



Putting People 1st

Whistleblowing Policy

G.02

Reviewed

29 Sept 2022

Date next due for review:

Sept 2025

This policy document can be produced in various formats, for instance, in larger print or audio-format; and it can also be translated into other languages, as appropriate.

Our equality and diversity policy statement describes our key equality commitments that we use to develop all organisational services; this includes employment services and services to tenants and other customers.

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The Scottish Housing Regulator Reg. No: HAC231; Registered Scottish Charity No: SC038237;
FCA Reg. No: 2375R(S); Property Factor Reg. No: PF000151

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Introduction

Pineview Housing Association Ltd 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, the 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. Therefore, the Association 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 the Association feel at a disadvantage in raising legitimate concerns.

The Public Interest Disclosure Act, which came into effect in 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.

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

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

If you are a customer, member of the public or other service user, you should raise any concerns regarding "Whistleblowing" directly with the Director, or in writing marked "Private & Confidential" FAO Director.

Scope of Policy

This policy is designed to enable employees of the 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 and procedures are already in place, including dignity at work, and discipline 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 the Association, 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 the 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

The 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.

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 robust, but may never the less be considered at the discretion of the 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 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 Director.

Any complaints will be investigated by the Director unless the complaint is against the Director or is in any way related to their actions. Where the complaint is related to the Director it should be addressed to the Chairperson 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, the Association 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 the 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 information on staff support mechanisms; and inform the individual whether further investigations will take place and if not, explain why.

Outcomes of Investigation

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.

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 Management Committee. 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.

Alternative methods of taking forward a concern

Other methods of raising a concern

This policy is intended to provide staff with an avenue to raise concerns. If an individual feels it is appropriate to take the matter outside this process, the following are possible contact points:

- Internal or External Auditors
- The Scottish Housing Regulator
- Your own solicitor
- Police Scotland
- The Scottish Public Services Ombudsman

If staff do take the matter outside MPHA, they must ensure that they do not disclose confidential information or that disclosure would be privileged.

Professional Advisers

Our auditors (internal and external) and solicitors are aware of the Policy and our wish to be open and accountable for our actions. They can also be contacted in confidence for advice and as a contact for raising concerns or starting investigations. Contact details for our current professional advisers can be obtained directly from us.

Contacting the Media

Staff are expected to work within the guidance of this policy. Contacting the media is not permitted and could result in formal disciplinary action up to and including dismissal. In line with the Staff Code of Conduct, all contact with the media should be directed through the Director.

Reporting

Any whistleblowing case will be reported to the Management Committee at each meeting until conclusion. This will include the date and description of any such incident, the outcome of the investigation and subsequent action taken.

Recording Incidents

All incidents will be added to the Fraud Register and/or the Whistleblowing Register which will be reported on at each meeting of Management Committee. This will include the date and description of any such incident, the outcome of the investigation and subsequent action taken. The Committee will provide oversight of the Registers ensuring that all cases are handled within the terms and timescales set out in the Policies.

Notifications of Incidents to The SHR

All cases will be notified to the Scottish Housing Regulator without delay and in accordance with regulatory guidance regarding Notifiable Events.

Reporting Financial Irregularities

We are required to report all financial irregularities to our external auditors and in some cases to our Insurers and this will be undertaken in writing without delay.

Monitoring & Review

Responsibility for monitoring the application of this policy will rest with the Director of the Association.

This policy will be reviewed every three years to ensure it continues to meet legislative and organisational needs or where EVH issues a revised Model Policy, whichever is sooner.

Any amendments will be communicated to all staff and relevant stakeholders.

Appendix 1

List of Prescribed Persons

Scottish Housing Regulator

Tel: 0141 242 5642
E-mail: shr@shr.gov.scot
Scottish Housing Regulator
Buchanan House
58 Port Dundas Road
Glasgow
G4 0HF

Scottish Housing Regulator

The Scottish Housing Regulator is a prescribed person to whom a disclosure can be made about social landlords' performance of housing activities; the registration of registered social landlords; and social landlords' financial well-being and standards of governance. They have produced two information leaflets regarding Whistleblowing about a regulated body – both are contained as appendices to this policy and can be access from SHR website.

Glasgow City Council Environmental Health

Phone: 0141 287 1059
Email: publichealth@glasgow.gov.uk

Health and Safety Executive

Cornerstone,
107 West Regent Street,
Glasgow,
G2 2BA
<https://www.hse.gov.uk/index.htm>
Advisory Service Tel: 0300 003 1647

Further Sources of Information

ACAS

Helpline: 0300 123 1100
www.acs.org.uk

Protect (Formerly Public Concern at Work)

Tel (general): 020 3117 2520
<https://protect-advice.org.uk/>

Unite the Union

Tel: 0141 404 5424