



# Whistleblowing Policy

V.9 July 2021

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<b>Reviewed by</b>	Corporate Manager			
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<b>Version Number</b>	9			
<b>Consultation Required</b>	Yes		No	x
<b>Equalities Impact Assessment</b>	Yes		No	x
<b>Added to Website</b>	Yes	x	No	

<b>SSHC Reference</b>	N/a
<b>SHR Reference</b>	Regulatory Standards of Governance & Financial Management

## Related Documents

- Whistleblowing Procedure
- Notifiable Events Policy
- Notifiable Event Procedure

## **Translation Statement**

We can give you this document in another way .Please tell us what you need or contact us if you need help.

## **Compliance**

This policy has been drafted to ensure that it complies with current legislation and industry good practice.

## **Equality & Diversity**

Fyne Homes is committed to providing services which embrace diversity and which promote equality of opportunity. As an employer we are also committed to equality and diversity within our workforce. Our goal is to ensure that these commitments, reinforced by our Values, are embedded in our day-to-day working practices.

## **Openness & Confidentiality**

Fyne Homes believes that its members, tenants and other interested parties should have access to information on how it conducts itself. This means that unless information requested is considered commercially sensitive or personally confidential it will be made available on request.

## **Data Protection**

Fyne Homes recognises the importance of data protection legislation, including the General Data Protection Regulation, in protecting the rights of individuals in relation to personal information that we may handle and use about them, whether on computer or in paper format. We will ensure that our practices in the handling and use of personal information during the processes and procedures outlined in this policy comply fully with data protection legislation. More information is available from our Data Protection Officer.

# Whistleblowing Policy

## 1. Introduction

- 1.1 Fyne Homes 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, we expect those who have serious concerns about any aspect of our work to come forward and speak up without fear of reprisal. Therefore, we recognise that it is an important aspect of accountability and transparency to provide a mechanism to ensure that no employee, committee/board member or stakeholder feel at a disadvantage in raising legitimate concerns.
- 1.2 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 compensation can be reduced by up to 25% in such circumstances.
- 1.3 Employers may also be held vicariously liable for workers who victimise colleagues for making a disclosure. We will take all reasonable steps to protect workers from being victimised.
- 1.4 All employees, Committee/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 Fyne Homes.
- 1.5 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 Chief Executive, Fyne Homes Ltd, 81 Victoria Street, Rothesay, Bute PA20 0AP.
- 1.6 This policy is supported by a detailed procedure.

## 2. Aim

- 2.1 This policy is designed to enable our employees to raise concerns internally and at a high level to disclose information that the individual believes shows malpractice or impropriety.
- 2.2 A number of policies are already in place, including dignity at work, and disciplinary and grievance procedures.
- 2.3 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.
- 2.4 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 involving Fyne Homes, its staff, committee/board member 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

### 3. Legal framework

3.1 This policy acts in accordance with :

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

### 4. Safeguards

#### 4.1 *Protection*

4.1.1 This policy is designed to offer protection to our employees 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.

4.1.2 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*

4.2.1 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*

4.3.1 This policy encourages individuals to put their names to any disclosures they make. Concerns expressed anonymously are much less robust, but may never the less be considered at the discretion of the Association.

#### 4.4 *Untrue Allegations*

4.4.1 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.

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

## 5. Reviewing process

5.1 This policy will be reviewed in line with the respective current Fyne Homes' policies, and/or where a change in legislation arises.

5.2 If there is a procedural delay in the policy revision then the relative legislation in force at the time will prevail.

Version number	Revision Date	Part of doc revised	Reason for revision	Approved by
8	11/07/2018	All	3 yearly review –data protection statement amended procedure separated out	
9	14/7/21		3 yearly review – no amendments made to the policy ( Procedure revised and no changes made.)	Mgt Comm
9	24/8/22	App 1	Appendix was updated to include contact details for external and internal auditors for a recommendation from Governance review in July 2022	Mgt Comm

## **Appendix 1 -List of Prescribed Persons**

### **Scottish Housing Regulator**

Telephone: 0141 242 5642

### **External Auditors**

AZETS – 0141 567 4500

### **Internal Auditors**

TIAA – 0845 300 3333

### **Environmental Health**

Argyll & Bute Environmental Health

Phone: **01546 605519**

### **Health and Safety Executive**

Tel 0141 275 3100

### **OSCR**

Tel 01382 220 446

Office of the Scottish Charity Regulator (OSCR)

2nd Floor

Quadrant House

9 Riverside Drive

Dundee

DD1 4NY

email [info@oscr.org.uk](mailto:info@oscr.org.uk).

### **Further Sources of Information**

- **ACAS**

Helpline: 08457 47 47 47

[www.acas.org.uk](http://www.acas.org.uk)

- **Public Concern at Work**

Tel (general): 0207 404 6609

- **Unite**

Tel: 0141 404 5424