.

## **8. Untrue Allegations:**

8.1 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.

8.2 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.

8.3 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.

## **9. Raising a Concern:**

9.1 The individual should raise concerns with their immediate line manager. This information will be passed on as soon possible to the Chief Executive. If the whistleblowing issue concerns an individual's line manager, the whistle-blower should raise the matter with the Chief Executive Officer (CEO).

9.2 Any complaints will be investigated by the Chief Executive Officer (CEO) unless the complaint is against the CEO or is in any way related to their actions. Where the complaint is related to the CEO, it should be addressed to the Chairperson of the Management Committee who will in turn appoint an independent person to investigate the allegations.

9.3 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.

9.4 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, LHA will seek further information from the individual concerned.

9.5 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.

9.6 In some circumstances, individuals may feel uncomfortable about raising a concern within Linthouse Housing Association. If they wish, they may raise the matter with the Scottish Housing Regulator (SHR):

Scottish Housing Regulator  
Buchanan House,  
58 Port Dundas Road  
Glasgow  
G4 0HF  
Telephone: **0141 242 5642**  
Email: [shr@scottishhousingregulator.gsi.gov.uk](mailto:shr@scottishhousingregulator.gsi.gov.uk).

9.7 If you wish to raise a concern about a how a care service is being provided and you feel unhappy about doing this directly with Linthouse Housing Association. You can raise this directly with the Care Inspectorate in Scotland by:

- Writing to the Care Inspectorate at their head office:

Care Inspectorate  
Compass House  
11 Riverside Dr,  
Dundee  
DD1 4NY

- Calling their national enquiries line on 0345 600 9527
- Filling in the complaints form online at [www.careinspectorate.com](http://www.careinspectorate.com)

9.8 As Linthouse Housing Association is also a registered charity (SC 028161) you can also raise any concerns that you may have about its charitable status with the Office of the Scottish Charities Regulator (OSCR) by:

- Writing to OSCR at their head office:

OSCR,  
2nd Floor, Quadrant House,  
9 Riverside Drive,  
Dundee  
DD1 4NY

- Calling the OSCR general enquiries line on 01382 220446
- Using their online concern form by visiting their website: [www.oscr.org.uk](http://www.oscr.org.uk)

9.7 It should also be noted that whistleblowing allegations fall within the definition

of a Notifiable Event. As such, SHR will be informed of the issue, in accordance with the Association's policy on Notifiable Events, and may take regulatory action in relation to the matter. In turn, this may necessitate Management Committee Members' involvement.

## **10. Process:**

10.1 LHA will treat all concerns raised under this policy seriously and sensitively, taking a balanced and fair approach, and in as confidential a manner as possible.

10.2 On receipt of a disclosure the appropriate person will launch an investigation.

10.3 Depending on the circumstances surrounding the investigation appropriate action will be taken in accordance with LHA's existing policies and procedures.

## **11. Timescales:**

11.1 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.

## **12. Outcome of Investigations:**

12.1 Once the investigation has been completed and the report is received by the Chief Executive Officer (CEO), or where the CEO is the subject of the complaint 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.

12.2 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 and Risk Sub-Committee (who should not be the Chairperson of the Association). 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**.



### **13. Training:**

13.1 LHA through its Business Plan and associated Implementation and Action plans is committed to training and developing staff and Management Committee members to their full potential in order to deliver a high quality of service in all areas of its business.

13.2 The Management Committee induction programme will include 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.

### **14. Equalities:**

14.1 This policy will be implemented in line with our Equalities Policy and will be subject to an Equality Impact Assessment to assess the likely or actual effects of the policy on 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.

### **15. Monitoring and Review:**

15.1 All instances of Whistleblowing and associated investigations will be properly recorded and documented. Relevant details will be reported to LHA's Management Committee either where approval for a course of action is required; for information; or as part of periodic statistical reporting.

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.

### **16. Review:**

16.1 This Policy will be approved by the Management Committee. 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.

### **17. Distribution:**

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

### **18. Legal Framework:**

- Public Interest Disclosure Act 1998
- Enterprise and Regulatory Act 2013
- Bribery Act 2010

## **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](mailto:shr@scottishhousingregulator.gsi.gov.uk).

- **The Care Inspectorate**

Compass House  
11 Riverside Dr,  
Dundee  
DD1 4NY  
Telephone: 0345 600 9527  
[Email: enquiries@careinspectorate.com](mailto:enquiries@careinspectorate.com)

- **Office of the Scottish Charities Regulator (OSCR)**

2nd Floor, Quadrant House,  
9 Riverside Drive,  
Dundee  
DD1 4NY  
Telephone: 01382 220446  
Email: [info@oscr.org.uk](mailto:info@oscr.org.uk)

- **Glasgow City Council: Environmental & Public Health**

Tel: 0845 270 1558

- **Health and Safety Executive**

Tel: 0845 345 0055

### **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