



**Gardeen Housing Association Ltd**  
**Building a Better Future**

# **GARDEEN HOUSING ASSOCIATION**

## **WHISTLEBLOWING POLICY**

<b>Implemented</b>	<b>2022</b>
<b>Next Review</b>	<b>2025- unless there is a change in legislation or change in Scottish Housing Regulator Guidance Notes, changes in Law or Association's procedures</b>

**A: GOVERNANCE AND ACCOUNTABILITY**

## Introduction

Gardeen Housing Association is committed to the highest standards of openness, honesty and accountability. As employees are often the first to realise that there may be something seriously wrong, Gardeen Housing Association expects those who have serious concerns about any aspect of Gardeen Housing Association's work to come forward and speak up without fear of reprisal. Therefore, Gardeen Housing Association recognises that it is an important aspect of accountability and transparency to provide a mechanism to ensure that no employee, committee/board member or stakeholder of Gardeen 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. Gardeen 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 Gardeen Housing Association are covered by this policy. The policy also applies to suppliers and those providing services under a contract within Gardeen 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 to the Chairperson of Gardeen Housing Association.

## Purpose of Policy

This policy is designed to enable employees of Gardeen 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. 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 Gardeen Housing Association, its staff, committee/board 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 and Regulatory Act 2013

### **Safeguards**

#### **Protection**

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

Gardeen 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 in good faith.

#### **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 powerful, but will be considered at the discretion of Gardeen Housing Association.

#### **Untrue Allegations**

If an individual makes an allegation in good faith that is not confirmed by the subsequent investigation, it is probable that no action will be taken against that individual. However, if the individual makes an allegation that is deemed 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 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 normally raise concerns with their immediate Manager. This information will be passed on as soon as 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 Senior Officer, it should be addressed to the Chairperson 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 take action. The amount of contact between the persons considering the issues and the individual will depend on the nature of matters raised, the potential difficulties involved and the clarity of information provided. If necessary, Gardeen Housing Association will seek information from the individual concerned.

Where any meeting is arranged, the individual can be accompanied by a trade union representative and 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 Gardeen 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 tell the individual whether further investigations will take place and if not explain why

### **Outcomes of Investigations**

Once the investigator has completed the investigation 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 Management Committee.

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.

## **Scottish Housing Regulator**

Whistleblowing is a Notifiable event and should be reported to the Regulator ( See Notifiable Events Regulatory Guidance (February 2016) The Scottish Housing Regulator has also issued guidance Whistleblowing about a regulated body – information for potential whistleblowers

## **Promotion of Whistleblowing policy**

The Whistleblowing policy will be brought to the attention of the staff and Gardeen Housing Association Committee members during their induction, and periodically at staff and governing body briefings and meetings.

## **Equal Opportunities**

Gardeen Housing Association is committed to ensuring equal opportunities and fair treatment for all people in its work. In implementing its policy on Whistleblowing, Gardeen Housing Association will ensure that it achieves fairness towards all staff and governing body members, irrespective of factors such as gender or marital status, race, colour, disability, age, sexual orientation, language or social origin or other personal attributes.

## **Review of Policy**

This policy will be reviewed every three years unless there is a change in legislation or change in Scottish Housing Regulator Guidance Notes or the Association's procedures. The next review should take place in 2025

## **Appendix 1**

### **List of Prescribed Persons**

#### **Scottish Housing Regulator**

Buchanan House  
58 Dundas Road  
Glasgow  
G4 0HF  
Tel: 0141 242 5642  
<https://www.scottishhousingregulator.gov.uk/>

#### **Environmental Health**

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

Cornerstone  
107 West Regent Street  
Glasgow  
G2

Tel: 0141 275 3000

#### **Office of the Scottish Charity Regulator**

2<sup>nd</sup> Floor  
Quadrant Drive  
9 Riverside Drive  
Dundee  
DD1 4NY  
Tel: 01382 220 446  
[www.oscr.org.uk](http://www.oscr.org.uk)

#### **Scottish Government**

Victoria Quay  
Edinburgh  
EH6 6QQ  
Tel (general): 0300 244 4000

## **Further Sources of Information**

### **ACAS**

151 West George Street  
Glasgow  
G2 2JJ

0300 123 1150 [www.acas.org.uk](http://www.acas.org.uk)

### **Protect Suite 301**

16 Baldwin Gardens  
London  
EC1N 7RJ

Tel: 020 3117 2520

<https://protect-advice.org.uk/>

### **Unite**

<http://www.unitetheunion.org/>

### **Glasgow**

Unite the union, John Smith House, 145/165 West Regent Street, Glasgow G2 4RZ  
Tel: 0141 404 5424