

Group Whistleblowing policy

Our Commitment

Argyll Community Housing Association Group is committed to provide equal opportunities across all services and to avoid discrimination. This policy is intended to assist Argyll Community Housing Association (ACHA) and Argyll Homes for All (AHFA) to put this commitment into practice. Compliance with this policy should also ensure that employees do not commit unlawful acts of discrimination.

This policy can be made available in other formats, for example in large print, audio-format or Braille: the document may also be available in other languages, in full or summary form, as appropriate.

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1. CONTEXT

1.1 We are committed to conducting our business with honesty and integrity, and we expect all staff to maintain high standards in accordance with our Code of Conduct. However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring and to address them when they do occur. We encourage staff to report any suspected wrongdoing and are committed to ensuring that any employee who makes such a report is not treated unfavourably in any way.

1.2 The Public Interest Disclosure Act 1998 provides protection for individuals who make certain disclosures of information in the public interest

1.3 This policy applies to both ACHA and AHFA and covers all employees, officers, consultants, contractors, casual workers, agency workers and governing body members.

1.4 This policy does not form part of any employee's contract of employment and we may amend it at any time.

1.5 **Whistleblowing** is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include, but is not limited to, for the purposes of this policy:

- (a) criminal activity;
- (b) failure to comply with any legal obligation [or regulatory requirements];
- (c) miscarriages of justice;
- (d) danger to health and safety;
- (e) damage to the environment;
- (f) [bribery under our Anti-corruption and Bribery Policy];
- (g) [financial fraud];
- (h) the deliberate concealment of any of the above matters.

1.6A **whistleblower** is a person who raises a genuine that any of the above are happening, have happened, or are likely to happen. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of our activities (a **whistleblowing concern**) you should report it under this policy.

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- 1.7 This policy should not be used for complaints relating to your own personal circumstances, such as the way you have been treated at work. In those cases you should use the Grievance Procedure.
- 1.8 If you are uncertain whether something is within the scope of this policy you should seek advice from [the Whistleblowing Officer], whose contact details are at the end of this policy.

2 THE LAW AND GOOD PRACTICE

- 2.1 The main legislation relating to whistleblowing is contained in the Employment Rights Act 1996, with the relevant provisions having been added by the Public Interest Disclosure Act 1998, the Enterprise and Regulatory Reform Act 2013, and other legislation.
- 2.2 The Scottish Housing Regulator's publication 'Whistleblowing about a regulated body – Information for potential whistleblowers' - states that the Regulatory Framework requires an RSL to conduct its affairs with honesty and integrity. The Scottish Housing Regulator expect all RSL's to have a whistleblowing policy in place which tells both staff and governing body members how they can safely raise concerns and without fear of reprisal. RSL's are expected to take any concerns raised seriously
- 2.3 Further information relating to whistleblowing can also be found on the website of the Scottish Housing Regulator: www.scottishhousingregulator.gov.uk.
- 2.4 A whistleblowing allegation is a notifiable event and must be reported to the Scottish Housing Regulator.

3 POLICY OBJECTIVES

- 3.1 The aims of this policy are:
- a) To encourage staff to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected.
 - b) To provide staff with guidance as to how to raise those concerns.
 - c) To reassure staff that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.
 - d) to provide staff who are the subject of whistleblowing concerns with appropriate support and guidance.

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4 IMPLEMENTING OUR POLICY OBJECTIVES

4.1. Personnel Responsible for the Policy

- a) The Board of Management has overall responsibility for this policy, and for reviewing the effectiveness of actions taken in response to concerns raised under this policy.
- b) The Whistleblowing Officer has day-to-day operational responsibility for this policy, and must ensure that all managers and other staff who may deal with concerns or investigations under this policy receive regular and appropriate training.
- c) The Whistleblowing Officer, in conjunction with the Board should review this policy from a legal and operational perspective at least once a year.
- d) All staff are responsible for the success of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing. Staff are invited to comment on this policy and suggest ways in which it might be improved. Comments, suggestions and queries should be addressed to the Whistleblowing Officer.

4.2 Raising a Whistleblowing Concern

- a) We hope that in many cases you will be able to raise any concerns with your line manager. You may tell them in person or put the matter in writing if you prefer. They may be able to agree a way of resolving your concern quickly and effectively. In some cases, they may refer the matter to the Whistleblowing Officer. It will be helpful if you indicate that you are raising your concern under the Whistleblowing policy
- b) However, where the matter is more serious, or you feel that your line manager has not addressed your concern, or you prefer not to raise it with them for any reason, you should contact one of the following:
 - (i) The Whistleblowing Officer, Director of HR & Corporate Services
 - (ii) Another member of the Senior Management Team.

Contact details are set out at the end of this policy. Again you may tell them in person or put the matter in writing. It will be helpful if you indicate that you are raising your concern under the Whistleblowing policy

- c) If any additional information is required from you, we will arrange a meeting with you as soon as possible to discuss your concern. You may bring a colleague or union representative to any meetings under this policy. Your companion must respect the confidentiality of your disclosure and any

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subsequent investigation.

- d) We will take down a written summary of your concern and provide you with a copy after the meeting. We will also aim to give you an indication of how we propose to deal with the matter.

4.3. Confidentiality

- a) We hope that staff will feel able to voice whistleblowing concerns openly under this policy. However, if you want to raise your concern confidentially, we will make every effort to keep your identity secret. If it is necessary for anyone investigating your concern to know your identity, we will discuss this with you.
- b) We do not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if we cannot obtain further information from you. It is also more difficult to establish whether any allegations are credible. Whistleblowers who are concerned about possible reprisals if their identity is revealed should come forward to the Whistleblowing Officer or a member of Senior Management and appropriate measures can then be taken to preserve confidentiality. If you are in any doubt you can seek advice from Protect, the independent whistleblowing charity, who offer a confidential helpline.

4.4. Investigation and Outcome

- a) Once you have raised a concern, we will carry out an initial assessment to determine the scope of any investigation. We will inform you of the outcome of our assessment. You may be required to attend additional meetings in order to provide further information. If the initial assessment is that the issue raised is not a potential whistleblowing concern, then we will discuss with you any other steps we propose to take or which you may wish to take to resolve the issue.
- b) A senior manager (“the Manager”) will be appointed to oversee the process and to reach a decision in relation to the concerns which have been raised. The Manager may carry out their own investigation, or in some cases may appoint another investigator or team of investigators including staff with relevant experience of investigations or specialist knowledge of the subject matter, to make all necessary factual inquiries and to report back. The scope and remit of that investigation will be established at the outset, having regard to the subject matter and the extent of the complaint. In determining the scope and conduct of any investigation, the Manager or other investigator(s) may wish to refer to Appendix 2 ACAS Guidance – Conducting Workplace Investigations – but will not be required to follow that Guidance in full in all cases.

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The Manager (or as the case may be the other investigator(s)) will be entitled to interview such witnesses as they consider appropriate, and to require the production of any documents that appear to be relevant. The Manager and/or the investigator(s) may make recommendations for change to enable us to minimise the risk of future wrongdoing. The Manager will prepare a final report into the matter making appropriate findings and recommendations. In the event that it is believed that any of ACHA's employees or Board members may be guilty of wrongdoing, further steps, including steps under the disciplinary process, may be taken, but the whistleblowing investigation cannot in itself result in any disciplinary sanction being applied.

- c) We will aim to keep you informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent us giving you specific details of the investigation or any disciplinary action taken as a result. You should treat any information about the investigation as confidential.
- d) If we conclude that a whistleblower has made false allegations maliciously, the whistleblower will be subject to disciplinary action.
- e) Where you have a concern you are not required to carry out your own investigation, except in the normal course of your duties, or with specific agreement with a Senior Manager. Concerns should be raised in line with this policy in order that a formal investigation can be carried out.

4.5 If You Are Not Satisfied

- a) While we cannot always guarantee the outcome you are seeking, we will try to deal with your concern fairly and in an appropriate way. By using this policy you can help us to achieve this.
- b) If you are not happy with the way in which your concern has been handled, you can raise it with one of the other key contacts in Paragraph [4.2b]. Alternatively, you may contact the chair of the Management Committee or our external auditors. Contact details are set out at the end of this policy.

4.6. External Disclosures

- a) The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases you should not find it necessary to alert anyone externally.
- b) The law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body such as a regulator (for example

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the Scottish Housing Regulator). It will very rarely if ever be appropriate to alert the media. We strongly encourage you to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Protect, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern. Their contact details are at the end of this policy.

- c) Whistleblowing concerns usually relate to the conduct of our staff, but they may sometimes relate to the actions of a third party, such as a supplier or service provider. In some circumstances the law will protect you if you raise the matter with the third party directly. However, we encourage you to report such concerns internally first. You should contact your line manager or one of the other individuals set out in Paragraph 4 for guidance.

4.7. Protection and Support for Whistleblowers

- a) It is understandable that whistleblowers are sometimes worried about possible repercussions. We aim to encourage openness and will support staff who raise genuine concerns under this policy, even if they turn out to be mistaken.
- b) Whistleblowers **must not** suffer any detrimental treatment as a result of raising a concern. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform [the Whistleblowing Officer] immediately. If the matter is not remedied you should raise it formally using our Grievance Procedure.
- c) Staff and Governing Body members **must not** threaten or retaliate against whistleblowers in any way, or subject a whistleblower to any unfavourable treatment. If you are involved in such conduct you may be subject to disciplinary action which may include dismissal. In some cases the whistleblower could have a right to sue you personally for compensation in an employment tribunal.
- d) A confidential support and counselling hotline is available to whistleblowers who raise concerns under this policy. Their contact details are set out at the end of this policy.

4.8 Support and guidance for the subjects of whistleblowing concerns

- a) Whistleblowing concerns may be general concerns about the actions of the Association, or they may expressly relate to the actions of specific individuals, or it may become clear during the investigation that the concern relates to the actions of specific individuals. Where the whistleblowing investigation makes allegations about an individual, or it becomes clear that the issues relate to an individual, that individual can also take advantage of the confidential

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employee counselling support hotline.

- b) If a Whistleblowing concern raises issues relating to your personal actions, or the investigation does so, you will, to the extent we consider it appropriate and consistent with the nature of the ongoing inquiry, and at an appropriate time, be provided with information and guidance about the concerns that have been raised, how they relate to you, the investigation process that is being undertaken, and the potential outcomes.
- c) You will be invited to an interview to discuss the concerns. [As with other witnesses being interviewed as part of the investigation], you will be advised that you may bring a colleague or union representative to any meetings under this policy. Your companion must respect the confidentiality of your disclosure and any subsequent investigation
- d) As set out at 4.7 above, you must not subject a whistleblower to any detrimental treatment due to the raising of concerns. If you have concerns on the general expectation of how you should interact with a whistleblower (for example where there is an ongoing line management relationship) you should raise these with the whistleblowing officer who will provide advice.

5 PERFORMANCE MANAGEMENT

- 5.1 We will review the cases where complaints have been made to check that the proper procedures have been followed.
- 5.2 Our performance management system provides an important organisational check on our practices; identifies learning points and allows us to implement changes to improve services on a continuous basis.

6 DEVELOPMENT AND TRAINING

- 6.1 We will provide training to all existing and new employees of the Group to help them understand their rights and responsibilities under the Whistleblowing Policy. This training will also focus on what individuals can do to help create a working environment free from bribery or corruption.
- 6.2 We will provide training to managers and others to enable them to deal effectively with whistleblowing concerns raised by employees or others.
- 6.3 We will ensure that any update in relation to whistleblowing, for example, changes to the Act, updates to the policy or renewed regulatory guidance are circulated to employees and governing body members.

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7 POSITIVE ACTION INITIATIVES

7.1 In compliance with The Scottish Housing Regulators Regulatory Standards of Governance and Financial Management, the ACHA Group commits to; achieve good outcomes for our tenants and other service users, be open about and accountable for what we do, manage our resources to ensure our financial well-being and economic effectiveness and conduct our affairs with honesty and integrity.

8 DEALING WITH COMPLAINTS

8.1 Complaints from employees and governing body members, relating to whistleblowing are dealt with in line with this policy. In terms of our policies complaints can be made if we fail to apply these properly or don't meet our organisational standards.

8.2 Complaints by others can be raised through our Complaints Procedure or directly with any of the regulatory authorities mentioned in Section 4.6.

9 CONSULTATION AND REVIEW PROCEDURES

9.1 This policy will be reviewed on a three yearly programmed basis, or more frequently where deemed necessary. We undertake programmed reviews to assess our effectiveness in terms of ensuring continued compliance with legislation. Where changes are required we will implement them, after consulting with Joint Trade Unions or other relevant stakeholders.

10 CONFIDENTIALITY AND DATA PROTECTION

10.1 Information which we hold in respect of whistleblowing complaints will only be used for the purposes of investigating and dealing with the complaint. We will process and retain personal information in compliance with current data protection legislation and regulations.

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APPENDIX 1. CONTACTS

Whistleblowing Officer	<p>Colette Benham</p> <p>01546 605857</p> <p>colette.benham@acha.co.uk</p>
CEO or other trusted individual	<p>Alastair MacGregor</p> <p>01546 605921</p> <p>alastair.macgregor@acha.co.uk</p>
Chairman of the Management Committee	<p>James Milne</p> <p>07853 214242</p> <p>murdoch84@hotmail.com</p>
External auditors	<p>Alexander Sloan Chartered Accountants</p> <p>0141 204 8989</p> <p>info@alexandersloan.co.uk</p>
Confidential counselling hotline	<p>Positive Life Therapy</p> <p>07891 574099</p> <p>www.actcounselling.com</p>
Protect (Independent whistleblowing charity)	<p>Helpline: 0203 117 2520</p> <p>E-mail: whistle@pcaw.co.uk</p> <p>Website: www.pcaw.co.uk</p>

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APPENDIX 2

ACAS Guidance – Conducting workplace investigations

https://www.acas.org.uk/media/4483/Conducting-workplace-investigations/pdf/Conducting_Workplace_Investigations.pdf

APPENDIX 3

Scottish Housing Regulator

Information about Whistleblowing

<https://www.scottishhousingregulator.gov.uk/for-landlords/advisory-guidance/how-we-work/information-about-whistleblowing>

APPENDIX 4

Whistleblowing Good Practice Note – Quality and Efficiency Forum