



Whistleblowing Policy

Introduction

Yorkhill Housing Association 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, Yorkhill Housing Association would encourage and expect employees who have serious concerns about any aspect of Yorkhill Housing Association's work to come forward and speak up without fear of reprisal. Therefore, Yorkhill Housing Association recognises that it is an important aspect of accountability and transparency to provide a mechanism to ensure that no employee, of Yorkhill Housing Association feels 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 making a protected disclosure (whistleblowing). Concerns which are raised through whistleblowing must be made in the 'public interest' which means that the concerns must affect others such as the public or other stakeholders.

Concerns which are not in the public interest will normally be dealt with through the grievance policy. If you are unsure which policy is appropriate to raise your concerns, please contact your line manager to discuss.

All employees and workers are covered by this policy.

Scope of Policy

This policy is designed to enable employees to raise concerns internally at a senior level to disclose information that the individual believes shows malpractice or impropriety. 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 Yorkhill Housing Association, its staff, governing body 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 employees who disclose serious concerns, provided the disclosure is made:

- In the public interest.
- To an appropriate person/body.
- 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 which complies with the above points.

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. If we need to disclose your identity to anyone, we will ensure that you are notified of this in advance.

Anonymous Allegations

This policy encourages individuals to put their names to any disclosures they make. Concerns expressed anonymously are more difficult to investigate, however may be considered at the discretion of Yorkhill Housing 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.

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 Chief Executive, it should be addressed to the Chairperson of the Governing Body 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, Yorkhill Housing Association will seek further information from the individual concerned.

Where any meeting is arranged with the individual that raised the concerns, they can be accompanied by a trade union representative and the meeting can be held off-site if they so wish.

Process

On receipt of a disclosure the following process will be followed:

- The disclosure will be considered, and, if appropriate, a meeting will be arranged with the individual who raised the concerns to gather initial information.
- Further to this meeting, if appropriate, an independent investigator will be appointed to take forward an investigation into the concerns raised.
- The individual who raised the concerns will be provided with an update and a likely timescale on when they will receive a final response.
- Once the investigation is complete a report will be provided to the individual who instructed the investigation.
- The report will be considered, and appropriate actions will be taken.
- A final outcome will be provided to the individual who raised the concerns.

Depending on the outcome of the investigation appropriate action will be considered in accordance with Yorkhill Housing Association's existing policies and procedures.

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.

Right of Appeal

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 & Finance Sub Committee.

Raising a Concern Externally

Yorkhill Housing Association encourages employees to raise concerns internally to allow for appropriate investigation and action to be taken, however if an employee remains dissatisfied with the outcome they can raise this with the correct prescribed body or person.

General Data Protection Regulations:

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

This policy does not form part of your contract of employment, therefore may be updated or withdrawn at any time. If this happens it will be communicated to you accordingly.

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Appendix 1

List of Prescribed Persons

- **Scottish Housing Regulator** (0141 242 5642 / shr@shr.gov.scot / Scottish Housing Regulator, 5th Floor, 220 High Street, Glasgow, G4 0QW)
- **Environmental Health** (Glasgow City Council Environmental Health / <https://www.glasgow.gov.uk/article/4968/Environmental-Health>)
- **Health and Safety Executive** (<https://www.hse.gov.uk/contact/index.htm>)
Insert appropriate contact details

A list of prescribed persons / bodies can be found at this link - [Whistleblowing: list of prescribed people and bodies - GOV.UK](#)

Further Sources of Information

- **ACAS**
Helpline: 08457 47 47 47
www.acas.org.uk
- **Protect**
Tel (general): 020 3117 2520
- **Trade Union**
- **Citizen's Advice**