



Whistleblowing Policy

V.8 – 07.18

Policy Number	C.06			
Document Owner	Business Services			
Review Frequency	3 yearly			
Reviewed by	Corporate Manager			
Date Approved	11 th July 2018			
Next Review Due	11 th July 2021			
Version Number	8			
Consultation Required	Yes		No	x
Equalities Impact Assessment	Yes		No	x
Added to Website	Yes		No	x

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

Related Documents

- Whistleblowing 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.

General Data Protection Regulations

Fyne Homes recognises that the General Data Protection Regulations are an important piece of legislation to protect the rights of individuals in respect to any personal information that we may keep about them, whether on computer or in manual systems. We will treat your personal data in line with our obligations under the current data protection regulations and our own Data Protection Policy. Information regarding how your data will be used and the basis for processing your data is provided in our Transparency Statements.

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, Fyne Homes expects those who have serious concerns about any aspect of Fyne Homes' work to come forward and speak up without fear of reprisal. Therefore, Fyne Homes 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 Fyne Homes 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. Fyne Homes 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 Fyne Homes 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 Colin Renfrew Chief Executive, Fyne Homes Ltd, 81 Victoria Street, Rothesay, Bute PA20 0AP

2. Aim

2.1 This policy is designed to enable employees of Fyne Homes 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 those employees of Fyne Homes 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 Fyne Homes 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 Fyne Homes.

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 uut	

Appendix 1 -List of Prescribed Persons

Scottish Housing Regulator
Telephone: 0141 242 5642

shr@scottishhousingregulator.gsi.gov.uk

Scottish Housing Regulator
Buchanan House
58 Port Dundas Road
Glasgow
G4 0HF

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.

Further Sources of Information

- **ACAS**

Helpline: 08457 47 47 47
www.acas.org.uk

- **Public Concern at Work**

Tel (general): 0207 404 6609

- **Unite**

Tel: 0141 404 5424