

Pentland Housing Group

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Pentland Housing Group

Whistleblowing Policy

1 Introduction

- 1.1 Pentland Housing Association (PHA) and its subsidiaries (known hereafter as The Group) is committed to the highest standards of openness, probity and accountability. As employees (and others that we deal with) are often the first to realise that there may be something seriously wrong, The Group expects those who have serious concerns about any aspect of The Group's work to come forward and speak up without fear of reprisal. Thus, The Group recognises that it is an important aspect of accountability and transparency to provide a mechanism to ensure that no employee (and other members) of The Group feel at a disadvantage in raising legitimate concerns.
- 1.2 The Public Interest Disclosure Act 1998, which came into effect in 1999, gives legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns.
- 1.3 These procedures are in addition to The Group's complaints procedures and other statutory reporting procedures.
- 1.4 All staff, board members, consultants, contractors, contracted service suppliers, other bodies, agency staff, etc. working for The Group on its premises (internal service providers) are covered by this policy.
- 1.5 If you are a tenant, member of the association, member of the public or other service user, you should normally raise any concerns using the Complaints Policy. If the matter is such that you would be uncomfortable taking this approach, and it clearly falls within the scope of this policy, please write directly to the Chair of Audit Committee, marking the letter "Private & Confidential" for their attention at 37-39 Traill St, Thurso KW14 7HD.

2 Scope of Policy

- 2.1 This policy is designed to enable The Group's internal service providers (see 1.4 above) 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. Staff complaints of a personal nature should be dealt with under the relevant staff policy. 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

- failure to comply with a legal obligation or Statutes
- dangers to health and safety or the environment
- criminal activity
- a miscarriage of justice
- professional malpractice
- improper conduct or unethical behaviour
- attempts to conceal any of the above

3 Safeguards

3.1 Protection

3.1.1 This policy is designed to offer protection to The Group's internal service providers 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.

3.1.2 The Group 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.

3.2 **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.

3.3 **Anonymous Allegations** - This policy encourages individuals to put their names to any disclosures they make. Concerns expressed anonymously are much less robust, but will be considered at the discretion of the PHA Board.

3.4 **Untrue Allegations** - If an individual makes an allegation in good faith that is not confirmed by the subsequent investigation, no action will be taken against that individual. However, if the individual makes an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against the individual concerned.

3.5 **Protection for whistle-blowers** – Anyone found to have been responsible for acts of harassment or victimisation against whistle-blowers may be personally liable for the consequences of their action.

4 How To Raise a Concern

4.1 First Step

4.1.1 The individual should normally raise concerns with their immediate manager or supervisor. This information will be passed on as soon as is reasonably possible to the appropriate designated investigating officer as follows:

- Complaints of malpractice will be investigated by the Chief Executive unless the complaint is against the Chief Executive or is in any way related to the actions of the Chief Executive. In such cases, the complaint should be passed to the Group Chairperson for referral.
- In the case of a complaint that is in any way connected with but not against the Chief Executive, the Group Chairperson will nominate a Senior Manager to act as the alternative investigating officer.
- The complainant has the right to bypass the line management structure and take their complaint direct to the Group Chairperson. The Group Chairperson has the right to refer the complaint back to management if he/she feels that the management, without any conflict of interest, can more appropriately investigate the complaint.
- Complaints that are in anyway connected to the actions of the Group Chairperson or the Chairpersons of the subsidiaries should be taken to the Chair of Audit Committee for referral to an independent party that can investigate the complaint.
- Complaints that are in anyway connected to other Board members including the Vice Chair should be referred to the Group Chair who may refer the matter to whoever he/she feels can more appropriately investigate the complaint without any conflict of interest.
- In all cases a notification will be made to the Scottish Housing Regulator noting that a whistle-blowing complaint has been made and the nature of that complaint and how it will be addressed by the Association.

4.2 Communicating the Disclosure

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

4.2.2 Concerns may be raised verbally or in writing. Any individual making a written report are invited to use the following format:

- The background and history of the concern (giving relevant dates).
- The reason why there is concern about the situation.

4.2.3 The earlier the individual expresses their concern, the easier it is to action. Employees can also gain advice, in confidence, by contacting their Trade Union.

4.3 **Process**

4.3.1 On receipt of a disclosure the Chief Executive or Chairperson or Chair of Audit will consider the information made available to him/her and decide on the form of investigation to be undertaken. This may be to:

- Investigate the matter by management, internal audit, or through the disciplinary process.
- Refer the matter externally to the external auditor or the Police.
- Call for an independent inquiry.

4.3.2 Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

4.4 **Timescales**

4.4.1 The person who will have to reach the decision on the matter should not carry out the investigation. The responsible person will write to the individual concerned within ten working days of a disclosure being made. They will:

- 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;
- tell the individual whether any initial enquiries have been made;
- supply the individual with information on staff support mechanisms; and tell the individual whether further investigations will take place and if not, why not.

4.4.2 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 Group will seek further information from the individual concerned.

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

5 **Outcomes of Investigations**

5.1 Once all facts are established the Chief Executive or Chairperson or Chair of Audit will decide what action to take. If the complaint is justified, then they will invoke the appropriate procedures already existing at The Group.

- 5.2 Alternatively the disclosure may be referred to an external body.
- 5.3 PHA hopes the individual will be satisfied with any action taken. If they are not and feel it is right to take the matter outside The Group, Appendix 1 provides details of a Prescribed Person (the Scottish Housing Regulator) to contact in these circumstances, and Further Sources of Information to contact for information or advice. Public concern at work is an organisation that can be contacted by internal service providers for advice on such matters.

Version 1 – November 2000
Version 2 – November 2003
Version 3 – March 2007
Version 4 – May 2010
Version 5 – September 2014

Appendix 1

Prescribed Persons

Scottish Housing Regulator

Tel: 0141 271 3810

Further Sources of Information

Public Concern at Work

Tel (general): 020 7404 6609

ACAS

Helpline: 08457 47 47 47

Unite Union

Tel: 0141 404 1850