



## **Provanhall Housing Association Limited**

### **POLICY**

#### **Whistleblowing**

**AUTHOR**  
Alan Hume, Director

<b>DRAFTED</b>	<b>APPROVED</b>	<b>NEXT REVIEW</b>
November 2023	November 2023	November 2026

1. Introduction
  - 1.1 Provanhall Housing Association (PHA) is committed to the highest standards of openness, transparency and accountability in accordance with the Regulatory Requirements of the Scottish Housing Regulator. PHA are required to have an promote a Whistleblowing policy in accordance with Standard 5 – The RSL conducts its affairs with honesty and integrity
  - 1.2 Governing Body members and 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. PHA recognises that it is an important aspect of accountability and transparency to provide a mechanism to ensure that no Employee, Governing Body or other stakeholder of the Association feel at a disadvantage in raising legitimate concerns.
  - 1.3 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.
  - 1.4 Where 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.
  - 1.5 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.
  - 1.6 All employees, Governing Body members and Stakeholders working for or acting on behalf of PHA are covered by this policy.
  - 1.7 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’ FAO Chairperson.
2. General Data Protection Regulations:
  - 2.1 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.
3. Scope of Policy
  - 3.1 This policy enables employees of PHA 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 may 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 PHA, its staff, Governing Body (committee) 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

##### 4.1 The following legislation relates to this Policy

- Public Interest Disclosure Act 1998
- Enterprise & Regulatory Act 2013
- Housing (Scotland) Act 2010

#### 5. Safeguards

##### 5.1 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 or 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.

#### 6. Confidentiality

##### 6.1 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.

#### 7. Anonymous Allegations

##### 7.1 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 PHA.

## 8. Untrue Allegations

8.1 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' for example frivolously, maliciously or for personal gain, Disciplinary action may be taken against them and this may be up to and including Dismissal.

8.2 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.

## 9. Raising a Concern

### 9.1 First Step

The individual should raise concerns with their immediate line manager. This information will be passed on as soon possible to the Director.

9.2 Complaints will be investigated by the Director, unless the complaint is against the Director or is in any way related to their actions.

9.3 Complaints related to the Director should be addressed to the Chairperson of the Management Committee who will in turn appoint an independent person to investigate the allegations.

9.4 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.

9.5 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.

9.6 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.

### 9.10 Process

On receipt of a disclosure the appropriate person will launch an investigation.

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

## 9.12 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 inform the individual whether further investigations will take place and if not, explain why

## 10. Outcome of Investigation

10.1 Once the investigation has been completed 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.

10.2 Where an individual feels that their concern has not been dealt with appropriately, they can appeal the decision internally to the Chair of the investigation panel (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.

## 11. Notifiable Event

11.1 Where a whistleblowing allegation has been received, a notifiable event notification will be made to the Scottish Housing Regulator. It is the responsibility of the Director to make this notification, or the Chairperson, where the complaint is about the Director.

## 12. Review

21.1 This Policy will be reviewed in three years unless new Statutory or best practice guidance is made available

## **Appendix 1**

### **List of Prescribed Persons**

Scottish Housing Regulator  
<https://www.scottishhousingregulator.gov.uk/>  
Tel: 0141 242 5642  
Email: [shr@scottishhousingregulator.gsi.gov.uk](mailto:shr@scottishhousingregulator.gsi.gov.uk)

Scottish Housing Regulator  
Buchanan House  
58 Port Dundas Road  
Glasgow  
G4 0HF

Environmental Health <https://www.glasgow.gov.uk/article/17172/Environmental-Health>

Tel: 0141 287 2000

Glasgow City Council  
City Chambers  
Glasgow  
G2 1DU.

Health and Safety Executive  
<https://www.hse.gov.uk/>  
Tel: 0345 300 9923

### **Further Sources of Information**

ACAS  
Helpline: 08457 47 47 47  
[www.acas.org.uk](http://www.acas.org.uk)

Public Concern at Work  
Tel (general): 0207 404 6609

Unite Trade Union  
Tel: 0141 404 5424

Unite the Union,  
John Smith House,  
145/165 West Regent Street,  
Glasgow, G2 4RZ