

COR17	ADOPTED: 26.8.98	REVIEWED: 27.2.02; 31.10.02; 23.2.07; 23.2.11; 26.2.14; 25.1.17; 21.11.19; 30.11.22
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WHISTLEBLOWING

1.0 INTRODUCTION

- 1.1 A whistleblower can be defined as a person who informs on, or someone who puts a stop to, something. In the workplace, the term is normally used to describe a person who believes there have been instances of improper or unacceptable conduct, and who decides to report their concerns to someone they believe will be in a position to deal with them.
- 1.2 We are keen to encourage a culture of openness which enables Committee Members and staff who have concerns to express these without fear that they will be victimised. We believe that this is important, as while the concern may turn out to be unfounded, it could also be a serious matter affecting our reputation and viability such as fraud, or a potential danger to the public, or some other serious malpractice.
- 1.3 The aim of this policy therefore is to enable Committee Members and staff to raise concerns about propriety or probity confidentially with the appropriate person, either at Management Committee or management level, or if necessary outwith the organisation, in accordance with the provisions of current legislation (the Public Interest Disclosure Act 1998 as amended by the Enterprise & Regulatory Reform Act 2013).
- 1.4 For a staff or Committee member to be protected under the current law from victimisation or dismissal (or to take their case to an Industrial Tribunal if they are claiming victimisation or unfair dismissal) the following principles should apply:
- a) the information being reported should be a 'qualifying disclosure', i.e. the person reasonably believes that one or more of the following matters is either happening, has taken place, or is likely to happen in the future:
 - a criminal offence
 - the breach of a legal obligation
 - a miscarriage of justice
 - a danger to the health and safety of any individual
 - damage to the environment
 - a deliberate attempt to conceal any of the above.

[Extract from Acas guidance on Whistle-blowing - Public Interest Disclosure]

- b) the disclosure must be made 'in good faith', which means that 'in the reasonable belief of the person making the disclosure, it must be in the public interest', i.e. the law on whistleblowing does not protect a staff member from raising a matter of private interest, such as an alleged breach of their personal contract of employment;
- c) the person making the disclosure must have followed the organisation's policy on whistleblowing (see section 2).

1.5 We expect our Committee Members and staff to fulfil their responsibilities and carry out their duties to highest possible standards and to the best of their capabilities. Any instances of improper behaviour will be regarded and dealt with very seriously.

1.6 For the purposes of this policy we regard the following as being unacceptable, and matters that would come under the 'public interest' test of current law:

- fraud
- falsifying records
- moonlighting
- accepting bribes or other activities in breach of the policy on Preventing Bribery & Fraud
- breaches of the Payments, Benefits and Corporate Accountability policy
- non-disclosure of interests
- breaches of confidentiality
- serious breach of procedures (e.g. regarding housing allocations)
- any type of discrimination, harassment or bullying
- actions or behaviour resulting in a health and safety risk
- actions or behaviour resulting in a threat to public safety
- covering up any of the above activities.

The above list is not exhaustive but is intended to indicate the types of behaviour and action we would find unacceptable.

1.6 This policy should not be confused with the Grievance policy and procedure, which should be used when staff are concerned about any of their terms and conditions of employment, or their work practices.

2.0 RAISING CONCERNS

2.1 Unless the matter involves their line manager, staff should raise any concerns initially with their manager, failing whom with the Director.

A staff member may also approach the Director if, having first approached their manager, they are still concerned that the matter is not being dealt with appropriately or with sufficient urgency.

2.2 However we recognise that individuals who know of unacceptable actions or behaviour may not feel comfortable about raising the issue within the existing line management structure.

Staff may, therefore, approach the Chairperson of the Management Committee to discuss their concerns on a confidential basis.

- 2.3 A Committee Member should raise any concerns initially with the Director. If the concern involves the Director the Committee Member should approach the Chairperson.
- 2.4 We accept that in some circumstances individuals may feel uncomfortable about raising a concern within the organisation and may wish to raise the complaint with, or seek advice from, an external body. Examples of external agencies that staff or Committee Members may wish to contact include:
- the Scottish Housing Regulator
 - the Association's solicitors
 - the Association's internal or external auditors
 - the charity 'Public Concern at Work'
 - Police
 - for staff who are members - their Trade Union.

Contact details for relevant organisations are given in Appendix 1.

3.0 SUPPORT FOR THOSE RAISING CONCERNS

- 3.1 We wish to create an environment where Committee Members and staff are free to raise genuine concerns confidentially if they wish and without fear of victimisation or reprisal.

The Management Committee recognises their responsibilities and liability towards all staff under current disclosure law and confirms that they will support anyone who has an honest and reasonable suspicion that unacceptable practice has occurred, is occurring or is likely to occur.

- 3.2 A staff member who takes action against an individual who raises a genuine concern will be subject to disciplinary action and may face dismissal.

A Committee Member who takes action against an individual will be subject to the Committee Members' Code of Conduct and may have to resign from the Committee.

- 3.3 Where a specific complaint is made we will carry out any investigation required in as confidential a manner as possible.

4.0 MALICIOUS ALLEGATIONS

- 4.1 Where a member of staff makes a complaint and it is found to be mischievous in intent, this will be regarded as a serious offence and the member of staff may be liable to disciplinary action, possibly resulting in dismissal.

- 4.2 Where a Committee Member makes a mischievous complaint this will be dealt with under the Committee Members' Code of Conduct and the individual may have to resign from the Committee.

5.0 IMPLEMENTATION AND REVIEW

- 5.1 The Director is responsible for ensuring that this policy is implemented when required.
- 5.2 All staff and Committee Members will be made aware of this policy as part of their induction arrangements.
- 5.3 The Director will ensure that summary details of any concerns raised through 'whistleblowing' and any resulting action are submitted to the Management Committee in May of each year, in the same format as the annual report on complaints.
- 5.4 The Director will ensure that this policy is reviewed at least every 3 years by the Management Committee.

Reviewed by the Management Committee on 30 November 2022

Next review due by: November 2025

Useful Names and Telephone Numbers

Scottish Housing Regulator	Buchanan House 58 Port Dundas Road Glasgow G4 0HF 0141 242 5642 shr@shr.gov.scot
External Auditors	Azets Titanium 1 King's Inch Place Renfrew PA4 8WF
Internal Auditors	TIAA 61 Dublin Street Edinburgh EH3 6NL 0845 3003333
Solicitors	T C Young, Solicitors 69 George Street Edinburgh EH2 2JG
Protect (previously Public Concern at Work)	The Green House 244-254 Cambridge Heath Road London E2 9DA 020 3117 2520 www.protect-advice.org.uk
Health & Safety Executive	Belford House 59 Belford Road Edinburgh 0131 247 2000 www.hse.gov.uk
Police	Wester Hailes Police Station Dumbryden Drive EDINBURGH EH14 2QR 111

PROSPECT EQUALITY IMPACT ASSESSMENT RECORD

Title of policy/ practice/ strategy	COR17 Whistleblowing Policy	
Department	Corporate	
Who is involved in the EQIA?	Brendan Fowler	
Type of policy/ practice/ strategy	New <input type="checkbox"/>	Existing <input checked="" type="checkbox"/>
Date completed	11/11/2022	

Stage 1: Screening Record

What is the main purpose of the policy?

The aim of this policy therefore is to enable Committee Members and staff to raise concerns about propriety or probity confidentially with the appropriate person, either at Management Committee or management level, or if necessary outwith the organisation, in accordance with the provisions of current legislation (the Public Interest Disclosure Act 1998 as amended by the Enterprise & Regulatory Reform Act 2013).

Who will the policy benefit and how?

The policy will directly impact Committee members and staff as it provides information on how to raise concerns. It indirectly impacts tenants and service users by providing reassurance that there is a policy in place to deal with instances of malpractice.

For each equality group, does or could the policy have a negative impact?

Protected characteristic	Negative	Positive/no impact	Don't know
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marriage & civil partnership	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pregnancy & maternity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Religion or belief (including no belief)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sex	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If you answered negative or don't know to the above question you should consider doing a full EQIA.

Are there any potential barriers to implementing the policy?

There are no known barriers to implementing the policy.

	Yes	No
Is a full EQIA required?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

If you answered no to the above question explain why a full EQIA is not required:

No impact on equalities identified:	<input type="checkbox"/>
Other: The policy does not have any particular impact on any protected characteristic. The policy ensures Committee or staff members have protection from harassment and/or discrimination, including those who may be discriminated due to their protected characteristic. The policy includes a list of internal and external contacts that concerns can be raised with. This gives Committee and staff a choice as to who to approach and therefore allows for those with a protected characteristic to approach someone that they feel most comfortable discussing their concerns with.	