



Whistleblowing (Ref: G/20)

Purpose of Policy: This policy sets out the manner in which Manor Estates Housing Association will deal with instances of Whistleblowing.

This policy conforms to EVH and Scottish Housing Regulator guidance on this issue.

Policy Monitoring Details

Department:	CEO / Corporate
Author:	Graeme Russell
Status:	Group – For ease of reading, this Policy refers to Manor Estates Housing Association but also applies to Manor Estates Associates Limited
Date Approved by Board:	26 th September 2018
Updated:	
Planned Review Date:	September 2023
Regulatory Outcomes being achieved:	Standard 5.6: There are clear procedures for employees and governing body members to raise concerns or whistleblow if they believe there has been fraud, corruption or other wrong doings within the RSL.
Tenant Consultation Required:	No

Content List:

- 1.0 Introduction
- 2.0 General Data Protection Regulations
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- 5.0 Safeguards
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1. Introduction

1.1 Manor Estates 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, the Association expects those who have serious concerns about any aspect of Manor Estates Housing Association work to come forward and speak up without fear of reprisal. Therefore, Manor Estates Housing Association recognises that it is an important aspect of accountability and transparency to provide a mechanism to ensure that no employee, board member or stakeholder of Manor Estates Housing Association feel at a disadvantage in raising legitimate concerns.

- 1.2 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.
- 1.3 Employers may also be held vicariously liable for workers who victimise colleagues for making a disclosure. The Association will take all reasonable steps to protect workers from being victimised.
- 1.4 All employees, Board Members and Stakeholders working for or acting on behalf of Manor Estates Housing Association are covered by this policy. The policy also applies to suppliers and those providing services under a contract within Manor Estates Housing Association.
- 1.5 Customers, members of the public or other service users should raise any concerns regarding "Whistleblowing" directly with the Chief Executive, or in the event the complaint is against the Chief Executive, in writing marked 'Private and Confidential' to the Chair of the Association.

2.0 General Data Protection Regulations:

The organisation will treat all personal data in line with our obligations under the current data protection regulations and our own Privacy Policy. Information regarding how data will be used and the basis for processing data is provided in Manor Estates Housing Association's privacy notices issues to employees, board members and tenants.

3.0 Scope of Policy

This policy is designed to enable employees of Manor Estates 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 Manor Estates Housing Association, its staff, committee/board 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

4.0 Legal Framework

- Public Interest Disclosure Act 1998
- Enterprise & Regulatory Act 2013

5.0 Safeguards

5.1 Protection

This policy is designed to offer protection to those employees of Manor Estates 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.

Manor Estates 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.

5.2 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.

5.3 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 Manor Estates Housing Association.

5.4 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.

6.0 Raising a Concern

6.1 First Step

The individual should raise concerns with their immediate line manager or another senior member of staff if the concerns involve their 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 accusation is made against the Chief Executive or is in any way related to their actions. Where the accusation is related to the Chief Executive, matters should be addressed to the Chair of the Board who will in turn appoint an independent person to investigate the allegations.

Where a complaint relates to the Chair or Vice Chair of the Association, the matter will be referred to the Chairperson of the Association's Audit Committee, who will in turn appoint an independent person to investigate the allegations.

The provisions as set out in the "*Model Code of Conduct for Governing Body Members*" will address accusations or disclosures made against ordinary Board members.

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, Manor Estates Housing Association will seek further information from the individual concerned.

Where any meeting is arranged, the individual highlighting the issue can be accompanied by a trade union representative and also have the meeting off-site if they so wish.

6.2 Process

On receipt of a disclosure the appropriate person will formally acknowledge receipt to the person making the disclosure;

- 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.
- Inform the individual whether further investigations will take place and if not, explain why.

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

6.3 Timescales

Once the nominated investigator has completed their investigation, the results will be provided to the individual who instructed the investigation. They will then write to the person who raised the concern as soon as possible to confirm the outcome.

7.0 Outcome of Investigation

Once the investigation has been completed and the report is received by the recipient of

the disclosure, 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 Chair of the Audit 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.

8.0 Publicising this Policy:

This policy will be made available to all staff and Board members, be published on the Association's web site and notified to contractors, agents and consultants. Alternative formats and languages will be available on request.

9.0 Other relevant or related policies:

- **G/02: Preventing Bribery and Fraud**
- **G/03: Complaints Handling**
- **G/04: Openness and Confidentiality Policy**
- **G/07: Entitlements, Benefits and Payments**
- **G/17: SFHA Code of Conduct**
- **G/18: Standing Orders**

Appendix 1

List of Prescribed Organisations

- **The Scottish Housing Regulator**

Tel: 0141 242 5642
www.scottishhousingregulator.gov.uk

- **City of Edinburgh Council**

Tel: 0131 200 2000
www.edinburghcouncil.org.uk

- **Office Scottish Charity Regulator**

Tel: 01382 220446
www.oscr.org.uk

- **Financial Conduct Authority**

Tel: 0800 111 6768 (Freephone) or 0300 500 8082
www.fca.org.uk

- **Health and Safety Executive**

Tel: 0131 247 2121
www.hse.gov.uk

Further Sources of Information

- **ACAS**

Helpline: 08457 47 47 47
www.acas.org.uk

- **Public Concern at Work**

Tel: 0207 404 6609
www.pcaw.org.uk

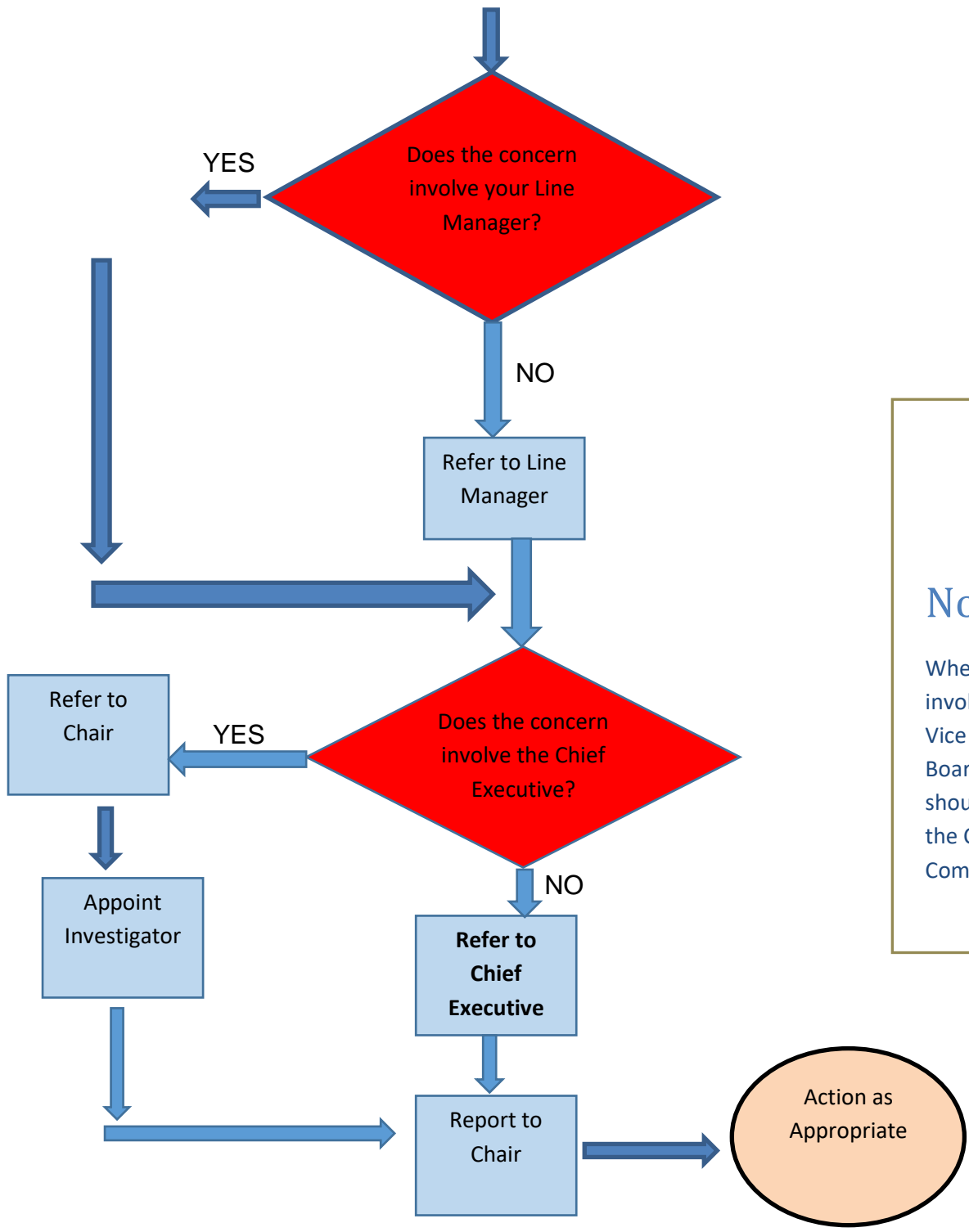
- **Unite the Union**

Tel: 0141 404 5424
www.unitetheunion.org.uk

WHISTLEBLOWING

Summary of Process

Identify
Concern



Note

Where concerns involve the Chair or Vice Chair of the Board, the matter should be referred to the Chair of the Audit Committee.

**Equalities Impact Assessment
PART 1 – INITIAL ASSESSMENT**

Policy	Whistleblowing Policy
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Type	New	Review	Other (please specify)
Author	G. Russell		
Key customer contact points: external (service users)			
<ul style="list-style-type: none"> ▪ Tenants and Factoring Service Customers 			
Key customer contact points: external (other stakeholders)			
<ul style="list-style-type: none"> ▪ Contractors and Consultants, Members of the general public 			
Key customer contact points: internal			
<ul style="list-style-type: none"> ▪ Employees, Board Members, Share Holding members 			
	Identified Potential Impact		
Characteristic	Negative	Positive or No Impact	Don't Know
Age		✓	
Gender Reassignment		✓	
Being married or in a civil partnership		✓	
Disability		✓	
Race, including colour, nationality, ethnic or national origin		✓	
Religion, belief, or lack of religion/belief		✓	
Pregnancy & maternity		✓	
Gender		✓	
Sexual orientation		✓	
<p>If you have answered 'Negative' or 'Don't Know', note here any mitigating action that has already been taken or is already in place to address the issues identified.</p>			
Potential Impact	Mitigating Action in Place		
Is a full EQIA required?	Yes / No		
<p>If you have answered 'No', please give reasons:</p> <ul style="list-style-type: none"> ▪ No impact on equalities identified ▪ Impact identified, but action to address 			

Other:

Signed: _G, Russell

Position: CEO

Date: 1st September 2018