



# Whistleblowing Policy

Policy Ref: HR02

Prepared By	Chief Executive
Date of Review	October 2023
Date of Next Review	October 2026
Reviewed By	Human Resources Committee

## **Introduction**

Partick Housing Association (PHA) is committed to openness, probity, and accountability. As employees are often the first to realise that there may be something seriously wrong, PHA expects those who have serious concerns about any aspect of PHA's work to come forward and speak up without fear of reprisal. Therefore PHA 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 PHA feels at a disadvantage in raising legitimate concerns.

The Public Interest Disclosure Act 1998 provides legal protection to employees against detrimental treatment, victimisation or unfair dismissal by their employers as a result of publicly disclosing 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. PHA will take all reasonable steps to protect workers from being victimised.

All employees, Board members and Stakeholders working for, or acting on behalf of PHA are covered by this policy. The policy also applies to suppliers and those providing services under a contract within PHA.

If you are an employee, customer, member of the public or other service user, you should raise any concerns regarding 'whistleblowing' directly with the Corporate Services Manager or Chief Executive in writing marked 'Private and Confidential'.

## **General Data Protection Regulations:**

The organisation will treat your personal data in line with our obligations under the current data protection regulations and our own Privacy Policy. Information regarding how your data will be used and the basis for processing your data is provided in PHA's employee privacy notice.

## **Scope of Policy**

This policy is designed to enable employees of PHA to raise concerns at a high level to disclose information that the individual believes demonstrates malpractice or impropriety. A number of policies are already in place, such as dignity at work, and disciplinary and grievance procedures however this policy is intended to cover concerns that are in the public interest and at a minimum be investigated initially and 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; Danger to health and safety or the environment;
- Criminal activity involving PHA, its staff, Board members or stakeholders;
- Professional malpractice;
- Improper conduct or unethical behaviour;
- Serious act of misconduct or serious breach of PHA code of conduct;
- Failure to meet legal obligations;
- Abuse of power or status; or
- Deliberate attempts to conceal any of the above.

## **Legal Framework**

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

## **Safeguards**

## **Protection**

This policy is designed to offer protection to those employees of PHA 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.

PHA 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.

## **Confidentiality**

All concerns will be treated in confidence and every effort will be made to protect the individual's identity, if they so wish. Depending on the circumstances of the concern, we may request that the individual comes forward as a witness.

## **Anonymous Allegations**

This policy encourages individuals to put their name to any disclosure. This helps the reliability of the disclosure, and provide information to be readily tested. Concerns expressed anonymously are less robust, however but nevertheless be considered at the discretion of PHA.

## **Untrue Allegations**

If it is established that an individual has made an allegation 'in bad faith' i.e. frivolously, maliciously or for personal gain, disciplinary action may be taken against them which could include up to 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, and compensation may be reduced up to 25% in such circumstances.

## **Alleged Detriment**

If you believe that you are being victimised by, or suffering any detriment from anyone connected within PHA as a result of reporting a concern or assisting in any investigation, you must inform your line manager immediately and appropriate action will be taken to protect you.

## **Raising a Concern**

### **• First Step**

As a first step any concerns should be raised with the immediate line manager. This depends however on the seriousness and sensitivity of the issue and who is thought to be involved in the suspected malpractice.

If the concerns involves your immediate line manager, or for any reason you would prefer not to raise your concerns with them, you may raise the matter directly with the Corporate Services Manager or Chief Executive.

Complaints will be investigated by the Chief Executive, unless the complaint is about 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 Chair of the Board who will in turn appoint an independent person to investigate the allegations.

- **Disclosure**

To make a disclosure, please do so in writing to the email address of the appropriate person identified, copying in info@partickha.org.uk. You are invited to set out the background and history of the concern, giving names, dates, places where possible, and the reason you are particularly concerned about the suspected malpractice. 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, PHA will seek further information from the individual concerned.

- **Process and Timescales**

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 PHA's existing policies and procedures. PHA will then respond to the individual 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 inform the individual whether further investigations will take place and if not, explain why.

Where any meeting is arranged for the individual to attend, they may be accompanied by a trade union or other representative and request for the meeting location be held off-site.

PHA will take steps to minimise any difficulties which you may experience as a result of raising a concern. We also accept that you need to be assured that the matter has been properly addressed. Therefore, subject to legal constraints, we will keep you informed about the action which we have taken.

- **Outcome of Investigation**

Once the investigation has been completed and the report is received by the Chief Executive or 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 Chair of the Audit & Risk Committee (who should not be an office bearer) within one month of decision outcome. 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 Annex 1.

### **Policy Review**

We will review this policy every three years or sooner if required.

**List of Prescribed Persons**

- The Scottish Housing Regulator  
Tel: 0141 242 5642
- Environmental Health  
Tel: 0141 287 9700
- Health and Safety Executive  
Tel: 0141 275 3100

**Further Sources of Information**

- ACAS  
Helpline: 0300 123 1100 [www.acas.org.uk](http://www.acas.org.uk)
- Public Concern at Work  
Tel: 0207 404 6609  
[www.protect-advice.org.uk](http://www.protect-advice.org.uk)
- UNITE the Union (Trade Union)  
Tel: 020 7611 2500