



# WHISTLEBLOWING POLICY

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### **Appendix 1**

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**Raising a Concern**

## **1. Introduction**

ng homes is committed to the highest standards of openness, probity and accountability. As employees are often the first to realise that there may be something seriously wrong, ng homes expects those who have serious concerns about any aspect of ng homes' work to come forward and speak up without fear of reprisal. Therefore, ng homes recognises that it is an important aspect of accountability and transparency to provide a mechanism to ensure that no employee, Board or Committee member or stakeholder of ng homes 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. ng homes will take all reasonable steps to protect workers from being victimised.

All employees, Board and Committee members and others working for or acting on behalf of ng homes are covered by this Policy. The Policy also applies to suppliers and those providing services under a contract within ng homes.

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 the Association's Chairperson as appropriate (See Section 5.) or in writing marked 'Private and Confidential' FAO the Chief Executive or the Chairperson, as appropriate.

## **2. Scope of Policy**

This Policy is designed to enable employees of ng homes 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 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 ng homes, its staff, Board and Committee members or others working for or acting on behalf of ng homes
- 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

## **3. Legal Framework**

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

#### **4. Safeguards**

- **Protection**

This Policy is designed to offer protection to those employees of ng homes 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.

ng homes 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 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 robust but may nevertheless be considered at the discretion of ng homes.

- **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 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.

#### **5. Raising a Concern (see diagram at Appendix 2)**

- **First Step**

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

- **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 ng homes' 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 inform the individual whether further investigations will take place and if not, explain why

## **6. Outcome of Investigation**

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.

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 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 as outlined in Appendix 1.

## **7. Other Related Policies**

- Declaration of Interest Policy
- Gifts, Hospitality and Donations Policy
- Health and Safety Manual
- Equality and Diversity Policy
- Staff Code of Conduct
- Dignity at Work
- Data Protection
- Complaints Policy and Procedures
- Customer Care
- Disciplinary & Grievance Procedures
- Code of Audit Practice
- Bribery
- Board Appraisal
- Induction for new Committee Members
- Code of Conduct for Board Members
- Personal Relationships at Work
- Freedom of Information and Environmental Policy and Procedures

## **8. General Data Protection Regulation**

The organisation will treat your personal data in line with our obligations under the General Data Protection Regulation and our own Data Protection Policy. Information regarding how your data will be used and the basis for processing your data is provided in our Employee Fair Processing Notice.

## **9. Policy Review**

This Policy will be reviewed every two years or earlier in line with regulatory or legislative guidance/changes or good practice guidelines.

## **10. Equality Impact Assessment**

This Policy is equally applicable to all and has no impact on protected characteristic groups.

## **Appendix 1**

### **List of Prescribed Organisations**

#### **Scottish Housing Regulator**

Buchanan House  
58 Port Dundas Road  
Glasgow  
G4 0HF

Tel: 0141 242 5642

[www.housingregulator.gov.scot](http://www.housingregulator.gov.scot)

also see for additional information:

<https://www.housingregulator.gov.scot/for-landlords/advisory-guidance/how-we-work/information-about-whistleblowing>

#### **Environmental Health/Public Health**

Glasgow City Council  
231 George St  
G1 1RX  
Telephone: 0141 287 1059

#### **SEPA (Scottish Environment Protection Agency)**

Glasgow office  
Law House  
Todd Campus  
West of Scotland Science Park  
Maryhill Road  
Glasgow  
G20 0XA  
Tel; 0141 945 6350  
[www.sepa.org.uk](http://www.sepa.org.uk)

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

Health & Safety Executive  
Cornerstone  
107 West Regent Street  
Glasgow  
G2 2BA  
Tel: 0300 003 1747

### **Further Sources of Information**

- **ACAS**

Helpline: 0300 123 1100

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

- **Protect – The Whistleblowing Charity (formerly Public Concern at Work)**

Telephone: 020 3117 2520

[www.protect-advice.org.uk](http://www.protect-advice.org.uk)

• **Trade Union**

UNITE Scotland  
John Smith House  
145-165 West Regent Street  
Glasgow  
G2 4RZ  
Tel: 0141 404 5424

**Appendix 2: Raising a Concern**

