



# REIDVALE HOUSING ASSOCIATION

## Whistleblowing Policy

Policy Approved	27.11.19
Due for Review	Nov. 2024
Author	

## POLICY SUMMARY

<b>Purpose:</b>	
<b>Guidance:</b>	
<b>Regulatory Compliance</b>	
<b>Financial Impact</b>	
<b>Risk Assessment</b>	
<b>Date Reviewed:</b>	
<b>Date approved by Management Committee:</b>	

## 1. INTRODUCTION

- 1.1 Reidvale Housing Association recognise that our staff and committee will very often be the first to see or suspect misconduct or wrongdoing. While very often it may be innocent, it could turn out to be fraud on our organisation, be a potential public danger, or some other form of serious malpractice.
- 1.2 We wish to encourage all our staff and committee, at all levels, to keep their eyes open and to raise such concerns in a sound way to demonstrate and ensure good practice in all our activities.
- 1.3 Reidvale Housing Association wishes to make it clear to our tenants, our staff, local communities and various partners, that those who attempt to defraud us or who are reckless about our good reputation will not get away with it.
- 1.4 For the purposes of this policy, we consider that examples of potential malpractice in a housing association would include:
- Fraud, corruption, negligence, danger to health and safety, administrative breach (e.g. allocations), abuse of those in care, public safety issues, discrimination, pollution, unethical conduct and the cover up of any of these.
- 1.5 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 be considered by an employment tribunal but compensation can be reduced by up to 25% in such circumstances.
- 1.6 This policy outlines:
- Our commitment to openness and good communications
  - The ways of raising concerns in the workplace for our staff
  - The availability of support to those raising issues of concern
  - That we will be as hard on those who make malicious allegations, as with any other wrong doing.
- 1.7 This procedure should not be confused with the Grievance Procedure which should be used where the employees are aggrieved with their personal position. Tenants who are aggrieved about their individual situations should use the Complaints Procedure.

## **2. EQUAL OPPORTUNITIES**

- 2.1 The Association is committed to providing fair and equitable treatment to all of our stakeholders. We will not discriminate against any on the grounds of race, colour, ethnic or national origin, language, religion, belief, age, gender, sexual orientation, marital status, physical ability and mental health.

To ensure equal access to the information contained in this policy we are happy to provide copies free of charge in Braille, large print, translated into other languages or put onto audio tape.

## **3. COMMUNICATIONS AND OPENNESS**

- 3.1 This policy will be provided to every employee and committee member of Reidvale Housing Association, will be discussed at staff and committee induction, staff meetings and wherever else appropriate.
- 3.2 Reidvale Housing Association has a proven track record - we wish to protect our good name, and to root out anyone who would threaten it.
- 3.3 We consider that our employees have a considerable contribution to make in the development of our organisation and ensuring a constantly improving quality of service. Their contribution can be ensured by good communications throughout the organisation enabling them to raise good ideas and concerns without fear or favour.
- 3.4 The Association has developed policies which meet the requirements of the law, our regulator (the Scottish Housing Regulator) and good practice in housing and employment.

## 4. RAISING CONCERNS WITHIN THE WORKPLACE

- 4.1 Any employee or committee member who has a concern should raise it first with their Line Manager. The Depute Director or Director will be available to all staff, if that is more appropriate, or Chair of Committee.
- 4.2 Employees and committee members should be assured that the Management Committee will support all those who have an honest and reasonable suspicion that malpractice has occurred, is occurring, or is likely to occur. They will be promised confidentially, if they so request, and be protected from reprisals.
- 4.3 Where an employee feels that they cannot raise concern with their line Manager or the Depute Director/Director, it can be raised with the Chair or Secretary of the Committee, in confidence.
- 4.4 Staff can also obtain advice regarding raising any concerns, again in confidence, by contacting their trade union (Unite on 0141 404 5424 or email: [scotland@unitetheunion.org.uk](mailto:scotland@unitetheunion.org.uk)) or the charity, Protect (formerly Public Concern at Work) tel. 020 3117 2520 or email: [whistle@protect-advice.org.uk](mailto:whistle@protect-advice.org.uk)).
- 4.5 In some circumstances, individuals may feel uncomfortable about raising a concern within the Association. If they wish they may raise the matter with the Scottish Housing Regulator (SHR) at Buchanan House, 58 Port Dundas Road, Glasgow G4 0HF tel. 0141.242.5642 or email [shr@shr.gov.scot](mailto:shr@shr.gov.scot).
- 4.6 It should be noted that whistleblowing allegations are a notifiable event and the Association will make the Scottish Housing Regulator aware of the concerns raised and the actions being taken to investigate and deal with the issues raised.

## 5. WHAT THE ASSOCIATION WILL UNDERTAKE

- 5.1 The Association will undertake an initial assessment of the concern raised to determine whether an investigation is appropriate and what form this should take.
- 5.2 Investigations may need to be carried out under terms of strict confidentiality, i.e. by not informing the subject of the complaint until (or if) it becomes necessary to do so. In certain cases, however, such as allegations of ill treatment of others, suspension from work may have to be considered immediately. Protection of individuals is paramount to the Association in all cases.
- 5.3 Where appropriate, the matters raised may:
- Be investigated by the Director; Chairperson; internal audit or through the Disciplinary/Grievance process;
  - be referred to the police;
  - be referred to the external auditor; and,
  - form the subject of an independent inquiry.

### 5.4 Timescales

Within 10 working days a report assessing the concerns raised will be reviewed by the Director and/or the Chairperson. The Association will then write to the whistle blower who raised the concern and:

- Acknowledge that the concern has been received and assessed;
- indicate how the matter will be dealt with;
- give an estimate of how long it will take to provide any further response;
- supply the individual with information on staff support mechanisms; and tell the individual whether further investigations will take place and if not, explain why; and,
- report to the Management Committee at the next meeting or earlier depending on the severity of the issue raised by the whistle blower.

### 5.5 Outcome of Investigations

Once an investigation has been completed and the final report is received by the Management Committee, a decision on what action to take will be considered. If there are reasonable grounds to substantiate the complaint, the appropriate procedure will be invoked. This may also include referral to an external body or to the Scottish Housing Regulator.

5.6 Where a whistle blower feels that their concern has not been dealt with appropriately they can appeal the decision internally to the Secretary for consideration by the Management Committee (excluding any members who were part of the original decision making body). If, after appealing internally the individual is still not satisfied with the outcome, they can raise the issue with an appropriate external body eg. SHR, Health and Safety Executive, Protect, the Police, ACAS, Unite, Internal or External Auditors. The Association will provide details of these organisations on request.

## **6. MALICIOUS ALLEGATIONS**

6.1 The Association will be equally firm with those staff or committee members who make false allegations maliciously. They leave themselves open to disciplinary action and even dismissal, or removal from the committee, depending on the circumstances.

6.2 Those making allegations genuinely, and who act reasonably and responsibly, should have no fear of arbitrary decisions by the Association.

6.3 Finally, Reidvale Housing Association hopes never to use the terms of this policy. However, it is essential that where anything goes wrong, we have the opportunity to put it right, and justify the trust placed in us by our tenants, community and partners. Equally, we wish to develop a relationship of trust with all our people. We, therefore, need to know your concerns, and we promise to:

- Respect confidentiality
- Investigate thoroughly
- Provide support, and protection, if necessary
- Agree to report back on the outcome of our investigations
- And, if possible, on any resultant action that is proposed

## **7. DISTRIBUTION AND TRAINING**

This policy will be provided to every employee and committee member and will be discussed at their induction and staff meetings. In addition, the Association will ensure that appropriate training is provided for all staff and committee members.

## **8. POLICY REVIEW**

7.1 This policy will be subject to review every 5 years.

7.2 This policy was agreed by the Management Committee on 27<sup>th</sup> November 2019.