



The Langstane Group

Whistleblowing Policy

Senior management team approval	19 August 2020
Board / Committee	Board of Management
Approval date	15 February 2021
Implementation date	22 February 2021
Review date	15 February 2024
Version	V4

Policy Version	Date of Approval	Changes made to Policy
V1	17 March 2008	New policy
V2	11 August 2014	<ul style="list-style-type: none"> • Paragraph 4 – added CEO and Chair’s contact details, removed Auditors contact details. • Paragraph 8 – added “and on Langstane’s website”
V3	June 2018	Extensive amendments Updated to latest Policy template format
V4	15 February 2021	As part of review of high level governance policies

1. Introduction

Langstane Housing Association is committed to the highest levels of honesty and integrity. As part of this commitment, the Association is determined to take every step to identify and eradicate any wrongdoing whether that is carried out within the Association or by those associated with the Association.

The purpose of this policy is to provide employees, governing body members, and any other agent or contractor employed by the Association (whether in a paid or unpaid capacity) with an effective and secure means of reporting and having investigated instances or suspected instances of wrongdoing.

For the purposes of this policy, the term employees covers all other agents or contractors appointed by the Association. It does not cover governing body members.

Where appropriate, and provided that such reports are made in good faith, employees, governing body members and other agents are entitled to confidentiality should they so request, and protection from recrimination or reprisal.

Actions that constitute whistleblowing are protected by the Public Interest Disclosure Act 1998 (PIDA). This Act aims to promote accountability and gives legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns.

Only disclosures by employees about specified types of wrongdoing qualify for protection and the Act sets out the circumstances in which a disclosure of information is protected. This is classed as a qualifying disclosure. A disclosure of information is not a qualifying disclosure if the person making the disclosure commits an offence by making it.

An employee who is victimised or penalised for making a protected disclosure can bring an action for compensation against the Association at an Employment Tribunal.

Whistleblowing is where an employee raises concern about improper conduct, wrongdoing, risk or malpractice with someone in authority either internally or externally e.g. the Chief Executive or the Scottish Housing Regulator. This is officially known as making a 'protected disclosure'.

The Association encourages open and honest dialogue and constructive challenge at all times. Concerns can be raised at any time with a senior member of staff. This may be dealt with informally or formally through the Association's grievance procedure. It is important to know the difference between whistleblowing and raising a grievance.

Whistleblowing is about conduct that normally affects others. For example: suspected fraud or a failure to comply with health and safety requirements.

For clarity, this policy applies to activities carried out by all companies within Langstane's Group.

A grievance is normally about a personal matter. For example: the affect a decision has about an employment issue but a grievance can be more widespread. Detail is contained within the Staff Handbook.

2. Policy

This Policy covers staff, governing body members, consultants or contractors working for the Association who may see or suspect wrongdoing which will adversely affect the Association. It covers 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:

- a criminal offence has been committed, is being committed, or is likely to be committed;
- a person has failed, is failing or is likely to fail to comply with any legal obligation to which he/she is subject;
- a miscarriage of justice has occurred, is occurring or is likely to occur;
- the health or safety of any individual has been, is being or is likely to be endangered;
- the environment has been, is being or is likely to be damaged;
- information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed;
- failure to comply with the Group's Policies and current legislation;
- failure to comply with the Group's Codes of Conduct for Employees or Governing Body Members;
- fraud;
- falsifying records;
- offering or accepting bribes or other inducements;
- non-disclosure of interests;
- breaches of confidentiality;
- failure to identify Health & Safety hazards and/or failure to rectify these;
- harassment, bullying and violence of any kind in the workplace;
- use of discriminating practices or actions;
- gross incompetence;;
- gross negligence of duties and responsibilities; and
- improper behaviour towards tenants or acting on behalf of tenants in personal matters, particularly financial matters.

This list is not exhaustive but does indicate behaviours that would be considered unacceptable and where action may be taken.

For clarity, and in relation to the last bullet point above, improper behaviour towards tenants does not include legitimate service delivery issues. For example, Langstane assists tenants in personal support such as the setting up of bank accounts for receipt of benefits and budgeting purposes.

Objectives

This policy aims:

- To ensure an open and transparent process where the rights of whistle-blowers are protected; and
- To create a robust framework for handling whistleblowing.

3. Links to other policies / strategic documents

This policy aims to comply with all other relevant policies. This includes:

- Codes of Conduct (Governing Body Members and Staff);
- Staff Handbook;
- Equalities and Diversity Policy and Strategy;
- Anti-Bribery Policy;
- Privacy Policy;
- Harassment Policy;
- Complaints Policy;
- Scottish Housing Regulator Notifiable Events Guidance; and
- Senior Management Notifications Guidance Note.

4. Scope of policy

This policy will be made freely available to staff and governing body members as well as other agents and contractors appointed by the Association.

5. Whistleblowing

If an employee wishes to whistle blow, this can be raised with:

- The Association via
 - their immediate line manager or a trusted senior member of staff. This includes the Departmental Director or, if the employee feels this is inappropriate, with the Chief Executive (01224 423004 or email ceo@langstane-ha.co.uk). If the concern involves the Chief Executive, the matter will be reported to the Chairperson of the governing body (email chair@langstane-ha.co.uk); or
 - where the suspected wrongdoing relates solely or mainly to a person(s) other than the Association's direct employee(s), to that other person(s) or agent (advice and authorisation will be given by the Association in advance of the disclosure).
 - A Prescribed person.

A "Prescribed Person" in terms of the Public Interest Disclosure (Prescribed Persons) Order 1999 (as amended by the Public Interest Disclosure (Prescribed Persons order 2014)) is detailed in Appendix 1.

This does not replace the role of the Association's auditors or any other professional body employed to provide expert advice to the Association and to whom direct contact can be made if concerns exist.

A governing body member is not covered by the Public Interest Disclosure Act 1998 (PIDA). However, if a governing body member wishes to raise their concerns, these can be raised with:

- The Association via either the Chief Executive or the Chairperson; or
- The Scottish Housing Regulator (acting as a Prescribed Person).

These can be raised in the same way as a whistleblowing incident.

Although an individual is not expected to prove beyond doubt the truth of an allegation, they must have reasonable grounds for their concern and the matter must be raised in good faith.

The earlier an individual expresses their concern, the easier it may be to action. The amount of contact between the persons considering the issues raised and the individual whistleblowing will depend on the nature of the matters raised, the potential difficulties involved, and the clarity of the information provided. If necessary, further information will be requested from the individual concerned.

6. Safeguards

Protection

This policy is designed to offer protection to employees who disclose such concerns provided the disclosure is:

- in the public interest;
- to an appropriate person / body; and
- the individual has reasonable belief in the validity of the concerns being raised.

The 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.

Confidentiality

Every effort will be made not to reveal the whistleblower's identity if they so wish. It may not be possible to maintain confidentiality should it be to the detriment of the investigation accessing required information.

Anonymous Allegations

This policy encourages individuals to put their names to any disclosures they make. Concerns expressed anonymously are much less robust, but will be investigated as far as reasonably practical.

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, disclosures that are malicious or knowingly untrue are not protected under the Public Information Disclosure Act 1998. Where a malicious or knowingly untrue disclosure is made, action may be taken under the Association's disciplinary procedure. This may be up to and including dismissal.

It may later turn out that the whistle-blower was wrong and one of the situations which count as qualifying disclosures did not exist. However, so long as the whistle-blower can show that at the time the concern was raised they reasonably believed it to be true, and that it was being made in the public interest, they will be protected from dismissal.

7. Scottish Housing Regulator (the Regulator)

The Scottish Housing Regulator's role is to safeguard and promote the interests of tenants and service users. It is interested in any conduct which puts this at risk and could threaten the viability or reputation of a regulated body, or the wider sector.

Under the terms of the Public Interest Disclosure Act 1998 (PIDA) the Scottish Housing Regulator is a "prescribed person" and accordingly whistle-blowers can make a disclosure directly to the Regulator.

Where a whistleblowing allegation is made directly to Langstane Housing Association the disclosure will be reported in line with Notifiable Event guidance issued by the Regulator.

8. Timescales

The person dealing with the disclosure will write to the whistle-blower within five working days of a disclosure being made. They will:

- acknowledge the disclosure has been received;
- indicate how the matter will be dealt with, whether further investigations will take place and if not, why not;
- give an estimate of how long it will take to provide a final response.

It may not always be possible to advise the whistle-blower of the full details of the action taken. This will be advised to the employee if this is the case.

The amount of contact between the person dealing with the disclosure and the whistle-blower will vary on a case by case basis depending on the nature of the matter(s) raised, the potential difficulties involved and the clarity of the information provided.

9. Notifiable Events; and Serious Complaints against the Chief Executive

When a Notifiable Event occurs, governing body members will be kept up to date with developments as necessary. In some circumstances a governing body member may work directly with the Chief Executive until the situation is resolved. However, some whistleblowing issues may relate to issues concerning the conduct of the Chief Executive. In such eventualities, Langstane's policies on Serious Complaints against the Chief Executive, and Notifiable Events, may require consideration of confidentiality and protection of the governing body's ability to act. The progression of any whistleblowing action will take these policies into account.

Bearing these comments in mind, disclosures will be fully investigated and a report prepared for the Chief Executive (or where more appropriate the Chairperson). Where required, action will be taken to protect the interests of the Association, its tenants and other service users. This may include taking legal action where appropriate.

10. Monitoring and Review

This Policy will be approved by the governing body. It will be reviewed every three years unless amendment is prompted by a change in legislation, or monitoring and reporting reveals that a change in policy is required sooner.

11. Right to Complain

In the event you are not satisfied with the service you have received, please contact the Association for a copy of Langstane's Complaints Policy, which can also be viewed on the Association's website – <https://www.langstane-ha.co.uk/>.

12. Equality and Diversity

The Association is committed to promoting equality and diversity across all areas of its work. Discrimination or harassment of any kind is not tolerated.

If you would like this document sent to you in large print, please contact Support Services on 01224 423000.

List of Prescribed Persons

For the full list see: <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies>.

Scottish Housing Regulator

The Scottish Housing Regulator can be contacted about social landlords' performance of housing activities; the registration of registered social landlords, their financial well-being and standards of governance. Its address is:

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

Email: shr@scottishhousingregulator.gsi.gov.uk

Office of the Scottish Charity Regulator (OSCR)

The Office of the Scottish Charity Regulator can be contacted about the proper administration of charities and of funds given or held for charitable purposes in Scotland. Its address is:

Office of the Scottish Charity Regulator (OSCR)
2nd Floor
Quadrant House
9 Riverside Drive
Dundee
DD1 4NY

Tel: 01382 220 446
Fax: 01382 220 314
Email: C&I@oscr.org.uk

The Health and Safety Executive

The Health and Safety Executive can be contacted about:

- the industries and work activities for which the Health and Safety Executive is the enforcing authority under the Health and Safety (Enforcing Authority) Regulations 1998;
- the health and safety of individuals at work; and
- the health and safety of the public arising out of, or in connection with, the activities of persons at work.

Tel: 0300 003 1647
Online form: www.hse.gov.uk/contact/concerns.htm