



WHISTLEBLOWING POLICY

Prepared By	Maureen McDonald Cooke
Policy Created	Maureen McDonald Cooke
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1. INTRODUCTION AND POLICY STATEMENT

1.1. Part of our key aims of The Albyn Group is to build our Purpose, our Mission, our Values and our Vision into our policy and decision making on a daily basis. With that in mind, we aim to follow our guiding principles that apply to all policies: <https://www.albynhousing.org.uk/about-us/>

1.2. The purpose of this policy is:-

1.2.1. To ensure Albyn Housing Group demonstrates its commitment to the highest standards possible of openness, integrity and accountability within all its business activities.

1.2.2. To deter, detect and act on any allegations of malpractice.

1.2.3. An important aspect of accountability and transparency is to have a mechanism for employees, including Board members and (other individuals that we deal with such as contractors and agents) to voice concerns in a responsible and effective way.

1.2.4. This is usually referred to as “Whistleblowing”. It is the term used when an individual pass on information concerning wrongdoing which would be in the public interest to disclose.

1.2.5. The aim of this Whistleblowing policy is to encourage employees and others to feel confident in raising serious concerns about any aspect of Albyn Group’s work and to be able to come forward to question about improper practice. It will provide:

- The opportunity for employees and others to raise these concerns and receive feedback on any actions taken.
- Employees and others receive a response to concerns and that they are aware of how to pursue them if they are not satisfied.
- Reassurance to employees and others that they are protected from possible reprisals or victimisation.

1.3. This policy should be read in conjunction with the Whistleblowing Procedures and Further Information Document.

1.4. It should be emphasised that this policy is not intended to replace the Grievance Procedure. This means, that personal grievances and complaints are not usually covered by Whistleblowing law. Whistleblowing is about conduct that affects others: for example, fraud.

2. SCOPE

For the purpose of this policy, whistleblowing has the following definition, and is intended to cover

matters of concern listed below. **PIDA provides protection under the following categories:**

“A situation where a member of staff raises concern about improper conduct, wrongdoing, risk or malpractice with someone in authority, either internally or externally.”

“To be covered by whistleblowing law, they must make the disclosure reasonably believing in two things. Firstly, they are acting in the public interest, and secondly the disclosure reasonably tends to show past, present or likely future wrongdoing which falls into the below categories.”

- Criminal offence
- Failure to comply with a legal obligation
- Dangers to health & safety or the environment
- Financial malpractice or impropriety or fraud
- Improper conduct or unethical behaviour
- Miscarriages of justice
- Deliberate attempt to conceal any of the above

3. KEY STAFF RESPONSIBILITIES

Overall Responsibility:

- **The Board**
The Board is responsible for agreeing this policy and monitoring its implementation.
- **Leadership Team**
Leadership is responsible for agreeing the policy and ensuring that the Board’s decisions are implemented in accordance with legislative and regulatory requirements.
- **Staff**
Staff are responsible for making sure that they are aware of the contents of this Policy and how to follow the procedures.
- **Specific Responsibilities**
The Chair of the Audit & Risk Management Committee is responsible for monitoring any allegations and has ownership of the whistleblowing register.

4. APPROACH AND METHOD

4.1. Protection

4.1.1. Albyn wants to make sure employees are supported in this process and will try to take all reasonable steps to ensure employees are not victimised. By reporting and following our internal procedures, it provides Albyn the opportunity to put things

right, but also provides employees with the necessary safeguards to allow them to speak out.

- 4.1.2. In some circumstances you may wish to seek further independent and confidential advice before deciding on submitting a disclosure internally or externally. The charity Protect have a free advice line and can be contacted on 0203 3117 2520
- 4.1.3. Individuals must therefore be aware that Albyn will make every effort to protect an individual or group, but this may not be possible in all circumstances. Particularly when third party agencies are involved in investigating or taking further action, about the alleged malpractice. In such circumstances the individual will be asked to consent to their identity being revealed and this consent must not be unreasonably withheld, as Albyn will do everything possible to protect the individual/s interest.
- 4.1.4. Given the serious nature of whistleblowing categories, employees also have a responsibility and a duty of care to bring any whistleblowing concerns to our attention as reasonably practicable to ensure these are dealt with expeditiously. If an employee has made several disclosures over a period which have been dealt with. It will be the most recent event that is investigated.
- 4.1.5. Any clauses within an employee non-disclosure settlement agreement will not prevent employees or Board members from making disclosures that are in the public interest.
- 4.1.6. Employees making disclosures will be protected under Public Interest Disclosure Act 1998 (PIDA) if they believe the allegation, they are making:
 - is true.
 - It is not for personal gain.
- 4.1.7. Albyn requires the Leadership Team, the Board and wider team to be open to concerns regarding allegations of malpractice, victimisation, bullying or any other action by individual/s intending to deter a colleague from making a disclosure, or by way of revenge following a disclosure. This will be regarded as a serious disciplinary offence. Please refer to Albyn's Disciplinary and Grievance Policy.

4.2. Untrue Allegations

If individual/s make an allegation in good faith that is not confirmed by a subsequent investigation, no action will be taken against that individual. If, however, an individual makes malicious or vexatious allegations, and particularly if he or she persists with making them, disciplinary action may be taken against that individual. Please note malicious or vexatious allegations are not protected under PIDA.

4.3. Confidentiality

- 4.3.1. Albyn will treat all such disclosures in a confidential and sensitive manner. The identity of the individual/s making the allegation may be kept confidential if it does not hinder or frustrate any investigations. However, we may not be able to withhold

individual/s identity in its entirety, and while effort will be made not to leak information, we must also allow the subject of any investigation the right of reply. To balance the need to act on problems and allow for a manager to make decisions about the seriousness of the allegations, say for example, where someone's else's (colleague or tenants) wellbeing may be at risk.

4.3.2. The investigation process may also reveal the source of the information and the individual/s making the disclosure may need to provide a statement or be a witness as part of the evidence required.

4.4. Anonymous Allegations

4.4.1. This policy encourages individual/s to put their names to any disclosures they make. Concerns expressed anonymously are much less credible. An individual may request their disclosure to be dealt with anonymously, but should be aware that if anonymity is preserved, it may inhibit the investigation. Anonymous allegations may be considered for investigation at the discretion of Albyn. In exercising this discretion, the factors to be considered will include:

- The seriousness of the issues raised.
- The credibility of the concern.
- The likelihood of confirming the allegation from attributable sources.

4.5. Monitoring

Any allegations reported internally or externally will be confidentially monitored by the Chair of the Audit and Risk Management Committee. The Chair will maintain a confidential register of whistleblowing allegations, investigations and outcomes in line with best practice guidance. The Chair will report whistleblowing activity to the Audit & Risk Committee in the appropriate way.

5. LEGISLATION

- Public Interest Disclosure Act 1998
- Employment Rights Act 1996
- Data protection Act 1998

6. RELEVANT DOCUMENTS

6.1. Not limited to:

- The Scottish Housing Regulator Guidance- "Whistleblowing about a regulated body"
- Protect (formerly Public Concern at Work)
- Department for Business Innovation & Skills (Whistleblowing Commission)
- National Audits Office Whistleblowing Policy External.
- ACAS- Public Interest Disclosure Albyn Group Code of Conduct.
- Code of Conduct for Board Members Albyn's Complaints Policy.
- Albyn's Disciplinary & Grievance Policy.

6.2. Equality Impact Assessment completed 4th April 2019 (Appendix 1)

APPENDIX 1



EQUALITY IMPACT ASSESSMENT SCREENING

Prepared By	M.McDonald-Cooke
Policy Created	M.McDonald-Cooke
Version Control	EQIA- V1
Date of Current Review	2019
Date of Next Review	2024
Reviewed By	N/A

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ALBYN GROUP EQUALITY IMPACT ASSESSMENT RECORD

Title of policy/ practice/ strategy	Whistleblowing Policy		
Department	HR		
Who is involved in the EQIA?	Maureen McDonald-Cooke		
Type of policy/ practice/ strategy	New <input checked="" type="checkbox"/>	Existing	<input type="checkbox"/>
Date completed	04/4/19		

Stage 1: Screening Record

What is the main purpose of the policy or function?

The main purpose of the Whistleblowing process is to enable employees, former employees and relevant stakeholders to bring any improper conduct of unlawful action to the attention of Albyn or relevant external bodies, while protecting their anonymity, and supporting them through the process. The process is designed to prevent the individual from being the subject of victimisation, harassment or discrimination as a result of their allegations.

The Public Interest Disclosure Act 1998 provides for an anti-fraud mechanism in all public service environments. This is a way for staff, members and partners to raise concerns about fraud and corruption in confidence. The Whistleblowing process is designed to support individuals who have genuine concerns in the interests of assisting the council in eliminating fraud. Malicious or false concerns will not be tolerated and raising them may result in disciplinary action.

Who will the policy benefit and how?

- All Albyn Group Employees
- Former Albyn Group Employees
- Board Members
- External businesses and Stakeholders

For each equality group, does or could the policy have a negative impact?

Protected characteristic	Negative	Positive/no impact	Don't know
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marriage & civil partnership	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pregnancy & maternity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Religion or belief (including no belief)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sex	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If you answered negative or don't know to the above question you should consider doing a full EQIA.

Are there any potential barriers to implementing the policy?

Barriers would relate to a lack of staff awareness. This will be tackled through staff involvement in the development of procedures, and staff training.

	Yes	No
<i>Is a full EQIA required?</i>		X

If you answered no to the above question explain why a full EQIA is not required:

No impact on equalities identified:	<input type="checkbox"/>
Other:	

Stage 2: Data and evidence gathering, involvement and consultation

Include here the results of your evidence gathering, including qualitative and quantitative data and the source of that information, whether national statistics, surveys or consultations with relevant equality groups.

Source	Qualitative evidence provided	Quantitative evidence provided	Which protected characteristics are covered?	Gaps identified/ action taken
Management information data		Annual staff and committee equalities data	Age, disability, gender, ethnicity. In some cases other protected characteristics	Membership data not collected. Implementation of Cx will assist with data collection.
Tenant satisfaction survey		Survey carried out in 2016	Age, disability, gender, ethnicity. In some cases other protected characteristics	Data becoming out of date. Implementation of Cx will assist with data collection.
Committee, Equalities Working Group and Tenants Forum minutes	Equality related issues identified and discussed		Various	
Review of complaints received	Tenant/service user experience	Statistical data on types of complaint	All protected characteristics	Implementation of Cx will assist with data collection and analysis of protected characteristics
Observations/conversations (anecdotal)	Staff/committee/tenant/service user levels of understanding, inclusive practice		All protected characteristics	
Highland Census 2011		Statistical data	Age disability, gender, ethnicity, marital status, religion or belief.	Data becoming out of date.
HHR data		Statistical data provided for individuals on the housing waiting list	Age, disability, gender, ethnicity. In some cases other protected characteristics.	Data becoming out of date.
SHR Annual Return on Charter data		Statistical data on staff, committee and tenant profile for RSLs	Disability, ethnicity.	

Stage 3: Assessing the impacts

How might the policy impact on people who share protected characteristics? Include both positive and negative impacts.

Protected Characteristic	Description of Impact
Age	By making information available in different formats, this will make it accessible to people of all ages.
Disability	By making information available in different formats, this will make it accessible to people with a disability that would otherwise make it difficult to access and understand the information.
Gender reassignment	No impact identified.
Marriage & civil partnership	No impact identified.
Pregnancy & maternity	No impact identified.
Race	We provide a translation and interpreting service to make this information as accessible as possible.
Religion or belief (including no belief)	No impact identified.
Sex	No impact identified.
Sexual orientation	No impact identified.

How does the policy promote equality of opportunity?

By making the information as accessible as possible, we are encouraging everyone to take the opportunity of accessing the information that we publish.

How does the policy promote good relations?

We are being proactive in making sure that those from all the protected characteristics can access the information equally.

Stage 4: Decision making and monitoring

Identifying and establishing any required mitigating action

If, following the impact analysis, you think you have identified any unlawful discrimination – direct or indirect - you must consider and set out what action will be undertaken to mitigate the negative impact.

Does the assessment show a potential for differential impact on any group(s)?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is there potential for unlawful direct or indirect discrimination?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

What arrangements could be implemented to reduce or mitigate any potential adverse or negative impacts identified?

None identified.

Describing how Equality Impact analysis has shaped the policy making process

It has highlighted the importance of embedding a culture of transparency and trust through proactive publication and availability of information in different formats.

Monitoring and Review

Any breaches of this policy will be monitored, and any equalities issues related to this considered. The policy will be reviewed every five years by a senior member of the Leadership Team.

Stage 5 - Authorisation of EQIA

Please confirm that:

- ◆ This Equality Impact Assessment has informed the development of this policy: Yes No
- ◆ Opportunities to promote equality in respect of age, disability, sex, pregnancy and maternity, gender reassignment, sexual orientation, race and religion or belief have been considered, i.e.:
 - Eliminating unlawful discrimination, harassment, victimisation;
 - Removing or minimising any barriers and/or disadvantages;
 - Taking steps which assist with promoting equality and meeting people's different needs;
 - Encouraging participation (e.g. in public life)
 - Fostering good relations, tackling prejudice and promoting understanding.
 Yes No

Declaration

I am satisfied with the equality impact assessment that has been undertaken for this Whistleblowing policy

Name: M.McDonald-Cooke

Position: Policy Officer

Authorisation date: 4th April 2019



WHISTLEBLOWING PROCEDURES

Prepared By	Maureen McDonald Cooke
Policy Created	Maureen McDonald Cooke
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Date of Current Review	November 2019
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6. Outcomes
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1. INTRODUCTION

- 1.1. The Albyn Group encourages individual/s in the first instance to raise matters internally. In most cases employees should be able to raise concerns with their **Line Manager**.
- 1.2. If this is not possible (for example, if they have concerns about their Line Manager), employees should refer their complaint in the following order:
 - A member of the Leadership Team (1)
 - Head of HR (2)
 - The Chief Operating Officer (3)
 - The Chair of the Audit & Risk Committee (4)

2. PROCEDURES FOR MAKING A DISCLOSURE

- 2.1. Complaints of malpractice will be investigated by the appropriate member of the Leadership Team (LT) unless the complaint is against a member of the Leadership Team. In such cases, the complaint should be passed to the Chief Executive (CEO) or The Chair of the Audit and Risk Committee.
- 2.2. In the case of a complaint, which is in any way connected with the CEO but not against the CEO, the CEO will nominate a Senior Manager or external party to act as the Investigating Officer.
- 2.3. Complaints against the CEO should be passed to the Chairperson of the Audit and Risk Committee who may nominate an appropriate internal/external investigating officer.
- 2.4. In exceptional circumstances the complainant/s has the right to bypass the line management structure and take their complaint directly to the Chairperson of the Group. 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.
- 2.5. In some situations, individual/s may feel uncomfortable about raising a concern within the Group. Individual/s may wish to bypass the internal process and raise matters externally. The Group confirms that individual/s have the right to raise a concern with the Scottish Housing Regulator (SHR) without fear of victimisation. Individual/s should be aware however, that the SHR will normally refer reported allegations back to the Groups governing bodies for investigation, if appropriate to do so. We would encourage individual/s to seek their own external advice before taking concerns externally, to ensure the disclosure qualifies as protected under the Public Interest Disclosure Act 1998 (PIDA) and they do not lose their right to whistleblowing protection.

2.5.1. Any Board member who has a concern should raise it first with the Chair of the Audit & Risk Management Committee in confidence or the Chair of the Group.

2.5.2. Should none of the above routes be suitable or acceptable to the complainant. They can contact Protect advice line. Protect can independently advise the complainant on the implication of the legislation and the possible internal and external avenues of complaint routes open to them.

3. INVESTIGATING ROUTE

3.1. Full details and clarification of the complaint should be obtained as soon as possible.

3.2. The IO will then assess if he/she will investigate the complaint or if it requires being dealt with by a more senior person within Albyn.

3.3. The investigation may involve the complainant/s and other individuals involved, by providing a written statement and any further evidence obtained.

3.4. The IO will then report to the appropriate member of LT, who will then take any necessary action, including reporting to the Chairperson, Audit & Risk Management Committee, the Scottish Housing Regulator, and any relevant Government Department or the Police, if appropriate to do so.

3.5. If any investigation results in disciplinary action being required, Head of HR will ensure that Albyn's normal disciplinary procedure is followed.

3.6. If the complainant/s are concerned the IO (who may be your Line Manager) is involved in the wrongdoing, or has failed to make a proper investigation, or has failed to report the outcome of the investigation to the LT, or for any other reason. You should inform HR, or another member of the LT. They may arrange for another IO to review the investigation is carried out, so far and make any necessary enquiries and submit a report to the LT.

4. TIMESCALES

4.1. Due to the varied nature of these sorts of complaints, which may involve internal/external investigators and /or police. It is not possible to lay down a precise timescale for such investigations to be completed. However, the IO should ensure that the investigations are undertaken as reasonably as practicable without affecting the quality and depth of those investigations.

4.2. The IO will as practically possible send a written acknowledgement of the concern to the complainant/s within 5 working days. Thereafter, report back to them in writing on the outcome of the investigation, and on the action that is

proposed. If the investigation is a prolonged one, the IO should keep the complainant informed in writing, as to the progress of the investigation and as to when it is likely to be concluded.

- 4.3. All responses to the complainant/s should be in writing and sent to their home address marked "confidential".
- 4.4. Given the serious nature under the whistleblowing criteria, it is important to highlight that an employee has a duty of care to disclose matters as reasonably as practicable. If an employee has made several disclosures over a period which have been dealt with. It will be the most recent event that is investigated.

5. CONFIDENTIALITY

- 5.1. Any data held or collated in the scope of this policy will be handled in accordance with the Data Protection Act 1998 and Albyn's own Data Protection policy and procedures.
- 5.2. All concerns will be treated in confidence and every effort will be made not to reveal the individuals/s identity. However, we may not be able to withhold individual/s identity in its entirety, and while effort will be made not to leak information, we must also allow the subject of any investigation the right of reply. To balance the need to act on problems and allow for a manager to make decisions about the seriousness of the allegations, say for example, where someone's else's (colleague or tenants) wellbeing may be at risk.

6. OUTCOMES

- 6.1. Albyn will seek to keep the complainant/s informed of the investigation processes, proceedings and eventual outcomes.
- 6.2. Where a concern cannot be substantiated, or it is considered it should not be progressed as a whistleblowing matter, because it is not judged as falling within the scope of the whistleblowing policy, the individual/s will be advised of this as soon as possible. They will be sign posted to other policies or procedures which may be applicable. They will also be advised of their right to have this decision reviewed by another senior manager or Board member not connected with the investigation.
- 6.3. Following on from the investigation, if the whistle-blower disagrees with the decision and proposed course of action. They must state in writing the reasons why within 2 weeks of being notified of the decision to the CEO or Chair of the Audit and Risk Committee. Who will review the information and respond within 5 working days. This review will confirm the Group's final position on the matter.

6.4. For the avoidance of doubt, the review process is not appropriate, where individual/s are dissatisfied with the way their concern has been handled. For example, this includes, where they believe there has been lack of action or that their concern has not been treated seriously and given due consideration. Or that the correct process has not been followed. In these instances, the matter may be pursued in alternative ways. Specifically, staff can raise a grievance in accordance with the Group's Disciplinary and Grievance policy and procedures. Board members can direct their concerns to the SHR. All other individual/s can invoke the service complaints procedure.

6.5. A whistle-blower also has recourse to an external independent person. A full list of Prescribed People and Bodies can be found by clicking on the below link.

<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies>

6.6. If a whistle-blower believes that they have been unfairly treated because they have made a disclosure, they can contact the Advisory, Conciliation and Arbitration Service (ACAS) who will provide some guidance.

www.acas.org.uk
Tel: 0300 123 1100

6.7. The Public Interest Disclosure Act (PIDA)

PIDA inserts a framework from the Employment Rights Act 1996 which grants protection by law to employees, as well as certain workers, contractors, trainees and agency staff who raise concerns about wrongdoing, risk or malpractice which is in the public interest to disclose.

7. FURTHER INFORMATION AND SUPPORT

7.1. Albyn recognises that “whistleblowing” can be a very stressful time for individual/s but equally wishes to ensure that all its business is conducted in a fair, professional and transparent manner. Which will ultimately protect our customers, employees and Albyn itself by identifying issues before it's too late.

7.2. We want to ensure our employees and Board members are supported throughout this process. Should any Board member or employee wish to seek some guidance or independent advice whilst they are considering making a disclosure. The charity **Protect** (formerly Public Concern at Work) aims to do this.

<https://protect-advice.org.uk>
Tel: 0203 117 2520