



TOLLCROSS  
housing association

## Whistleblowing Policy

Prepared By	Anne Wilson, Corporate Services Director
Policy Created	NA
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Reviewed By	Management Committee

CORPORATE FIT	
Internal Management Plan	✓
Risk Register	✓
Business Plan	✓
Regulatory Standards	✓
Equalities Strategy	✓
Legislation	✓

On request, the Association will provide translations of all our documents, policies and procedures in various languages and other formats such as computer disc, tape, large print, Braille etc. and these can be obtained by contacting the Association's offices.

## 1. Introduction

- 1.1 Tollcross Housing Association is committed to the highest standards of openness, probity and accountability. As employees (and others that we deal with) are often the first to realise that there may be something seriously wrong, we expect those who have serious concerns about any aspect of Tollcross Housing Association's work to come forward and speak up without fear of reprisal.
- 1.2 Thus, we recognise that it is an important aspect of accountability and transparency to provide a mechanism to ensure that no employee (and other members) of Tollcross Housing Association feel at a disadvantage in raising legitimate concerns.
- 1.3 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 disclosing certain serious concerns.
- 1.4 These procedures are in addition to Tollcross Housing Association's complaints procedures and other statutory reporting procedures.
- 1.5 All employees, contractors, other bodies, agency staff, etc. working for Tollcross Housing Association on its premises are covered by this policy. The policy also applies to suppliers and those providing services under a contract within Tollcross Housing Association on any of its premises.

## 2. Scope of the Policy

- 2.1 This policy is designed to enable employees of Tollcross 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 might be in the public interest and may (at least initially) be investigated separately, but might then lead to the commencement of such procedures.
- 2.2 Under the Public Interest Disclosure Act, a disclosure of information is protected (i.e. the employee cannot be penalised) if it is made in certain prescribed ways and if the worker *reasonably believes* it is *in the public interest* and relates to one of the following:
  - a criminal offence has been committed;
  - failure to comply with a legal obligation;
  - dangers or likely dangers to health and safety;
  - damage or likely damage to the environment;

- a miscarriage of justice;
- attempts to conceal any of the above.

The following examples are specifically covered by this policy:

- financial malpractice, impropriety or fraud;
- abuse of power or status;
- improper conduct or unethical behaviour;
- giving or receiving of bribes;
- failure to fully comply with any legal process we are required to follow;
- dangerous working practices.
- Breach of the Association's policies and procedures for dealing with tenants and prospective tenants.

### 3. Safeguards

#### a) **Protection**

This policy is designed to offer protection to those employees of Tollcross Housing Association who disclose such information provided the disclosure is made:

- to an appropriate person/body; and
- that the individual has reasonable belief in the validity of the concerns being raised and that they are in the public interest

Tollcross Housing Association will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect the individual when they disclose such information.

#### b) **Confidentiality**

All concerns raised internally 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 openly as a witness, or it may not be possible to take the matter forward.

#### c) **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 Tollcross Housing Association. It may not be possible to ensure protection for an anonymous whistleblower, as the Association will not know who has made the complaint.

#### d) **Untrue Allegations**

If an individual discloses information or makes an allegation that is not confirmed by the subsequent investigation, but was reasonably

believed to be true, no action will be taken against that individual. However, if the individual makes an allegation, maliciously, or in any case where it was not reasonably believed to be true, disciplinary action may be taken against them up to and including dismissal.

#### 4. Equalities

- 4.1 An Equality Impact Assessment (EIA) has been carried out when reviewing this policy. In line with good practice the completed EIA will be published alongside the Whistleblowing Policy.

Where there is a need for follow-up action, the tasks and timeframe for achieving them shall be noted in the Equality and Human Rights Action Plan to ensure they are addressed.

- 4.2 We do not see this policy as having any direct impact upon the protected characteristics contained within the Equality Act 2010.

#### 5. How to Raise a Concern

a) **First Step**

While disclosures of information may be protected if made to certain external parties, depending on the circumstances (see the prescribed persons listed at Schedule 1), employees are encouraged to raise the matter internally in the first instance.

The individual should normally raise concerns with their immediate line manager or, if the concern relates to the line manager, it should be notified to a Director within the Leadership Team. This information will be passed on as soon as is reasonably possible to the appropriate designated investigating officer as follows:

- Complaints of malpractice will be investigated by the Chief Executive unless the complaint is against the Chief Executive or is in any way related to the actions of the Chief Executive. 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 Chief Executive, the Chairperson will nominate a Director to act as the alternative investigating officer.
- The complainant has the right to bypass the line management structure and take their complaint direct to the Chairperson or other Committee Member. The Chairperson/Committee Member has the right to refer the complaint back to management if he/she feels that the management, without any conflict of interest, can more appropriately investigate the complaint.

b) **Communicating the Disclosure**

Although the individual is not expected to prove beyond doubt the truth of an allegation, they will need to demonstrate to the person contacted that there are reasonable grounds for their concern.

Concerns may be raised verbally or in writing. Any individual making a written report are invited to use the following format:

- The background and history of the concern (giving relevant dates).
- The reason why there is concern about the situation.

The earlier the individual expresses their concern, the easier it is to action.

Employees can also gain advice, in confidence, by contacting their Trade Union, or alternatively one of the organisations set out in Appendix One.

c) **Process**

On receipt of a disclosure the Chief Executive or Chairperson will consider the information made available to him/her and decide on the form of investigation to be undertaken.

Depending on the circumstances surrounding the investigation appropriate action will be taken in accordance with Tollcross Housing Association's existing policies and procedures.

d) **Timescales**

The person who will have to reach the decision on the matter should not carry out the investigation. The responsible person will write to the individual concerned within ten working days of a disclosure being made. They will:

- 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;
- tell the individual whether any initial enquiries have been made;
- supply the individual with information on staff support mechanisms; and
- tell the individual whether further investigations will take place and if not, why not.

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, Tollcross 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.

## **6. Outcomes of Investigations**

Once all facts are established the Chief Executive or Chairperson will decide what action to take. If the complaint is justified, then they will invoke the appropriate procedures already existing at Tollcross Housing Association.

Alternatively the disclosure may be referred to an external body.

Tollcross Housing Association hopes the individual will be satisfied with any action taken. If they are not and feel it is right to take the matter outside Tollcross Housing Association, Appendix 1 provides a list of Prescribed Persons and Further Sources of Information to contact.

## **7. Policy Review**

This policy will be reviewed every 3 years or sooner as determined by Management Committee or in line with legislative updates.

## Appendix 1

### **List of Prescribed Persons**

#### **Scottish Housing Regulator**

Tel: 0141 242 5642

#### **Alexander Sloan (External Auditor)**

Tel: 0141 204 8989

#### **Quinn Internal Audit & Business Support**

Tel: 07957 117913

#### **Scottish Government (Legal & Parliamentary services)**

Tel: 0131 244 4000 or 0300 244 4000

#### **Environmental Services**

Tel: 0141 287 2000

#### **Health and Safety Executive**

Tel: 0345 300 9923

#### **OSCR (Office of the Scottish Charity Regulator)**

Tel: 01382 220 446

### **Further Sources of Information**

#### **ACAS**

Helpline: 08457 474747

#### **Public Concern at Work (Whistleblowing Charity : Protect)**

Tel: 020 7404 6609

#### **UNITE (Trade Union)**

Tel: 0141 404 5424