



PARKHEAD HOUSING ASSOCIATION LTD.

WHISTLEBLOWING

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WHISTLEBLOWING

1. OBJECTIVE

- 1.1 This “whistleblowing” policy is intended to encourage and enable you to raise serious concerns within the organisation or to an external person who can help.

2. DEFINITIONS

- 2.1 Parkhead Housing Association is committed to the highest standards of openness and accountability. As employees are often the first to realise that there may be something seriously wrong, Parkhead Housing Association expects those who have serious concerns about any aspect of Parkhead Housing Association’s work to come forward and speak up without fear of reprisal. Thus, Parkhead 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 Parkhead Housing Association feel at a disadvantage in raising legitimate concerns.
- 2.2 Whistleblowing is the term commonly used when someone who works for an organisation raises a concern about malpractice, risk, wrongdoing or possible illegality which harms, or creates a risk of harm, to people who use the service, or the organisation’s own reputation. This is also called ‘making a disclosure’.
- 2.3 The Public Interest Disclosure Act 1998 (PIDA) provides protection for workers who make qualifying disclosures. Qualifying disclosures are allegations of:
- Criminal activity;
 - Failure to comply with a legal obligation;
 - Dangers to health and safety or the environment;
 - Financial malpractice or impropriety or fraud;
 - Attempts to conceal any of the above
- 2.4 Employers may also be held vicariously liable for workers who victimise colleagues for making a disclosure. Parkhead Housing Association Ltd will take reasonable steps to protect workers from being victimised.
- 2.5 All employees, Board and Stakeholders working for or acting on behalf of Parkhead Housing Association are covered by this policy. The policy also applies to suppliers and those providing services under a contract within Parkhead Housing Association.

- 2.6 If you are a customer, member of the public or other service user, you should raise any concerns regarding “Whistleblowing” directly with the Chief Executive or Chairperson, or in writing marked “Private and Confidential” FAO Chief Executive.

3. SCOPE OF POLICY

- 3.1 This policy is designed to enable employees of Parkhead 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 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 Parkhead 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. LEGAL FRAMEWORK

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

5. SAFEGUARDS

5.1 Protection

This policy is designed to offer protection to those employees of Parkhead 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

Parkhead 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 **Confidentially**

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 Parkhead Housing Association Ltd.

5.4 **Untrue Allegations**

If an individual makes an allegation that is not confirmed by the subsequent investigation, 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. **RAISING A CONCERN**

6.1 **First Step**

The individual should raise concerns with their immediate line manager or if more appropriate the Chief Executive or the Chairperson.

Any Board member with a serious concern should raise it first with an Office Bearer of the Board, or 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 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, Parkhead 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.

6.2 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 Parkhead Housing Association's existing policies and procedures.

6.3 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 tell the individual whether further investigations will take place and if not, explain why.

7. OUTCOME OF INVESTIGATION

Once the investigation has been completed and the report is received by the Chairperson or Chief Executive a decision on what action to take will be considered. If there are reasonable grounds to substantiate the complaint, an appropriate procedure will be invoked. 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 body as outlined in Appendix 1.

8. COMMITMENT OF SUPPORT

- 8.1 The Chief Executive/Board will support all those who have an honest and reasonable suspicion that malpractice has occurred. They will be given confidentially and protected from reprisals.
- 8.2 We will report back on the outcome of our investigations into your complaint and as far as possible on any resultant actions.
- 8.3 Malicious allegations will be firmly dealt with and could result in disciplinary action dismissal or removal from the Board, depending on the circumstances.

To be Reviewed 2023

Appendix 1

We hope that you would feel able to disclose your concerns and have them dealt with internally.

However, if this is not possible, you can raise your concerns with the appropriate regulatory body.

Scottish Housing Regulator

Tel - 0141 242 5642

Health and Safety Executive

Tel - 0345 300 9923

External Auditor - RSM

Tel - 0141 285 3900

Internal Auditor - Alexander Sloan

Tel - 0141 204 8989

The Police

Tel - Pitt Street - 0141 532 2000

ACAS

Helpline: 0300 123 1150

Public Concern at Work

Tel (general): 0207 404 6609

Unite

Tel : 0141 404 5424