



## **Dunbritton Housing Association Limited**

<b>Name of Policy</b>	<b>Whistleblowing</b>
<b>Responsible Officer</b>	<b>Corporate Services Manager</b>
<b>Date approved by Board</b>	<b>24 November 21</b>
<b>Date of next Review</b>	<b>November 24</b>
<b>Section</b>	<b>Corporate Services</b>
<b>Reference</b>	<b>C 14</b>

**We can produce information, on request, in large print, Braille, tape and on disc. It is also available in other languages. If you need information in any of these formats, please contact us on 01389 761486**

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## **1. Introduction**

1.1 Dunbritton Housing Association is committed to the highest standards of openness, probity, and accountability. As employees are often the first to realise that there may be something seriously wrong, we expect those who have serious concerns about any aspect of the Association's 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, Board/Committee member or stakeholder of the Association feels at a disadvantage in raising legitimate concerns.

1.2 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.

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

1.4 All employees, Board/Committee and stakeholders working for or acting on behalf of the Association are covered by this policy. The policy also applies to suppliers and anyone providing services under a contract.

1.5 If you are a customer, member of the public or other service user, you should raise any concerns regarding "Whistleblowing" directly with the Chief Executive Officer, or in writing marked 'Private and Confidential' FAO the Chief Executive Officer.

## **2. Scope of Policy**

2.1 This policy is designed to enable our employees 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 dignity at work, and 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 staff, Board/Committee members or stakeholders
- 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

### **3. Legal Framework**

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

### **4. Safeguards**

#### 4.1 Protection

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

- In the public interest.
- To an appropriate person/body; and
- That the individual has a reasonable belief in the validity of the concerns being raised.

The Association 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.

#### 4.2 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.

#### 4.3 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 discretion of the Association.

#### 4.4 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.

### **5. Raising a Concern (see diagram at Appendix 2)**

#### 5.1 First Step

The individual should raise concerns with their immediate line manager, unless the complaint is with regards to their line manager, in which case the concern shall be raised with the Corporate Services Manager. This information will be passed on as soon possible to the Chief Executive.

Where a complaint is with regards to the Chief Executive, these should be made directly to the Chair of the Board.

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 Management Board who will in turn appoint an independent person to investigate the allegations.

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, we will seek further information from the individual concerned.

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.

## 5.2 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 with our existing policies and procedures.

## 5.3 Timescales

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

## **6. Outcome of Investigation**

6.1 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.

6.2 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. 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.

## **7. Other Related Policies**

- Declaration of Interests
- Gifts, Hospitality and Donations
- Health and Safety
- Equal Opportunities

- Staff Code of Conduct
- Board Members Code of Conduct
- Personal Relationships at Work

## **8. Equality and Diversity.**

8.1 As a service provider and employer, we recognise the requirements of the Equality Act 2010, oppose any form of discrimination and will treat all customers, internal and external, with dignity and respect. We recognise diversity and will ensure that all of our actions ensure accessibility and reduce barriers to employment and the services we provide.

## **Appendix 1 - List of Prescribed Organisations.**

Scottish Housing Regulator  
Europa Building 450 Argyle Street Glasgow  
G2 8LG  
Telephone: 0141 242 5864 [www.scottishhousingregulator.gov.uk](http://www.scottishhousingregulator.gov.uk)

Environmental Protection Services  
Glasgow City Council 231 George St  
G1 1RX  
Telephone: 0141 287 5703/5937

Health and Safety Executive  
Health & Safety Executive  
Area Office-Scotland West, 375 West George Street Glasgow  
G2 4LW  
Telephone: 0141 275 3000

### Further Sources of Information

ACAS  
Helpline: 08457 47 47 47 [www.acas.org.uk](http://www.acas.org.uk)

Public Concern at Work  
Tel (general): 0207 404 6609

Trade Union  
UNITE Scotland John Smith House  
145-165 West Regent Street Glasgow  
G2 4RZ  
Tel: 0141 404 5424

## Appendix 2: Raising a Concern

