



**Aberdeenshire** *housing partnership*

# **Whistleblowing Policy**

**July 2005**



**This policy is intended to cover staff, Board, consultants or contractors working with us. If you are a tenant, member of the public or other service user, you should raise any concerns that would normally be called “Whistleblowing” directly with the Chief Executive/Chair of the Board, or in writing marked “Private and Confidential” for their attention at Unit 8, Netherton Business Centre, Kemnay, by Inverurie, Aberdeenshire, AB51 5LX**



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**1. Introduction**

- 1.1 Aberdeenshire Housing Partnership is committed to the highest standards of openness, probity and accountability. As staff (and others that we deal with) are often the first to realise that there may be something seriously wrong, we expect those who have serious concerns about any aspect of our work to come forward and speak up without fear of reprisal.
- 1.2 Thus, we recognise that it is an important aspect of accountability and transparency to provide a mechanism to ensure that no member of staff, board member or others connected with Aberdeenshire Housing Partnership should feel at a disadvantage in raising legitimate concerns.
- 1.3 The Public Interest Disclosure Act, which came into effect in 1999, gives legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns.
- 1.4 These procedures are in addition to Aberdeenshire Housing Partnership's Complaints Policy and other statutory reporting procedures.
- 1.5 All staff, contractors, other bodies, agency staff, etc. working for Aberdeenshire Housing Partnership on its premises are covered by this policy. The policy also applies to suppliers and those providing services under a contract to Aberdeenshire Housing Partnership on any of its premises.

**2. Scope of the Policy**

- 2.1 This policy is designed to enable staff and others 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 those established in the Employment Manual, the Code of Conduct, Health & Safety etc. 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 commencement of such procedures.

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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.
- A miscarriage of justice.
- Professional malpractice
- Improper conduct or unethical behaviour.
- Significant relationship failures, including those between Board, staff and management team.
- Attempts to conceal any of the above.

### 3. Safeguards

#### a) Protection

This policy is designed to offer protection to those who disclose such concerns provided the disclosure is made:

- In good faith.
- To an appropriate person/body.
- In the reasonable belief of the individual making the disclosure that it tends to show malpractice or impropriety.

Aberdeenshire Housing Partnership will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect the individual when they raise a concern in good faith.

#### b) 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.

#### c) Anonymous Allegations

This policy encourages individuals to put their names to any disclosures they make. Concerns expressed anonymously are much less powerful, but will be considered.

#### d) 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 that

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individual. However, if the individual makes an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against the individual concerned.

### 4. How to Raise a Concern

#### a) First Step

The individual should normally raise concerns with their immediate manager. This information will be passed on as soon as is reasonably possible to the appropriate designated investigating officer (responsible person) as follows:

- Complaints of malpractice will be investigated by the Chief Executive unless the complaint is against the Chief Executive or is in any way related to the actions of the Chief Executive. In such cases, the complaint should be passed to the Chair of the board for referral.
- In the case of a complaint that is in any way connected with but not against the Chief Executive, the Chair will nominate a Manager to act as the alternative investigating officer.
- The complainant has the right to bypass the line management structure and take their complaint direct to the Chair. The Chair has the right to refer the complaint back to management if they feel that the management, without any conflict of interest, can more appropriately investigate the complaint.

#### b) Communicating the Disclosure

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.

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

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

The earlier the individual expresses their concern, the easier it is to action.

Employees can also gain advice, in confidence, by contacting their Trade Union, Internal Audit (currently TIAA) or any of those organisations identified in **Appendix 1**.

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### c) **Process**

On receipt of a disclosure the Chief Executive or Chair will consider the information made available to them and decide on the form of investigation to be undertaken. This may be to:

- Investigate the matter by management, internal audit, or through the disciplinary process.
- Refer the matter externally to the external auditor or the police.
- Call for an independent inquiry.

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.

Where the individual raising the issue is concerned (or perceives) that their working relationship with the individual involved in the issue is likely to be significantly impaired review the working relationships and arrangements will be reviewed.

### d) **Timescales**

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.
- Tell the individual whether further investigations will take place and if not, why not.

The amount of contact between the person(s) 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 responsible person will seek further information from the individual concerned.

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Where any meeting is arranged, the individual can be accompanied by a trade union representative, or personal representative, and have the meeting off-site if they so wish.

### **5. Outcomes of Investigations**

5.1 Once all facts are established the Chief Executive or Chair will decide what action to take. If the complaint is justified, then they will invoke the appropriate procedures including the referral to an external body.

5.3 Aberdeenshire Housing Partnership hopes the individual will be satisfied with any action taken. If they are not and feel it is right to take the matter further, **Appendix 1** provides a list of Prescribed Persons and Further Sources of Information to contact.

### **6 Monitoring & Review**

6.1 The Chief Executive will advise the Board of serious and significant allegations.

6.2 This policy will be reviewed in 2008 or in the light of any legislative changes, Communities Scotland requirements or to take account of revised best practice.

**Contact Details**

***List of Prescribed Persons***

Communities Scotland	Tel: (0131) 313 0044
Environmental Health	Tel: (01261) 813271
Health and Safety Executive	Tel: (0141) 275 3000
OSCAR	Tel: (01382) 220 446
Scottish Executive	Tel: (0131) 556 8400 (general)

***Further Sources of Information***

ACAS	Helpline: (08457) 474 747
Public Concern at Work	Tel: 0141 883 6761 (general)
UNISON (Trade Union)	Tel: (01224) 620624
TIAA (Stewart Harfield)	Tel: 0845 300 3333