



EASTHALL PARK

Whistleblowing Policy

Last Approved by Committee: November 2018

Reviewed 26th January 2022

Date of next Review: January 202521

1.0 Introduction

- 1.1 Easthall Park Co-operative (Easthall Park) 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, Easthall Park wishes to ensure that employees and others who have concerns about any aspect of Easthall Park's work come forward and speak up (whistleblow) without fear of reprisal.
- 1.2 Easthall Park recognises that it is an important aspect of accountability and transparency to provide a mechanism to ensure that no employee, committee/board member or stakeholder of Easthall Park feel at a disadvantage in raising legitimate concerns.
- 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 it can reduce the compensation payable in such circumstances.
- 1.4 Employers may also be held vicariously liable for workers who victimise colleagues for making a disclosure. Easthall Park will take all reasonable steps to protect workers from being victimised. All employees, Committee/Board and stakeholders working for or acting on behalf of Easthall Park are covered by this policy.
- 1.5 The policy also applies to suppliers and those providing services under a contract within Easthall Park. If you are a tenant, other customer, member of the public or other key stakeholder, you should raise any concerns regarding "Whistleblowing" directly with the Director, or in writing marked 'Strictly Private and Confidential'. If the matter is in relation to the Director, contact should be made with the Chairperson of Easthall Park.

2.0 Scope of Policy

- 2.1 Easthall Park recognise that our Committee and staff will very often be the first to see or suspect misconduct or wrongdoing. While very often it may be innocent, it could turn out to be fraud on our organisation, be a potential public danger, or some other form of serious malpractice.
- 2.2 Easthall Park encourage all our Committee and staff, at all levels, to be vigilant and to raise such concerns in a sound way to demonstrate and ensure good practice in all our activities.
- 2.3 Easthall Park wish to make it clear to our tenants, our staff, the local community and various partners that the Co-operative will take firm and decisive action against any individual or organisation who attempt to defraud us or who are reckless about our good reputation.
- 2.4 Easthall Park has illustrated examples of potential malpractice to include the following:
 - Financial malpractice, Impropriety or fraud;
 - Professional malpractice
 - bribery and corruption;

- failure to comply with the Co-operative's Policies and current legislation
- failure to comply with the Co-operative's Codes of Conduct for Employees or Board Members
- breach of contract;
- non-disclosure of interests
- breaches of confidentiality
- serious negligence:
- danger to health and safety or the environment;
- legislative or administrative breach (e.g. allocations);
- Criminal activity;
- public safety issue;
- discrimination;
- pollution;
- harassment, bullying and violence of any kind in the workplace
- use of discriminating practices or actions
- gross negligence of duties and responsibilities
- improper behaviour towards tenants or acting on behalf of tenants in personal matters, particularly financial matters
- improper conduct or unethical behaviour; and
- the cover-up of any of these.

2.5 This Policy should not be confused with the Grievance Procedure which should be used where an employee is aggrieved with their personal position. Tenants or service users who are aggrieved about their individual situations should use the Association's Complaints Procedure.

3.0 Communication and Openness

3.1 This policy will be provided to every employee and Committee member of the Co-operative and will be discussed at staff and Committee induction, staff meetings, publicised in our staff hand book, and wherever else appropriate. There will be training provided to the Committee and staff on this policy.

3.2 Easthall Park has a proven track record, we wish to protect our good name and we will take firm and decisive action against any individual or organisation who threatens it.

3.3 Easthall Park has developed this policy to ensure compliance with the:

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

3.4 Easthall Park has also developed policies which meet the requirements of the law, our Regulator (The Scottish Housing Regulator) and good practice in housing and employment. Particularly relevant in this area are our policies on conflict of interest; donations, gifts and hospitality; entitlements, payments and benefits; health and safety; procurement, customer services, finance, equal opportunities and dignity at work.

4.0 Safeguards

4.1 Protection

This policy is designed to offer protection to those employees of Easthall Park 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.

Easthall Park 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 Committee or staff members considering whistleblowing may also obtain independent advice on the matter, for example internal or external auditors, our solicitors or other organisations as listed in appendix 1 of the Policy.

4.3 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.

4.4 Anonymous Allegations

Easthall Park encourages individuals to put their names to any disclosures they make. Concerns expressed anonymously are much less robust and it allows us or an investigating officer to speak to the individuals and keep them informed on their disclosure.

4.5 Malicious or Untrue Allegations

If an individual makes an allegation in good faith that is not confirmed by the subsequent investigation, 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.

4.6 A whistleblowing disclosure about senior staff or committee members have to be managed effectively to avoid any conflict of interest. We will ensure that these disclosures are investigated by individuals that are independent to the situation and can be impartial in the outcome of the disclosure, for example EVH, Auditors, Solicitors or Consultants.

4.7 The Association will immediately notify the Scottish Housing Regulator of any incidence of whistleblowing including disclosures in keeping with the Regulator's guidance on 'Notifiable events'.

5.0 HOW TO RAISE A CONCERN

5.1 Raising a Concern

5.1.1 An individual who believes there to be improper conduct should normally raise concerns with their line or sectional manager. This information will be passed on as soon as is reasonably possible to the appropriate designated investigating officer as follows:

- A disclosure of malpractice will be investigated by the Director or a member of the Senior Staff Team unless the disclosure is against them or is in any way related to the actions of the Director. In such cases, the disclosure should be passed to the Chairperson for referral.
- The Director will be available to all staff, however the person raising a disclosure has the right to bypass the line management structure and take their disclosure direct to the Chairperson. The Chairperson has the right to refer the disclosure back to management if he/she feels that the management, without any conflict of interest, can more appropriately investigate the matter.
- In the case of a disclosure that is in any way connected with but not against the Director, the Chairperson will decide how this will be managed to avoid any conflict of interest.

5.1.2 Individuals can also raise concerns with the Scottish Housing Regulator's Support and Intervention team. The Regulator will likely wish to meet with the individual to discuss their concerns on an individual basis.

5.2 Communicating the Disclosure

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

5.2.2 Concerns may be raised verbally or in writing. Any individual making a written report is invited to use the following format:

- The background and history of the concern (giving relevant dates).
- The reason why there is concern about the situation.

In situations where a disclosure is made verbally, the person should be encouraged to put their concerns in writing or the person in receipt of the disclosure should record a note of person's concerns, which will form a formal note of the disclosure.

5.3 Process

5.3.1 On receipt of a disclosure the Director or Chairperson will consider the information made available to him/her and decide on the form of investigation to be undertaken. This may be to:

- Investigate the matter by management, and/or
- Refer the matter externally to the internal or external auditors, solicitors or Police Scotland.

5.3.2 Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

5.4 Timescales

5.4.1 The person who will have to reach the decision on the matter should not carry out the investigation. The responsible person will write to the individual concerned within ten working days of a disclosure being made. They will:

- 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;
- tell the individual whether any initial enquiries have been made;
- supply the individual with information on staff support mechanisms; and tell the individual whether further investigations will take place and if not, why not.

5.4.1 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, we will seek further information from the individual concerned.

5.4.2 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.

5.5 Progress of the Whistleblowing Disclosure

5.5.1 The Co-operative is committed to keeping the person(s) making the disclosure updated on the progress of their disclosure and, if appropriate, on any resultant action that is proposed.

6.0 OUTCOMES OF INVESTIGATIONS

6.1 Whistleblowing Disclosure Upheld

6.1.2 Once all facts are established the Director or Chairperson will decide what action to take. If the disclosure is justified, then the Association will invoke the appropriate procedures.

6.2.2 Alternatively the disclosure may be referred to an external body.

6.3 Appeal

6.3.1 There are two situations where individuals who raise a concern under this policy have a right of appeal.

6.3.2 Firstly, where a concern is rejected on the basis it is judged as not falling within the scope of the whistleblowing policy, an individual may appeal this decision. Secondly, a whistle-blower may appeal if, following an investigation, they disagree with the decision and proposed course of action.

- 6.3.3 Appeals must be made in writing, with the reason for the appeal clearly stated, and submitted to the Director within two weeks of the individual being notified of the decision. In the event the decision was made by the Director, the appeal should be directed to the Chairperson of the Management Committee. In the event the decision was made by the Chairperson or a Panel of Committee members, the appeal will be to a separate Panel of Committee members.
- 6.3.4 Any individual considering submitting an appeal may obtain independent advice on the matter.
- 6.3.5 In order to properly consider the appeal and review the decision, the Director (or as per 6.3.3, the Chairperson or Panel of Committee members) will invite the individual to attend a meeting. The individual may be accompanied by a work colleague or trade union representative, while the Director (or Chairperson or Panel of Committee members) may also arrange for a note taker to be present.
- 6.3.6 The Director (or Chairperson or Panel of Committee members) will ask the individual to obtain any additional information or clarification they require in relation to the initial allegation or the circumstances giving rise to the appeal. The individual will be given the opportunity to present any substantiating evidence.
- 6.3.7 Following the meeting, the Director (or Chairperson or Panel of Committee members), will communicate their decision to the individual in writing within 5 working days. If for any reason there is a delay in issuing a response a letter will be issued confirming the reason and a revised timescale and date for decision to be communicated. This will confirm Easthall Park's final position on the matter.
- 6.3.8 For the avoidance of doubt, the appeals process is not appropriate in instances where an individual is dissatisfied with the way their concern has been handled. This includes for example, where they believe there has been a lack of action, that their concern has not been treated seriously and given due consideration, or that the correct process has not been followed.
- 6.3.9 In these instances, the matter may be pursued in alternative ways. Specifically, staff members can raise the matter outside the Co-operative, Appendix 1 provides a list of Prescribed Persons and Further Sources of Information to contact.

7.0 Monitoring & Review

- 7.1 All instances of Whistleblowing and associated investigations will be properly recorded and documented. Relevant details will be reported to the Management Committee, either where approval for a course of action is required; or as part of periodic statistical reporting.
- 7.2 This policy will be reviewed every 3 years and is therefore is due for review in January 2024

Appendix 1

List of Prescribed Persons

Scottish Housing Regulator	Tel: 0141 271 3810
Environmental Health – Glasgow City Council	Tel: 0141 287 2000
Health and Safety Executive	Tel: 0845 345 0055
Scottish Executive	Tel (general): 0131 556 8400

Further Sources of Information

ACAS	Helpline: 08457 47 47 47
Public Concern at Work	Tel (general): 020 7404 6609
Unite (Trade Union)	Tel: 0845 345 0141)

Easthall Park's

Auditors

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| - Internal Auditors (T.I.A.A) | Tel 0845 300 3333 |
| - External Auditors (Alexander Sloans) | Tel 0141 204 8989 |

Solicitors

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| - T.C. Young Solicitors | Tel 0141 221 5562 |
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