Whistleblowing Policy and Procedure (Ref: G/20)

Purpose of Policy: This policy sets out the manner in which Manor Estates Housing Association will deal with instances of Whistleblowing.

This policy conforms to EVH and Scottish Housing Regulator guidance on this issue.

Policy Monitoring Details	
Department:	CEO / Corporate
Author:	Claire Ironside
Status:	Group
Date Approved by Board:	August 2023
Updated:	
Planned Review Date:	August 2028
Regulatory Outcomes being achieved:	Standard 5.6: There are clear procedures for employees and governing body members to raise concerns or whistleblowing if they believe there has been fraud, corruption or other wrong doings within the RSL.
Relevance to Association's Values	This policy supports the Association's values
Tenant Consultation Required:	No

Content List:

1. **Introduction**
2. **General Data Protection Regulations**
3. **Scope of Policy**
4. **Legal Framework**
5. **Safeguards**
6. **Publicising this Policy**
7. **Other Relevant or Related Policies**

1. Introduction

Manor Estates Housing Association is committed to the highest standards of openness, probity and accountability. Manor Estates recognises that it is an important aspect of accountability and transparency to provide a mechanism to ensure that any employee, board member or stakeholder of the Association can speak up without fear of reprisal. .

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' in accordance with the Enterprise and Regulatory Act 2013.

Employers may be held vicariously liable for workers who victimise colleagues for making a disclosure. The Association will take all reasonable steps to protect workers from being victimised.

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

Customers, members of the public or other service users should raise any concerns relating to tenancy issues including "significant performance failures" initially through the complaints handling process (see separate policy) and the Association be given the opportunity to respond.

2.0 General Data Protection Regulations:

The organisation will treat all personal data in line with our obligations under the current data protection regulations and our own Privacy Policy. Information regarding how data will be used and the basis for processing data is provided in Manor Estates Housing Association's privacy notices issued to employees, board members, tenants and owners.

3.0 Scope of Policy

This policy is designed to enable employees of Manor Estates Housing Association to raise concerns internally and at a high level to disclose information that the individual believes shows malpractice or impropriety. It is intended to cover concerns that are in the public interest, including:

- Financial malpractice, impropriety or fraud
- Failure to comply with legal or regulatory requirements
- Dangers to health and safety or the environment
- Criminal activity involving Manor Estates Housing Association staff, board members or stakeholders
- Professional malpractice
- Improper conduct or unethical behaviour
- Abuse of power or status
- Deliberate attempts to conceal any of the above

4.0 Legal Framework

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

5.0 Safeguards

5.1 Protection

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

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

Manor Estates 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.

5.2 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.

5.3 Anonymous Allegations

This policy encourages individuals to put their names to any disclosures they make. Concerns expressed anonymously are much less robust but may be considered at the discretion of Manor Estates Housing Association.

5.4 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 which could include dismissal.

The Whistleblowing Procedure is set out in Appendix 1 to the policy and Appendix 2 lists the external organisations that may be able to assist and support staff and Board members with any concerns.

6.0 Publicising this Policy:

This policy will be made available to all staff and Board members, be published on the Association's web site and notified to contractors, agents and consultants. Alternative formats and languages will be available on request.

7.0 Other relevant or related policies:

- **G/02: Preventing Bribery and Fraud**
- **G/03: Complaints Handling**
- **G/04: Openness and Confidentiality Policy**
- **G/07: Entitlements, Benefits and Payments**
- **G/17: SFHA Code of Conduct**

- **G/18: Standing Orders**
- **HR/09 Dignity at Work**
- **Terms and Conditions Section A13 Disciplinary and A14 Grievance**

Appendix 1

Whistleblowing Procedure

Raising a Concern

The individual should raise concerns with their immediate line manager or another senior member of staff if the concerns involve their line manager. This information will be passed as soon as possible to the Chief Executive.

Any complaints will be investigated by the Chief Executive unless the accusation is made against the Chief Executive or is in any way related to their actions. Where the accusation is related to the Chief Executive, matters should be addressed to the Chair of the Board (chair@manorestates.org.uk) who will in turn appoint an independent person to investigate the allegations.

Where a complaint relates to the Chair or Vice Chair of the Association, the matter will be referred to the Chairperson of the Association's Audit Committee (email tbc), who will in turn appoint an independent person to investigate the allegations.

The provisions as set out in the *"Model Code of Conduct for Governing Body Members"* will address accusations or disclosures made against ordinary Board members.

Although the person raising the matter 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, Manor Estates Housing Association will seek further information from the individual concerned.

Where any meeting is arranged, the individual highlighting the issue can be accompanied by a trade union representative or workplace colleague 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 Manor Estates existing policies and procedures.

Once the investigator has completed the investigation it will be given to the individual who instructed the investigation. They will 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.
- Inform the individual whether further investigations will take place and, if not, explain why.

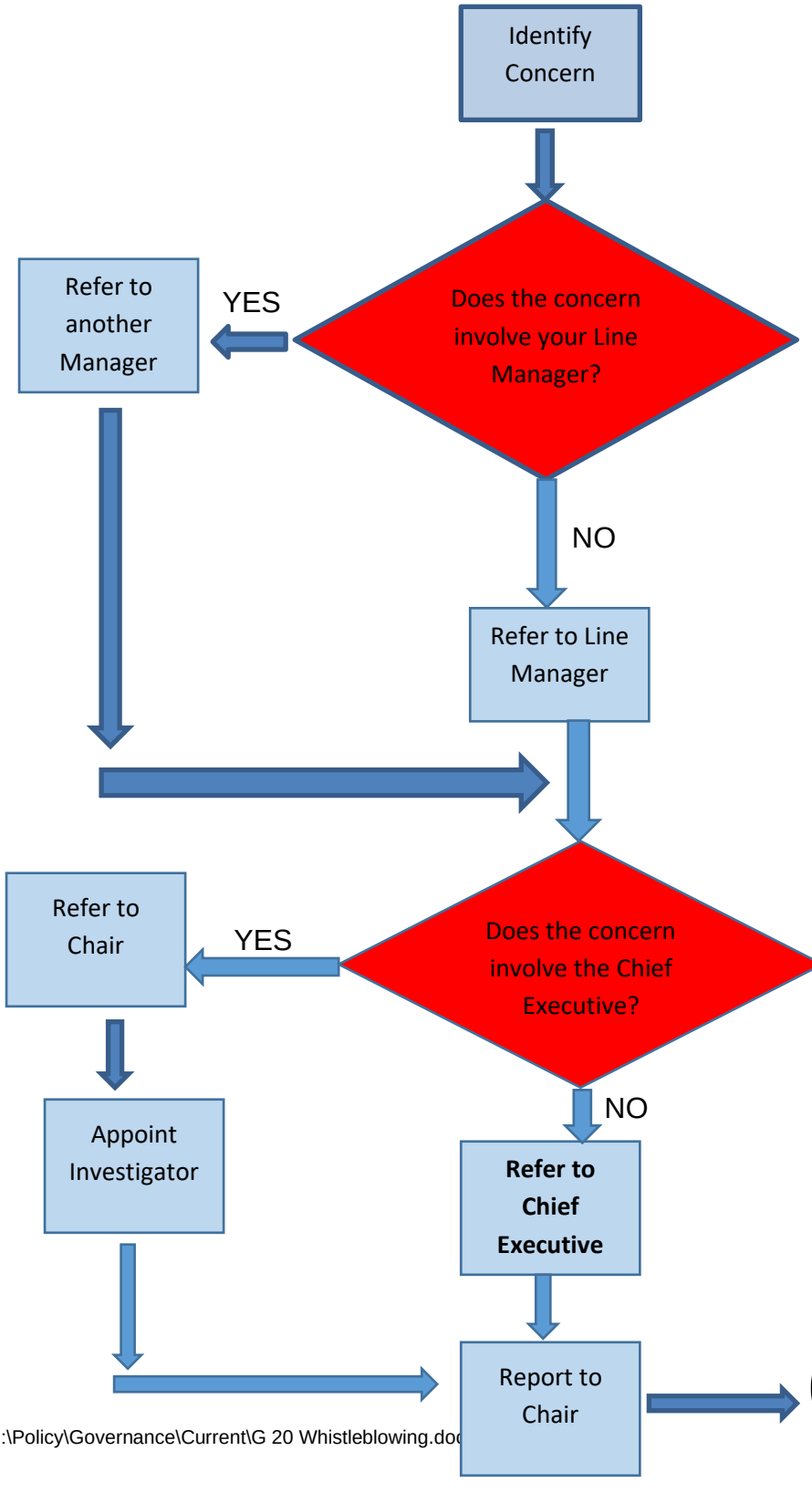
Outcome of Investigation

Once the investigation has been completed and the report is received by the Chair, 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 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 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 2.

WHISTLEBLOWING

Summary of Process



Note

Where concerns involve the Chair or Vice Chair of the Board, the matter should be referred to the Chair of the Audit Committee.

Appendix 3

List of Prescribed Organisations

- **The Scottish Housing Regulator**

  Tel: 0141 242 5642
  www.scottishhousingregulator.gov.uk

- **City of Edinburgh Council**

  Tel: 0131 200 2000
  www.edinburghcouncil.org.uk

- **Office Scottish Charity Regulator**

  Tel: 01382 220446
  www.oscr.org.uk

- **Financial Conduct Authority**

  Tel: 0800 111 6768 (Freephone) or 0300 500 8082
  www.fca.org.uk

- **Health and Safety Executive**

  Tel: 0131 247 2121
  www.hse.gov.uk

- Audit (Internal)
  TIAA Ltd
  Tel: 0845 300 3333
  www.TIAA.co.uk

- Audit (External)
  Azets
  Tel: 0141 886 6644
  www.Azets.co.uk

Further Sources of Information

- **ACAS**

  Helpline: 08457 47 47 47
  www.acas.org.uk

- **Protect**
  https://protect-advice.org.uk/
  Tel: 020 3117 2520

- **Unite the Union**

  Tel: 0141 404 5424
  www.unitetheunion.org.uk

Equalities Impact Assessment

PART 1 – INITIAL ASSESSMENT

Policy	Whistleblowing Policy		
Type	New	**Review**	Other (please specify)
Author	C Ironside		

Key customer contact points: external (service users)

- Tenants and Factoring Service Customers

Key customer contact points: external (other stakeholders)

- Contractors and Consultants, Members of the general public

Key customer contact points: internal

- Employees, Board Members, Share Holding members

	Identified Potential Impact		
Characteristic	**Negative**	**Positive or No Impact**	**Don't Know**
Age	X		
Gender Reassignment	X		
Being married or in a civil partnership	X		
Disability	X		
Race, including colour, nationality, ethnic or national origin	X		
Religion, belief, or lack of religion/belief	X		
Pregnancy & maternity	X		
Gender	X		
Sexual orientation	x		

If you have answered 'Negative' or 'Don't Know', note here any mitigating action that has already been taken or is already in place to address the issues identified.

Potential Impact	Mitigating Action in Place
Possibility of malicious allegations being made to a person having a protected characteristic	Availability of relevant policies and procedures
Is a full EQIA required?	Yes **/ No**

If you have answered 'No', please give reasons:
Mitigating actions have already been put in place to address any potential impact

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Signed: C Ironside

Position: CEO

Date: