



## Whistleblowing Policy

<b>Policy Name</b>		Whistleblowing Policy	
<b>Policy Ref</b>			
<b>Review Date</b>		April 2023	
<b>Purpose</b>		REVIEW & APPROVE	
<b>Next Review Date</b>		April 2024	
<b>Committee</b>		Board of Management	
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<b>Internal Policy</b>	X	<b>To be published</b>	X

## **INTRODUCTION**

- 1.1 Angus Housing Association Limited 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, Angus Housing Association expects those who have serious concerns about any aspect of the Association's work to come forward and speak up without fear of reprisal. Thus, Angus Housing Association recognizes that it is an important aspect of accountability and transparency to provide a mechanism to ensure that no employee, Board member or stakeholder of Angus Housing Association feel at a disadvantage in raising legitimate concerns.

The Public Interest Disclosure Act 1998 gives legal protection to employees against being dismissed or penalised by their employers because of publicly disclosing certain serious concerns. These concerns may 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.

Employers may also be held vicariously liable for workers who victimize colleagues for making a disclosure. Angus Housing Association will take all reasonable steps to protect workers from being victimized.

All Employees, Board Members and Stakeholders working for or on behalf of Angus Housing Association are covered by this policy. The policy also applies to suppliers and those providing services under a contract with Angus Housing Association Limited.

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 Gail Robertson.

### General Data Protection Regulation

The organization will treat your personal data in line with our obligations under the current data protection regulations and our own Data Protection Policy. Information regarding how your data will be used and the basis for processing your data is provided in Angus Housing Association's employee privacy notice.

### **Executive Summary of Changes**

There are no major changes from the previous version of this policy. Minor changes have been made to update job titles and the revised staff structure.

## **2. SCOPE OF POLICY**

This policy is designed to enable employees of Angus Housing Association to raise concerns internally and at a high level to disclose information that the individual believes shows malpractice or impropriety. Several policies and procedures are already in place, including Anti-Fraud and Bribery, Grievance, 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 might then lead to the commencement 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 Angus Housing Association, its staff, Board Members, or stakeholders
- professional malpractice
- improper conduct or unethical behavior
- abuse of power or status
- Deliberate attempts to conceal any of the above.

## **LEGAL FRAMEWORK**

Public Interest Disclosure Act 1998

Enterprise and Regulatory Act 2013.

## **SAFEGUARDS**

### **Protection**

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

- in the public interest
- to an appropriate person/ body
- And that the individual has reasonable belief in the validity of the concerns being raised.

Angus Housing Association will not tolerate any harassment or victimization (including internal pressures) and will take appropriate action to protect the individual when they raise a concern with the above provisions acknowledged.

### **Confidentiality**

The Association will treat all concerns raised under this policy in as confidential a manner as possible, having due regard to data protection laws.

Any staff member in receipt of such information must respect the rights and wishes of the whistleblower, including protecting their identity if requested, as far as practically possible.

### **Anonymous Allegations**

Individuals are encouraged to put their name to any disclosures made.

Concerns expressed anonymously are much less robust but may nevertheless be considered at the discretion of Angus Housing Association.

### **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 in bad faith i.e., frivolously, maliciously or for personal gain, disciplinary action may be taken against them, 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.

## **Raising a Concern**

### **First Step**

The individual should raise concerns with their immediate line manager. This information will be passed as soon as possible to the Chief Executive Officer. If the immediate line manager is the subject of the concern, then the individual should raise their concern with their departmental director or the Chief Executive Officer if the issue is in connection with the departmental director. Where the concern is related to the Chief Executive Officer it should be addressed to the Chairman of the Board of Management who will in turn nominate 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 people 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, Angus Housing Association will seek further information from the individual concerned.

Where any meeting is arranged, the individual may be accompanied by a trade union representative. The meeting may be held off-site if the individual wishes this.

### **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 Angus Housing Association's existing policies and procedures.**

### **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 the information on staff support mechanisms and;
- Tell the individual whether further investigations will take place and if not, explain why.

### **Outcomes of Investigations**

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 and appropriate procedure will be invoked.

This may also include referral to an external body or regulator

Where an individual feels that their concern has not been dealt with appropriately, they can appeal the decision internally to the Chair of the Emergency Sub Committee (who should not be an office bearer). If, after appealing internally the individual is still not satisfied with the outcome, they can raise the issue with the appropriate external body as outlined in Appendix 1

## **Appendix 1**

### **List of Prescribed Persons**

#### **Scottish Housing Regulator**

**Tel: 0141 242 5642**

#### **Environmental Health**

**Tel: 08452 777778**

#### **Health and Safety Executive**

**Tel 0300 0031747**

### **Further sources of information**

#### **ACAS**

**Helpline 0300 1231100**

#### **Public Concern at Work**

**Tel (general) 02074046609**

#### **Unite the Union**

**Tel: 01382 000034 or 020 7611 2500**