



Title	WHISTLEBLOWING POLICY
Purpose	The purpose of this policy is to provide a mechanism to ensure that any employee, Board member or stakeholder of Maryhill Housing Association feels able to raise a whistleblowing concern.
Scope	<p>All employees, Board members and Stakeholders working for or acting on behalf of the Association are covered by this policy. The policy also applies to suppliers and those providing services under a contract within MHA.</p> <p>A whistleblower is someone who reports certain types of wrongdoing, usually it will be something they have seen at work - though not always.</p> <p>The wrongdoing disclosed must be in the public interest. This means it must affect others, for example the general public.</p> <p>A whistleblower is protected by law – they should not be treated unfairly or lose their job because they ‘blow the whistle’.</p> <p>A whistleblower can raise concerns at any time about an incident that happened in the past, is happening now, or which they believe will happen in the near future.</p>
Definitions	<p>Whistleblowing – Whistleblowing is where a member of staff raises concern about improper conduct, wrongdoing, risk or malpractice with someone in authority either internally or externally e.g. a regulator. Officially, this is known as making a ‘protected disclosure’.</p> <p>What’s the difference between a grievance and whistleblowing?</p> <ul style="list-style-type: none"> • Whistleblowing is about conduct that affects others: for example, fraud or a failure to comply with health and safety requirements. • A grievance is where a member of staff has a personal complaint about their own employment situation.
Policy Statement	<p>1. Introduction</p> <p>1.1 Maryhill Housing Association (MHA) 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, the Association expects those who have serious concerns about any aspect of MHA’s work to come forward and speak up without fear of reprisal.</p> <p>1.2 Therefore, the Association recognises that it is an important aspect of accountability and transparency to provide a mechanism to ensure that no employee, Board member or stakeholder of the organisation feels at a disadvantage in raising legitimate concerns.</p>

	<p>1.3 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 any compensation can be reduced by up to 25% in such circumstances.</p> <p>1.4 Employers may also be held vicariously liable for workers who victimise colleagues for making a disclosure. MHA will take all reasonable steps to protect workers from being victimised.</p> <p>1.5 All employees, Board and Stakeholders working for or acting on behalf of the Association are covered by this policy. The policy also applies to suppliers and those providing services under a contract within MHA.</p> <p>1.6 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 in writing marked 'Private and Confidential' FAO to the Chief Executive.</p> <p>1.7 General Data Protection Regulations: MHA will treat your personal data in line with our obligations under the current data protection regulations and our own GDPR Policies & Procedures. Information regarding how your data will be used and the basis for processing your data is provided in MHA's employee privacy notice.</p> <p>2. Scope of the Policy</p> <p>2.1 This policy is designed to enable employees of MHA 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:</p> <ul style="list-style-type: none"> • Financial malpractice, impropriety or fraud • Dangers to health and safety or the environment • Criminal activity involving Maryhill Housing Association, its staff, Board members or stakeholders • 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 <p>3. Legal Framework</p> <ul style="list-style-type: none"> • Public Interest Disclosure Act 1998 • Enterprise & Regulatory Act 2013
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4. Safeguards

4.1 Protection

This policy is designed to offer protection to those employees of the Association 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

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.

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 nevertheless be considered at the discretion of the Association.

4.4 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 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 any compensation can be reduced by up to 25% in such circumstances.

5. Dealing with a whistleblowing matter

5.1 Reporting the concern

The individual should normally raise concerns with their immediate line manager. This information will be passed on as soon as possible to the Chief Executive.

However, if the concern is about the line manager or in anyway relates to the line managers actions, the individual should report the concern directly to the Chief Executive.

If the concern is about the Chief Executive or in anyway relates to the Chief Executives actions, the individual should go direct to the Chairperson whose contact details are shown in Appendix 1

If both the Chief Executive and Chairperson are implicated in the concern, the individual should go direct to the Scottish Housing Regulator, contact details as per Appendix 1

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 Chief Executive and/or Chairperson must also notify the Scottish Housing Regulator of any whistleblowing allegations in accordance with Notifiable Events statutory guidance.

5.2 Appointing an investigator

On receipt of a disclosure the appropriate person will launch an investigation.

All disclosures 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, the Chairperson will appoint an independent person to investigate the allegations.

Depending on the circumstances surrounding the investigation appropriate action will be taken in accordance with the Association's existing policies and procedures.

The Chief Executive and/or Chairperson may appoint a member of the senior management team to investigate, appoint an appropriate external investigator if deemed necessary, or may refer the matter to the external auditor or the police.

5.3 Investigation Process

The investigator will not be the person who makes any decision regarding the concern raised, but 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; and inform the individual whether further investigations will take place and if not, explain why.

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 can also have the meeting off-site if they wish.

	<p>6. Raising a concern externally</p> <p>Public Interest Disclosure Act (1998) provides protection for staff who make a whistleblowing claim to a prescribed person whether or not they have raised the matter within their own organisation.</p> <p>It is a requirement of the Regulatory Standards that RSLs ensure that their whistleblowing policy also makes it clear that staff can appropriately report concerns to the Scottish Housing Regulator (as one of the prescribed persons) and that they should not suffer any detriment for doing so.</p> <p>Board members are not covered by the Public Interest Disclosure Act but the SHR will handle concerns raised by governing body members in the same way as qualifying disclosures by staff.</p> <p>In terms of how the SHR would deal with a concern raised information can be found in the “Whistleblowing about a regulated body” published by the SHR in April 2015.</p> <p>Employees can also obtain advice, in confidence, by contacting their trade union (if appropriate).</p> <p>7. Outcome of Investigation</p> <p>In terms of matter reported internally, the person who undertook the investigation should submit their report to the person who appointed them, i.e. the Chief Executive or Chairperson. The Chief Executive or Chairperson will then consider and decide what action to be taken. 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.</p> <p>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 externally (if they haven't already done so) with any of the Prescribed Persons outlined in Appendix 1.</p>
Approval	Board, 31 October 2019
Policy Owner	Rebecca Wilson, Director of Resources
Review	October 2022

Chairperson contact details

By email : whistleblowing@maryhill.org.uk

Online: using the contact form on our website www.maryhill.org.uk

By mail: **PRIVATE & CONFIDENTIAL**
 FAO The Chair
 Maryhill Housing Association
 45 Garrioch Road
 Glasgow
 G20 8RG

List of Prescribed Persons

- **Scottish Housing Regulator**
Tel: 0141 242 5642
- **Environmental Health**
Glasgow City Council Tel: 0141 287 2000
- **Health and Safety Executive**
Tel: 0300 0031647

Further Sources of Information

- **ACAS**
Helpline: 08457 47 47 47
www.acas.org.uk
- **Public Concern at Work**
Tel (general): 0207 404 6609
- **Unite the Union**
Tel: 0141 404 5424