



## WHISTLEBLOWING POLICY

Date Approved: 5 September 2019

Review Date: September 2022

## **Introduction**

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

All employees, Committee Members and Stakeholders working for or acting on behalf of Calvay Housing Association are covered by this policy. The policy also applies to suppliers and those providing services under a contract within Calvay 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 Director, or in writing marked 'Private and Confidential' FAO Nick Dangerfield.

## **Scope of Policy**

This policy is designed to enable employees of Calvay 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 are already in place, including dignity at work, and disciplinary 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 Calvay 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
- 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 Calvay Housing 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.

Calvay 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 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 Calvay 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. 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 of the Management Committee/Board 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, Calvay 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 Calvay Housing 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.

## **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 an individual feels that their concern has not been dealt with appropriately, they can appeal the decision internally to the Convenor of the Corporate 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.

## Notifiable Events

It is anticipated that **any** whistleblowing allegation made under this policy will be deemed to be a notifiable event to the Scottish Housing Regulator and that the Association will report this event upon receipt.

The person responsible for reporting will be the Director or the Chairperson (unless both are implicated in any allegation, then the Secretary, supported by another member of the Senior Management Team).

For the avoidance of doubt the following are to be viewed as a Notifiable Event:

- Any whistleblowing allegation (whether substantiated or not)
- Serious complaint, allegation, investigation, or disciplinary action against a Committee Member
- Serious complaint, allegation, investigation, or disciplinary action about the Senior Officer (refer to Appendix One of the Notifiable Events Guidance, see below for hyperlink)
- First formal notification of an Employment Tribunal
- Potentially serious breach of legislation by the Association or serious legal action taken against the Association

Please note the above list is illustrative only and for a more detailed list please refer to the Scottish Housing Regulator's Notifiable Events guidance:

<https://www.scottishhousingregulator.gov.uk/for-landlords/statutory-guidance/notifiable-events#section-1>

## Policy Review

This Policy will be reviewed every three years or earlier if required.

## Appendix 1

### List of Prescribed Persons

- **Scottish Housing Regulator**  
Tel: 0141 242 5642
- **Auditor**  
Tel: 0141 221 2984
- **Environmental Health**  
Tel: 0141 287 1059
- **Health and Safety Executive**  
Tel: 0300 003 1647

### Further Sources of Information

- **ACAS Scotland**  
Helpline: 0300 123 1150  
[www.acas.org.uk](http://www.acas.org.uk)
- **Protect**  
Tel (general): 020 3117 2520 (\* option 1)
- **Unite**  
Tel: 0141 404 5424