



"Offering our community more than a home"

Draft Whistleblowing Policy

Management Committee submission:	24 November 2020
Previous Approval:	28 November 2017
Approval:	
Review date:	November 2023

CHA Objectives:

- To ensure that our resources are adequate to deliver our objectives by investing in our people, increasing digitalisation, demonstrating value for money and through robust procurement practices.
- To manage the houses provided, in a professional and cost effective manner, for the benefit of our local community and the environment.
- To promote social inclusion by applying principles of equality and diversity to everything we do.

Regulatory Standards:

- The governing body leads and directs the RSL to achieve good outcomes for its tenants and other service users.
- The RSL is open about and accountable for what it does. It understands and takes account of the needs and priorities of its tenants, service users and stakeholders. And its primary focus is the sustainable achievement of these objectives.
- The RSL manages its resources to ensure its financial well-being and economic effectiveness.
- The RSL conducts its affairs with honesty and integrity.
- The governing body and senior officers have the skills and knowledge they need to be effective.

Any breach or non-compliance with legislation/regulatory requirements in relation to this Policy constitutes a Notifiable Event and the Regulator will be informed via the SHR Portal.

This policy can be made available on request in a variety of different formats, such as on CD, in large print and translated into other languages.

Clydebank Housing Association Limited

Whistleblowing

Introduction

Clydebank Housing Association (CHA) 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, CHA expects those who have serious concerns about any aspect of CHA's work to come forward and speak up without fear of reprisal. Thus, CHA recognises that it is an important aspect of accountability and transparency to provide a mechanism to ensure that no employee, committee/board member or stakeholder of CHA 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 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.

Employers may also be held vicariously liable for workers who victimise colleagues for making a disclosure. CHA will take reasonable steps to protect workers from being victimised.

All employees, Committee/Board and Stakeholders working for or acting on behalf of CHA are covered by this policy. The policy also applies to suppliers and those providing services under a contract within CHA.

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 Sharon Keenan.

Scope of Policy

This policy is designed to enable employees of CHA 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. 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 CHA, its staff, committee/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

Safeguards

Protection

This policy is designed to offer protection to those employees of CHA 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

CHA 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.

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.

Anonymous Allegations

This policy encourages individuals to put their names to any disclosures they make. Concerns expressed anonymously are much less powerful, but may never the less be considered at the discretion of CHA.

Untrue Allegations

If an individual makes an allegation in good faith 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.

Raising a Concern

First Step

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

Any complaints will be investigated by the Chief Executive unless the complaint is against the Chief Executive or is in any way related to their actions. Where the complaint is related to the ~~Senior Officer~~Chief Executive it should be addressed to the Chairperson of the Management Committee who will in turn appoint 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 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, CHA will seek further information from the individual concerned.

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

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 CHA'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 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, an appropriate procedure will be initiated.

This may also include referral to an external body or regulator (e.g. Scottish Housing Regulator/OSCR).

Where an individual feels that their concern has not been dealt with appropriately they can appeal the decision internally to the Vice Chair of the Finance, ~~Staffing & General Purposes~~& Corporate Services 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 regulatory body as outlined in Appendix 1.

General Data Protection Regulations (GDPR)

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

Equal Opportunities

Our commitment to equal opportunities and fairness will apply irrespective of factors such as race, sex, disability, age, gender reassignment, marriage & civil partnership, pregnancy & maternity, religion or belief and sexual orientation.

Equality Impact Assessment

In order to reinforce our commitment to equality and to ensure that everyone is treated equally, that our services are accessible to all and that our practices are, at all times, within the law and free of discrimination of any kind, an impact assessment has been carried out. It has been established that there should be no significant positive or negative impacts for any groups regarding the operation of this policy.

For Office Use Only – Required Actions

Customer Consultation Required/Arranged	No
Intranet Update	Yes
F Drive Update	Yes
Website Update	Yes
Leaflet change required?	No
Newsletter Promotion?	No
Other information updated, e.g. posters, automatic email responses, post cards, answering machine messages, etc.	No
Equality Impact Assessment completed	Yes

Appendix 1

List of Prescribed Persons

Scottish Housing Regulator

The Scottish Housing Regulator
Buchanan House
58 Port Dundas Rd
Glasgow G4 0HF
[Phone](tel:01412425642): 0141 242 5642

Email: shr@shr.gov.scot

West Dunbartonshire Environmental Health Department

Email environmental.health@west-dunbarton.gov.uk or write to us at:
Environmental Health Section

~~Environmental Health Section~~

~~Aurora House,
3 Aurora Avenue,
Queens Quay,
Clydebank
G81 1BF.~~

Environmental Health Section

16 Church Street,
Dumbarton
G82 1QL.

0141 951 7957

Report an issue: <https://www.west-dunbarton.gov.uk/contact-us/other-council-services/environmental-health/#email>

Health and Safety Executive

Cornerstone,
107 West Regent Street,
Glasgow,
G2 2BA
Fax only: 0141 275 3100
Covers: West Scotland

On-line form

https://webcommunities.hse.gov.uk/connect.ti/concernsform/answerQuestionnaire?qid=594147&_ga=2.221803034.343898780.1511375908-450325407.1511375908

Contact Centre on ~~0300 003 1647~~ [0300 790 6787](tel:03007906787)

Opening hours Monday to Friday 8.30 am to 5 pm

~~Wednesdays 10am to 5pm~~

Further Sources of Information

ACAS - Helpline: 0300 123 1100

Public Concern at Work -

Whistleblowing Advice Line: **020 7404 6609**.

General enquiries: **020 3117 2520**

Unite the Union – 0141-404 5424

GMB Trade Union – 0141 332 8641