



# Whistleblowing Policy

<b>Policy Title:</b>	<b>Whistleblowing Policy</b>
<b>Risk Priority:</b>	<b>Medium</b>
<b>Policy Author:</b>	<b>Audrey Simpson, Chief Executive</b>
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<b>Scottish Social Housing Charter Standard</b>	<b>N/A</b>
<b>Scottish Housing Regulator Standard:</b>	<b>5</b>
<b>Scottish Housing Regulator Guidance:</b>	<b>5.6</b>

## ***Vision***

By providing aspirational homes and high-quality services we will transform communities to enhance the quality of life of our customers.

## ***Values***

- Customer and Community Focussed
- Treating our customers with respect
- Accountable
- Making a difference
- Innovative
- Equal access to services and opportunities for all

## ***Strategic Objectives***

Deliver first class customer services

Provide quality homes, communities and sustainable tenancies

Achieve robust financial management and governance excellence

Empower, develop and engage our staff

Build strong collaborative relationships locally and nationally

## **WHISTLEBLOWING POLICY**

Ardenglen Housing Association can provide this procedure on request, in large print, in Braille, on tape or in other non-written format, and in a variety of languages.

### **1. Introduction**

- 1.1 The Ardenglen Group (the Group), comprising Ardenglen Housing Association as the parent and Ardenglen Development Ltd as a subsidiary, is committed to the highest standards of openness, probity and accountability. This policy applies to both Ardenglen Housing Association and Ardenglen Developments Ltd. Where the policy states Ardenglen Housing Association, this also applies to the subsidiary, Ardenglen Developments Ltd.
- 1.2 As employees are often the first to realise that there may be something seriously wrong, Ardenglen expects those who have serious concerns about any aspect of the Group's work to come forward and speak up without fear of reprisal. Therefore, Ardenglen Housing Association recognises that it is an important aspect of accountability and transparency to provide a mechanism to ensure that no employee, board member or stakeholder of Ardenglen feel at a disadvantage in raising legitimate concerns.
- 1.3 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.
- 1.4 Employers may also be held vicariously liable for workers who victimise colleagues for making a disclosure. Ardenglen Housing Association will take all reasonable steps to protect workers from being victimised.
- 1.5 All employees, Board and Stakeholders working for or acting on behalf of Ardenglen Housing Association or Ardenglen Developments Ltd. are covered by this policy. The policy also applies to suppliers and those providing services under a contract within Ardenglen.
- 1.6 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, or in writing marked 'Private and Confidential' FAO Chief Executive.
- 1.7 General Data Protection Regulations: Ardenglen Housing Association will treat your personal data in line with our obligations under the current data protection regulations and our own GDP Policy and Procedures. Information regarding how your data will be used and the basis for processing your data

is provided in Ardenglen Housing Association's employee privacy notice.

## **2.0 Policy Statement**

2.1 The aim of this policy is to provide a framework which enables staff, Board Members or any other person to raise any serious concerns relating to conduct or practices within Ardenglen; and to do so in confidence without fear of reprisal. This includes a summary of the process and principles that will guide internal investigations and response.

## **3.0 Scope of Policy**

3.1 This policy is designed to enable employees of Ardenglen Housing Association 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 Ardenglen Housing Association, its staff, board member 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

### **Legal Framework**

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

## **4.0 Safeguards**

### **4.1 Protection**

4.1.1 This policy is designed to offer protection to those employees of Ardenglen 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.

4.1.2 Ardenglen Housing 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**

4.2.1 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 never the less be considered at the discretion of Ardenglen Housing Association.

### **4.4 Untrue Allegations**

4.4.1 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.

## **5.0 Dealing with a Whistleblowing matter**

### **5.1 Reporting a Concern**

5.1.1 The individual should normally raise concerns with their immediate line manager. This information will be passed on as soon as possible to the Chief Executive.

- 5.1.2 However, if the concern is about the line manager or in anyway relates to the line managers actions, the individual should report the concern directly to the Chief Executive.
- 5.1.3 If the concern is about the Chief Executive or in anyway relates to the Chief Executives actions, the individual should go direct to the Chairperson.
- 5.1.4 If both the Chief Executive and Chairperson are implicated in the concern, the individual should go direct to the Scottish Housing Regulator, contact details as per Appendix 1.
- 5.1.5 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.
- 5.1.6 The earlier the individual expresses their concern, the easier it is to action.
- 5.1.7 The Chief Executive and/or Chairperson must also notify the Scottish Housing Regulator of any whistleblowing allegations in accordance with Notifiable Events statutory guidance.

## **5.2 Appointing an investigator**

- 5.2.1 On receipt of a disclosure the appropriate person will launch an investigation.
- 5.2.2 All disclosures will be investigated by the Chief Executive, unless the complaint is against the Chief Executive or is in any way related to their actions.
- 5.2.3 Where the complaint is related to the Chief Executive, the Chairperson will appoint an independent person to investigate the allegations.
- 5.2.4 Depending on the circumstances surrounding the investigation appropriate action will be taken in accordance with the Association's existing policies and procedures.
- 5.2.5 The Chief Executive and/or Chairperson may appoint a member of the senior leadership team to investigate, appoint an appropriate external investigator if deemed necessary, or may refer the matter to the external auditor or the police.

## **5.3 Investigation Process**

- 5.3.1 The investigator will not be the person who makes any decision regarding the concern raised, but they will 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.

5.3.2 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 Association will seek further information from the individual concerned.

5.3.3 Where any meeting is arranged, the individual can be accompanied by a trade union representative and can also have the meeting off-site if they wish.

## **6.0 Raising a concern externally**

6.1 Public Interest Disclosure Act (1998) provides protection for staff who make a whistleblowing claim to a prescribed person **whether or not** they have raised the matter within their own organisation.

6.2 It is a requirement of the Regulatory Standards that RSLs ensure that their Whistleblowing Policy also makes it clear that staff can appropriately report concerns to the Scottish Housing Regulator (as one of the prescribed persons) and that they should not suffer any detriment for doing so.

6.3 Board members are not covered by the Public Interest Disclosure Act but the SHR will handle concerns raised by governing body members in the same way as qualifying disclosures by staff.

6.4 In terms of how the SHR would deal with a concern raised information can be found in the "Whistleblowing about a regulated body" published by the SHR in April 2015.

6.5 Employees can also obtain advice, in confidence, by contacting their trade union (if appropriate).

## **7.0 Outcome of Investigation**

7.1 In terms of matter reported internally, the person who undertook the investigation should submit their report to the person who appointed them, i.e. the Chief Executive or Chairperson. The Chief Executive or Chairperson will then consider and decide what action to be taken. 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.

7.2 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 externally (if they haven't already done so) with any of the Prescribed Persons outlined in Appendix 1.

## **8.0 EQUALITIES AND DIVERSITY**

8.1 This policy will be implemented in line with our Equality and Diversity Policy and is subject to an Equality Impact Assessment to assess the likely or actual effects of the policy to our customers in respect of their disability, age, gender, race, religion/belief, sexual orientation or gender identity to ensure equal and fair access for all.

## **9.0 MONITORING AND REPORTING**

9.1 The Association will use appeals, complaints, comments or suggestions from users of this policy to monitor its effectiveness. These will also be used to prompt a review of the policy where necessary.

## **10.0 REVIEW**

10.1 This Policy will be approved by the Board. It will be reviewed every three years unless amendment is prompted by a change in legislation, or monitoring and reporting reveals that a change in Policy is required sooner.

## **11.0 DISTRIBUTION**

11.1 This policy will be made available to every employee and Board member and will be made freely available to any tenant or interested party.

**--- END OF POLICY ---**

## **Appendix 1**

### **List of Prescribed Persons**

#### **The Scottish Housing Regulator**

Buchanan House  
58 Port Dundas Road  
GLASGOW G4 0HF  
Telephone: 0141 242 5642  
Email: [shr@shr.gov.scot](mailto:shr@shr.gov.scot)

#### **Glasgow City Council: Environmental & Public Health**

Tel: 0845 270 1558

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

Tel: 0845 345 0055

#### **Scottish Executive**

Tel (general): 0131 556 8400

### **Further Sources of Information**

#### **ACAS**

Helpline: 08457 47 47 47

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

Tel (general): 020 7404 6609

**UNITE** (Trade Union) You may also speak to your work place representative.

Tel: 0845 345 0141

#### **Professional Advisers**

TC Young solicitors  
7 West George Street  
Glasgow G2 1BA  
0141 221 5562 [Mail@tcyoung.co.uk](mailto:Mail@tcyoung.co.uk)

#### **External Auditors**

RSM UK Audit LLP  
Third Floor, Centenary House,  
69 Wellington Street,  
Glasgow, G2 6HG  
0141 285 3900 [chris.docherty@rsmuk.com](mailto:chris.docherty@rsmuk.com)

#### **Internal Auditors**

Wylie & Bisset  
168 Bath Street  
Glasgow G2 4TP  
0141 556 7000 [Info@wyliebisset.com](mailto:Info@wyliebisset.com)