



## Whistle Blowing Policy

# **WHISTLE BLOWING**

## **INTRODUCTION**

Yorkhill Housing Association is committed to the highest standards of openness, probity and accountability. As committee members and 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 Yorkhill Housing Association's work to come forward and speak up without fear of reprisal. Thus, Yorkhill Housing Association recognises that it is an important aspect of accountability and transparency to provide a mechanism to ensure that no employee, committee member or stakeholder of the Association feels at a disadvantage in raising legitimate concerns.

The Public Interest Disclosure Act, which came into effect in 1999, gives legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns.

All committee members, employees and stakeholders working for or acting on behalf of Yorkhill Housing Association are covered by this policy. The policy also applies to suppliers and those providing services under a contract within Yorkhill Housing Association.

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. You may do this by speaking with the Chief Executive, by email or in writing marked "Private and Confidential" for the Chief Executive's attention.

## **SCOPE OF POLICY**

This policy is designed to enable committee members and employees of Yorkhill 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 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 Yorkhill Housing Association, its staff, committee members or stakeholders;
- professional malpractice;
- improper conduct or unethical behaviour;
- failure to meet legal obligations;
- abuse of power or status; and
- attempts to conceal any of the above.

Approved by Management Committee August 2022  
Next review due August 2025

## **SAFEGUARDS**

### **Protection**

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

- in good faith;
- to an appropriate person/body; and
- that the individual has reasonable belief in the validity of the concerns being raised.

Yorkhill 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 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 may never the less be considered at the discretion of the Association.

### **Untrue Allegations**

If an individual makes an allegation in good faith that is not confirmed by the subsequent investigation, 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 include dismissal.

## **RAISING A CONCERN**

### **First Step**

The individual should raise concerns with their immediate line manager or in the case of a committee members to the Chairperson. Line managers should pass information as soon possible to the Chief Executive. If not appropriate for a committee member to report to the Chair they should report directly 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 it should be addressed to the Chairperson who will in turn will 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, Yorkhill Housing 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; and supply the individual with information on staff or committee 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, Chief Executive or appointee as appropriate, a decision on what action to take will be considered. If there are reasonable grounds to substantiate the complaint, an appropriate procedure will be invoked. This may also include referral to an external body.

Where an individual feels that their concern has not been dealt with appropriately they can appeal the decision internally to the Chair of the Governance Sub Committee. If, after appealing internally the individual is still not satisfied with the outcome, they can raise the issue with Employers in Voluntary Housing or the Scottish Housing Regulator for further guidance.