

## **05.05 WHISTLEBLOWING POLICY**

### **INTRODUCTION**

Whistleblowing is a term used to describe the raising of a concern about a possible fraud, crime or danger or other serious risk which could threaten service users, colleagues, the public or the organisation's own reputation. These concerns may relate to areas of malpractice such as financial malpractice, corruption, abuse or neglect of vulnerable people or damaging personal conflicts at senior level.

This policy and the reporting procedure overleaf sets out the way in which employees - and, casual workers and agency workers who do not have the legal status of employee - may raise concerns about serious malpractice or failure in standards at an early stage. It also indicates how managers should respond.

If something is troubling you which you think a senior manager should know about or investigate, please use the procedure overleaf. It is better to raise it early rather than let a situation become more complicated. Bield encourages that you raise your concern within the organisation first but recognises the need to provide for exceptional circumstances where you may need to raise concerns with an external body and these are provided for on page 4.

This policy is primarily for concerns where the interests of others or of the organisation are at risk. If you have an employment grievance please use the Grievance Procedure. If you feel that you are experiencing bullying or harassment please use the Dignity at Work Policy.

### **Links with Other Policies/Procedures**

- Finance Services Policies: The Fraud and Theft Policy
- Housing Services & Care Services Operational Manual: The Adult Support and Protection Policy. This policy provides detailed explanation of every employee's duty of care to report suspected abuse as well as what constitutes abuse.
- The Employee Handbook: The Grievance Procedure, Dignity at Work Policy and, Disciplinary and Dismissal Policy and Procedure.
- Guidance on Notifiable Events (Scottish Housing Regulator)

## **Bield's Assurances**

Bield is committed to the highest standards of quality, probity, openness and accountability. As a part of this commitment, we encourage workers with serious concerns about any aspect of our work to come forward and express these concerns.

When we find a problem, we will always deal with it seriously. We know that we cannot expect employees to practice higher standards than those we apply. We will always pursue fraud and serious abuse as vigorously as possible through our disciplinary procedures or, if necessary, through the courts; frauds will be reported to the police. We hope that employees will feel confident in coming forward and that we will share their sense of right and wrong and act on what they tell us.

If you raise a concern with a reasonable belief that it is in the public interest, you will not be at risk of retribution or of losing your job. This assurance is not extended to someone who maliciously raises a matter they know to be untrue. Employees should also be reassured that Bield will not tolerate harassment or victimisation. However, we recognise, in some cases, that workers will wish to raise a concern on a confidential basis. This is provided for in the procedure overleaf.

## **Whistle-blowing and The Public Interest Disclosure Act 1998**

The Public Interest Disclosure Act 1998 provides protection for employees who raise legitimate concerns about specified matters, "qualified disclosures".

A qualified disclosure is a concern raised by an employee who has a reasonable belief that one of the following events is being, has been or is likely to be committed by their employer:

- a criminal offence;
- a miscarriage of justice;
- an act creating a risk to health & safety;
- an act causing damage to the environment;
- a breach of any other legal obligation; or
- concealment of any of the above.

An employee who raises such a concern has the legal right not to be dismissed, or subjected to victimisation, because s/he made raised a legitimate concern i.e. made the "qualified disclosure".

## **WHISTLE-BLOWING PROCEDURE**

### **Whistleblowing Internally**

1. We know that it can be difficult to report a concern, particularly one which may relate to fraud or abuse. We urge you to come forward with any concerns at an early stage, and before problems have a chance to become more serious.
2. If you prefer, we are happy for you to come forward with another colleague or staff representative to report a concern.
3. Your concern should be first raised with your line manager unless you reasonably believe that your line manager is involved in the wrongdoing. If you believe your line manager to be involved, you should raise your concern with their line manager, the HR Manager or more senior member of the Department of Human Resources.
4. You should make clear to your line manager (or other manager with whom you are raising your concern) that you wish to raise a concern under the Whistleblowing Policy.

If you wish for your identity as the source of information to remain confidential you must clearly request this. We will do everything we can to respect your confidentiality if you have requested this. You will be fully consulted and your agreement sought before any information you provide is passed to the person about whom you have raised a concern. Your identity will not be disclosed without your consent, unless required by law. If the situation arises where the matter cannot be resolved without revealing the details you have provided or your identity (e.g. the matter requires to be reported to the police or your evidence is required in court) the person investigating or the senior contact in the Department of Human Resources will discuss with you how to proceed.

5. The line manager will pass details to their own line manager and agree with their line manager and the HR Manager (or more senior Human Resources colleague) the arrangements for the investigation of the matter either by investigating him/herself or by an appropriate senior manager. The nature of the concern and the line manager's position in the organisation will be taken into account when deciding who is appropriate to investigate.

Consideration will be taken of which is the appropriate procedure for dealing with your concern e.g. Fraud and Theft Policy or Protecting Vulnerable Adults Policy.

Bield is required to notify the Scottish Housing Regulator if an event has been reported as a Whistleblowing incident. The Human Resources contact will complete the 'Notifiable Events' form and provide this to the Company Secretary for logging and reporting to the regulator. The manager and the senior contact in the Department of Human Resources will consider whether or not any other the relevant regulatory body should be notified at this stage of the procedure. The decision will be based on regulatory requirements as well as the nature and extent of the information provided.

You will normally be asked to make a written statement and you may be asked to comment on additional evidence obtained.

If you come to us with a concern, we will look into it carefully and thoroughly. We have to be fair to you and also to any others involved. If someone is potentially being accused of misconduct, we have to find out their side of the story as well. In our investigation, we will respect any concerns you have expressed about your own safety or career.

6. Upon completion of the investigation, the line manager will report to a designated senior manager who will take any necessary action including reporting the matter to any relevant regulatory body.
7. We will discuss and agree with concerned employees' appropriate support to protect them from reprisals or victimisation. If you come forward with a concern you can be confident that this will not affect your career or your enjoyment of your job. This applies equally if you come forward with a concern based on a reasonable belief that it is in the public interest which turns out later not to have been justified.
8. If you request, we will try to let you know the results of our investigation and about any action that is proposed. However in doing this we have to respect the confidentiality of other employees as well.
9. If anyone tries to discourage you from coming forward to express a concern or criticises or victimises you after a concern has been expressed you are encouraged to raise this with us. Such allegations will be investigated and on the basis of the findings it will be considered whether or not disciplinary action is appropriate.
10. If it appears that the Whistleblowing Policy has been breached for instance by an employee maliciously raising unfounded allegations, this will be investigated. Malicious misuse of the policy will be considered under the Disciplinary Procedure and dependent upon the specific factors may be considered gross misconduct. This provision is to promote the proper and fair use of the policy and those raising a concern on the basis of a reasonable belief that it is in the public interest should not be dissuaded by this.

## Whistleblowing to the Board of Management or an External Body

1. You are encouraged to use the internal procedure in the first instance. However, if you reasonably believe that appropriate action has not been taken you can report the matter to the proper authority. If our policy and procedures are working properly, you should not need to contact one of Bield's Board members or some external agency to express concerns. But there may be exceptional or urgent circumstances where it might be best to contact an external agency. It is not possible to give precise examples but, for instance, relevant situations might be:
  - if the problem involved a Director or the Chief Executive of the organisation - the Chair of the Board of Management or another Board member via the Company Secretary (currently Governance & Admin Manager), 0131 273 4004 or [c.beesley@bield.co.uk](mailto:c.beesley@bield.co.uk)
  - in the case of a criminal offence - the police
  - in the case of abuse of vulnerable people in any of our services – the Care Inspectorate – 0345 600 9527 . Email: [concerns@careinspectorate.gov.scot](mailto:concerns@careinspectorate.gov.scot)
  - in the case of abuse of public funds – The Scottish Housing Regulator which is responsible for regulating all registered social landlords – 0141 271 3810.
  - in the case of serious fraud by senior employees – first consider if this can be reported to a Director, the Chief Executive or the Chair of the Board. If this is not possible - Bield's internal auditor (Wylie & Bisset), external auditors (RSM UK LLP) and/or The Scottish Housing Regulator (0141 271 3810).
  - If you have exhausted the internal procedure and you consider that you still have a legitimate concern which has not been acted on appropriately you can contact the Scottish Public Services Ombudsman – 0800 377 7330.

We hope that none of these will ever prove necessary.

2. You can also approach Public Concern at Work for confidential and independent advice Tel: 020 3117 2520. E-mail: [whistle@protect-advice.org.uk](mailto:whistle@protect-advice.org.uk). Website: <https://www.pcaw.org.uk/>
3. Members of the support team at The Scottish Housing Regulator are also able to advise on a confidential basis if you are not sure whom to contact about particular problems. As regulators, they may need to follow up on any potential problems identified.

### Date of Review.

In order to have a policy which is useful to us all and Bield as an organisation this policy was reviewed and updated with Staff Representative input. The policy will be reviewed again by no later than 31 March 2024.