

# HOMES FOR LIFE HOUSING PARTNERSHIP

## Whistleblowing Policy

Date Issued:	May 2017 (Version 4)
Due Review Date:	May 2022
No. of Pages:	6 (Including Appendix 1)
Objective:	To describe the Company's arrangements for dealing with accountability and transparency
Responsible:	Business Manager

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### **1.0 Introduction**

Homes for Life Housing Partnership 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, Homes for Life expects those who have serious concerns about any aspect of Homes for Life's work to come forward and speak up without fear of reprisal. Therefore, Homes for Life recognises that it is an important aspect of accountability and transparency to provide a mechanism to ensure that no employee, director, consultant or contractor (or their employees) 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.

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

All employees, directors and consultants or contractor (or their employees) working for or acting on behalf of homes for Life are covered by this policy. The policy also applies to suppliers and those providing services under a contract within Homes for Life.

This policy and related procedures are in addition to Homes for Life's complaints policy and procedures; statutory reporting procedures; Codes of Governance and Conduct applying to Directors and staff; Bribery Policy and relevant good practice guidance.

This policy applies to all of the Company's activities. It covers all directors; staff, whether permanent, temporary or agency; consultants; agents; contractors; and suppliers – acting for, on behalf of, or with the Company.

If you are a tenant, member of the public or other service user, you should raise any concerns regarding 'Whistleblowing' with the Business Manager or Chairperson This may be by phone, email or in writing. Emails or letters should be clearly marked 'Private & Confidential (See Section 5.0 for guidance)

## **2.0 Scope of Policy**

This policy is designed to enable staff of Homes for Life to raise concerns internally and at a high level to disclose information that the individual believes shows malpractice or impropriety. A number of policies and procedures are already in place, including grievance, dignity at work, and discipline.

This policy is intended to cover concerns that might be 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 Homes for Life, its staff, Board, including Bribery \*
- 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

\* Bribery is an inducement or reward offered, promised or provided to given to gain personal, commercial, regulatory or contractual advantage. It is a criminal offence under the Bribery Act 2010. The Company has a zero-tolerance approach to bribery, as detailed.

That policy refers anyone wishing to raise a concern about bribery to the detailed arrangements set out in this Whistleblowing Policy.

## **3.0 Legal Framework**

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

## **4.0 Safeguards**

### **4.1 Protection**

This policy is designed to offer protection to those employees, of Homes for Life 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.

Homes for Life 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.

#### **4.2 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.

#### **4.3 Anonymous Allegations**

This policy encourages individuals to put their names to any disclosures they make. Concerns expressed anonymously are much less robust, but may never the less be considered at the discretion of Homes for Life.

#### **4.4 Untrue Allegations**

If an individual makes an allegation that is not confirmed by the subsequent investigation, it is probable 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 compensations can be reduced by up to 25% in such circumstances.

### **5.0 How to raise a Concern**

- **First Step**

The individual should normally raise concerns with their immediate manager or supervisor. This information will be passed on as soon as possible to the Business Manager

Any complaints will be investigated by the Business Manager unless the complaint is against the Business Manager or is in any way related to their actions. In such cases, the complaint should be passed to the Chairperson who will in turn appoint an independent person to investigate the allegations.

Although the individual is not expected to prove beyond reasonable doubt the truth of an allegation, they will need to demonstrate that there are reasonable grounds for their concern.

The complainant has the right to bypass the line management structure and take their complaint direct to the Chairperson. The Chairperson has the right to refer the complaint back to management if he/she feels that the management, without any conflict of interest, can more appropriately investigate the complaint.

In cases where the complaint is against or in any way connected with both the Business Manager and Chairperson, then the complainant will be passed to the Auditor. The Auditor will investigate and report to the Board, including any necessary recommendations.

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, Homes for Life will seek further information from the individual concerned.

Where a 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 Business Manager or Chairperson will launch an investigation.

Depending on the circumstances surrounding the investigation appropriate action will be taken in accordance with Homes for Life's 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.

## **6.0 Outcomes of Investigations**

Once the investigation has been completed and the report is achieved by the Business Manager or 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.

Homes for Life hopes 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 Chair of the Audit Committee (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

## **7.0 Review**

The policy shall be reviewed not less than once every five years, or more frequently as circumstances require.

## Appendix 1

### List of Relevant Regulatory or Other Statutory Bodies

#### **Scottish Housing Regulator (SHR)**

Tel: 0141 242 5642

Email: shr@scottishhousingregulator.gsi.gov.uk

#### **Office of Scottish Charities Regulator (OSCR)**

Tel: 01382 220446

Email: online contact form

#### **Scottish Public Sector Ombudsman (SPSO)**

Tel: Freephone: 0800 377 7330 or 0131 225 5300

Email: ask@spsso.org.uk

#### **Environmental Health**

East Lothian Council

Tel: 01620 827827

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

Email: Raise a concern form online from the HSE website:

<http://webcommunities.hse.gov.uk/connect.ti/concernsform>

### Further Sources of Information (Employee Focused)

#### **ACAS**

Freephone Helpline: 0800 464 0978

#### **Public Concern at Work**

For Whistleblowing Advice: 020 7404 6609

**Unite Scotland** (Trade Union): 0131 556 9676