



POLICY TITLE	WHISTLEBLOWING POLICY
AUTHOR	CHRISTINE LEITCH
DATE OF APPROVAL	AUGUST 2019
DATE FOR NEXT REVIEW	AUGUST 2022
REVIEW BODY	MANAGEMENT COMMITTEE
POLICY ON WEBSITE	YES
SCOTTISH HOUSING REGULATOR STANDARDS	<p>STANDARD 1 : The Governing body leads and directs the RSL to achieve good outcomes for its tenants and other service users</p> <p>STANDARD 4 : The governing body bases its decisions on good quality information and advice and identifies an mitigates risks to the organisations purpose</p> <p>STANDARD 5 : The RSL conducts its affairs with honesty and integrity</p>

## **WHISTLE BLOWING**

### **Introduction**

CDHA 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, CDHA expects those who have serious concerns about any aspect of CDHA's work to come forward and speak up without fear of reprisal. Therefore, CDHA 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 CDHA 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 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. CDHA will take all reasonable steps to protect workers from being victimised.

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

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 and Confidential'

### **Scope of the Policy**

This policy is designed to enable employees of CDHA 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 might be in the public interest and may (at least initially) be investigated separately, but might then lead to the commencement of such 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
- Professional malpractice
- Improper conduct or unethical behaviour
- Attempts to conceal any of the above
- Abuse of power or status

### **Legal Framework**

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

### **SAFEGUARDS**

#### **Protection**

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

- in the public interest
- to an appropriate person/body; and
- in the reasonable belief of the individual making the disclosure that it tends to show malpractice or impropriety.

CDHA will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect the individual when they raise a concern in good faith.

#### **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 will be considered at the discretion of CDHA.

#### **Untrue Allegations**

If an individual makes an allegation in good faith that is not confirmed by the subsequent investigation it is probably that no action will be taken against them. However, if the individual makes an allegation 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.

### **How to raise a concern**

- **First Step**

The individual should normally raise concerns with their immediate manager or supervisor. This information will be passed on as soon as is reasonably possible to the appropriate designated investigating officer as follows:

Any complaint will be investigated by the Director unless the complaint is against the Director or is in any way related to the actions of the Director. In such cases, the complaint should be passed to the Chairperson for referral.

In the case of a complaint that is in any way connected with but not against the Director, the Chairperson will nominate a Senior Manager to act as the alternative investigating officer.

Although the individual is not expected to prove beyond doubt the truth of the 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 CDHA will seek further information from the individual concerned.

Where any meeting is arranged the individual can be accompanied by a trade union representative or a colleague and the meeting can be off site if requested.

### **Process**

On receipt of a disclosure the appropriate person will commence an investigation.

Depending on the circumstances surrounding the investigation appropriate action will be taken in accordance with CDHA’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 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 now why not.

## **Outcome 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 the individual feels that their concerns have not been dealt with appropriately they can appeal the decision internally to the Staffing Sub Committee. (which will not include the chair person) If after appealing internally the individual is still not satisfied they can raise the issue with the appropriate external regulatory body as outlined in Appendix 1

## **APPENDIX 1**

### **List of Prescribed Persons**

**The Scottish Housing Regulator**

**Environmental Health** (of your local authority)

**Health and Safety Executive**

### **Further Sources of Information**

#### **ACAS**

Helpline: 08457 47 47 47

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

Tel (general): 020 7404 6609