



WILLIAMSBURGH

HOUSING ASSOCIATION

Whistleblowing Policy

This policy can be made available in different languages and other formats on request.

Contents

1. Introduction
2. Aims and Objectives
3. Principles
4. Scope of the Policy
5. Safeguards
6. Procedure : How to Raise a Concern
7. Outcome of Investigations
8. Evaluation and Monitoring
9. Review
10. Appendices:
 - Appendix No.1 : Legal Framework
 - Appendix No.2 : List of Prescribed Persons
 - Appendix No.3 : Further Sources of Information

This policy is intended to cover staff, committee members, consultants or contractors working with us. If you are a tenant, member of the public or other service user, you should raise any concerns that would normally be called 'Whistleblowing' directly with the Chief Executive, or in writing marked 'Private and Confidential' for their attention at Ralston House, Cyril Street, Paisley, PA1 1RW.

1. Introduction

Housing associations are probably the most highly regulated area of the voluntary sector. Some of the requirements are much greater than those in the public sector and most definitely the private sector. The catalogue of serious cases where employees have given prior warning and it has not been recorded or investigated in all sectors, however, makes a Whistleblowing Policy an essential element of good management and public accountability.

The Scottish Government requires all housing associations to have a 'Whistleblowing Policy'. Williamsburgh Housing Association, (in response to SHGN 98/11 – Dealing with Complaints and Whistleblowers), introduced a policy setting out the principles to be observed when dealing with complaints from organisations and individuals, including residents, shareholders and other legitimate stakeholders including members of staff.

Good practice in this area includes: policies and registers on gifts, hospitality and personal interests; the Code of Governance for Committee; EVH's 'Model Policy - Whistleblowing'; staff conditions of service; tender registers for contractors and open competition for posts and appointments.

The extent of our work in this area is considerable. When combined with our practice and the requirements to act openly, and in a publicly accountable manner under considerable scrutiny, we already have some very strong safeguards against malpractice and cover up. In addition, we have in place not only our internal and external auditors but the Scottish Housing Regulator's inspectors and the feedback and involvement of our members, tenants and partners.

2. Aims and Objectives

Williamsburgh Housing Association is committed to the highest standards of openness, probity and accountability. Staff, committee members (and others that we deal with) are often the first to realise that there may be something seriously wrong. We expect those who have concerns about any aspect of our work to come forward and speak up without fear of reprisal.

We recognise, therefore, that it is an important aspect of accountability and transparency to provide a mechanism to ensure that no employee (committee member or stakeholder) of Williamsburgh Housing Association feels 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. (Appendix No.1).

It is noted that employers may be held vicariously liable for workers who victimise colleagues for making a disclosure. W.H.A. will take all reasonable steps to protect workers from being victimised.

These procedures are in addition to the Association's complaints procedures and other statutory reporting procedures.

All employees, agency staff, committee members and stakeholders working for or acting on behalf of Williamsburgh Housing Association are covered by this policy. The policy also applies to contractors, suppliers and those providing services under a contract with Williamsburgh Housing Association.

3. Principles

This policy outlines:

- our commitment to openness and good communications;
- the way our staff can raise concerns in the workplace;
- the availability of support for those raising issues of concern;
- that we will be as hard on those who make malicious allegations, as with any other wrong doing.

This procedure should not be confused with the grievance procedure, which should be used where employees are aggrieved with their personal position. Tenants who are aggrieved about their individual situations should use our complaints procedure.

This policy will be provided to every employee and committee member, it will be discussed at staff and committee induction, staff meetings, publicised on our staff notice board and wherever else possible.

Williamsburgh Housing Association has a proven track record. We wish to protect our good name and to root out any who would threaten it.

We consider that our employees have a considerable contribution to make in the development of our organisation and in promoting a constantly improving quality of service. Their contribution can be ensured by good communications throughout the organisation, enabling them to raise good ideas and concerns without fear or favour. This is demonstrated in our communications strategy (which includes for example, staff team meetings, staff/committee meetings etc.).

3. Principles Contd.

The Association has developed policies which meet the requirements of the law, our regulator (Scottish Housing Regulator) and good practice in housing and employment. Particularly relevant in this area, are our policies on conflict of interest, gifts and hospitality, health and safety, procurement, housing management, finance, equal opportunities and dignity at work.

4. Scope of the Policy

This policy is designed to enable staff of Williamsburgh Housing Association (and others) to raise concerns internally and at a high level to disclose information that the individual believes shows malpractice or impropriety. As indicated in Section 3, a number of relevant policies and procedures are already in place. This policy is intended to cover concerns that are in the public interest and may (at least initially) be investigated separately, but might then 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 Williamsburgh Housing Association, our staff, committee members or stakeholders,
- professional malpractice,
- improper conduct or unethical behaviour,
- failure to meet legal obligations,
- abuse of power or status, or
- deliberate attempts to conceal any of the above.

5. Safeguards

(a) Protection

This policy is designed to offer protection to those employees of Williamsburgh Housing Association who disclose such concerns, provided the disclosure is made:

- in the public interest
- to an appropriate person/body, and
- in the reasonable belief of the individual making the disclosure that the concerns raised are valid.

Williamsburgh 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.

(b) 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. The individual may, however, need to come forward as a witness at the appropriate time.

(c) Anonymous Allegations

This policy encourages individuals to put their names to any disclosures they make. Concerns expressed anonymously are much less robust, but may, nevertheless, be considered, at the Association's discretion.

5. Safeguards Contd.

(d) 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 that individual. If, however, 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. Procedure: How to Raise a Concern

(a) First Step

The individual should normally raise concerns with their immediate manager or supervisor. This information will be passed on as soon as is reasonably possible to the appropriate designated investigating officer as follows:

- Complaints of malpractice will be investigated by the Chief Executive unless the complaint is against the Chief Executive or is in any way related to the actions of the Chief Executive. In such cases, the complaint should be passed to the Chairperson who will, in turn, appoint an independent person to investigate the allegations.
- In the case of a complaint that is in any way connected with but not against the Chief Executive, the Chairperson will nominate a Senior Manager to act as the alternative investigating officer.

If the complainant is a customer, member of the public or other service user, they will be advised to raise any 'whistleblowing' concerns directly with the Chief Executive, or in writing marked 'Private and Confidential' for the attention of The Chief Executive.

(b) Communicating the Disclosure

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.

Concerns may be raised verbally or in writing. Any individual making a written report is invited to use the following format:

6. Procedure: How to Raise a Concern Contd.

(b) Communicating the Disclosure Contd.

- The background and history of the concern (giving relevant dates).
- The reason why there is concern about the situation.

The earlier the individual expresses their concern, the easier it is to action.

Employees can also gain advice, in confidence, by contacting their trade union (Unite) or the charity, Public Concern at Work (Whistleblowing Advice Line), or the Association's Solicitors, Cochran Dickie. All can advise on the best course of action.

Employees and committee members may also raise their concerns, in confidence with:

Internal Auditor : Alexander Sloan
External Auditor: Scott-Moncrieff

(c) Process

On receipt of a disclosure, the appropriate person will consider the information made available to him/her and decide on the form of investigation to be undertaken. This may be to:

- Investigate the matter by management, internal audit, or through the disciplinary process.
- Refer the matter externally to the external auditor or the police.
- Call for an independent inquiry.

6. Procedure: How to Raise a Concern Contd.

(c) Process Contd.

Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required, this will be taken before any investigation is conducted.

(d) Timescales

The responsible person will write to the individual concerned within ten working days of a disclosure being made. They will:

- 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 not.

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, the 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.

7. Outcomes of Investigations

Once the investigation has been completed and the report is received by the Chairperson, consideration will be given as to what action should be taken. If there are reasonable grounds to substantiate the complaint, the Association's appropriate procedures will be invoked.

This may also involve referral to an external body or regulator.

The Association would hope that the individual will be satisfied with any action taken. Where an individual feels that their concern has not been dealt with appropriately, they can appeal the decision internally to the Convenor of the Complaints/Appeals Sub Committee. If, after appealing internally, the individual is still not satisfied with the outcome, they can raise the issue with the appropriate external regulatory body:

- Appendix No.2 provides a list of Prescribed Persons, and
- Appendix No.3 provides a list of Further Sources of Information to contact.

8. Evaluation and Monitoring

It is fundamental to Williamsburgh Housing Association's operation that we conduct ourselves with honesty and integrity. In order to maintain standards of conduct, we must have procedures in place which enable staff, committee members and others, including residents, shareholders and other parties, to raise confidentially any concerns about the propriety or probity of the Association's affairs.

This paper identifies how we will seek to achieve the highest standards of integrity in the management of Williamsburgh Housing Association.

Any concerns regarding possible wrongdoing or malpractice will be monitored, with individual cases being investigated as they arise. This responsibility will lie with the Chief Executive who will present the findings to the Management Committee for their consideration.

Details of such concerns raised will be incorporated into our performance indicators and presented to our residents/members annually.

9. Review

The Management Committee will have regard to this policy each year following the Annual General Meeting, in order that it can be brought to the attention of new committee members. Any revisions deemed necessary can be considered at that time, otherwise the policy will be reviewed by the Management Committee every three years to ensure that it responds to any changing circumstances.

10. Appendices

Legal Framework

Public Interest Disclosure Act 1998

Enterprise and Regulatory Act 2013

List of Prescribed Persons

The Scottish Housing Regulator

www.scottishhousingregulator.gov.uk

The Scottish Housing Regulator regulates RSLs and local authorities that provide landlord, homelessness and factoring services. While it is not the Regulator's role to intervene in complaints between an individual and a regulated body, if they are notified of a very serious allegation they may gather information in order to determine whether they need to take action.

Environmental Services (Renfrewshire Council)

www.renfrewshire.gov.uk

Health and Safety Executive

www.hse.gov.uk

Office of the Scottish Charities Regulator

www.oscr.org.uk

Further Sources of Information

ACAS: www.acas.org.uk

Public Concern at Work www.pcaw.org.uk

Unite (Trade Union) www.unite-theunion.org

Professional Advisers

Our auditors, internal and external, and our solicitors can also be contacted in confidence for advice and as a contact for starting investigations.

External Auditor www.scott-moncrieff.com

Internal Auditor www.alexandersloan.co.uk

Solicitors www.cochrandickie.com