

Paragon Housing Association Limited

POLICY:	WHISTLEBLOWING
POLICY AREA:	GOVERNANCE
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Whistleblowing

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Introduction

Paragon Housing Association 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, Paragon Housing Association expects those who have serious concerns about any aspect of Paragon Housing Association's work to come forward and speak up without fear of reprisal. Therefore, Paragon Housing Association 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 Paragon Housing Association feel at a disadvantage in raising legitimate concerns.

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.

Employers may also be held vicariously liable for workers who victimise colleagues for making a disclosure. Paragon Housing Association will take all reasonable steps to protect workers from being victimised.

All employees, Committee/Board and Stakeholders working for or acting on behalf of Paragon Housing Association are covered by this policy. The policy also applies to suppliers and those providing services under a contract within Paragon Housing Association.

If you are a customer, member of the public or other service user, you should raise any concerns regarding "Whistleblowing" directly with the Director or in writing marked 'Private and Confidential' FAO The Director

Scope of Policy

This policy is designed to enable employees of Paragon Housing Association to raise concerns internally and at a high level to disclose information that the individual believes shows malpractice or impropriety. A number of policies are already in place, including dignity at work, and disciplinary and grievance procedures. 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. 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 Paragon Housing Association, 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

Legal Framework

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

Protection

This policy is designed to offer protection to those employees of Paragon Housing Association 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.

Paragon Housing 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.

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.

Anonymous Allegations

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 Paragon Housing Association.

Untrue Allegations

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. 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.

Raising a Concern

First Step

The individual should raise concerns with their immediate line manager. This information will be passed on as soon possible to the Director.

Any complaints will be initially recorded by the Director and an initial report prepared, unless the complaint is against the Director or is in any way related to their actions.

Where the complaint is related to the Director, it should be addressed to the Chairperson of the Management Committee who will in turn notify the Vice Chair & Chair of the Audit Committee.

Although the individual is not expected to prove beyond doubt the truth of an allegation, they will need to demonstrate that there are reasonable grounds for their concern.

The earlier the individual expresses their concern, the easier it is to action. The amount of contact between the persons 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, Paragon Housing Association will seek further information from the individual concerned.

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

Process

On receipt of a disclosure an investigation will be instigated.

Depending on the circumstances surrounding the investigation, appropriate action will normally be taken in line with Paragon Housing Association's existing Fraud & Bribery policies and procedures.

- Where a Whistleblowing complaint is made involving a member of staff or committee member, this will be notified to
 - the Director
 - the Chair
 - the Vice Chair
 - and Chair of the Audit Committee.

This will be done within 5 working days of the allegation being received.

The Chair of the Audit Committee will then write to the person who raised the concern as soon as possible and:

- 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
- Supply the individual with information on staff support mechanisms
- inform the individual whether further investigations will take place and if not, explain why

Conflicts of Interest

The undernoted provides guidance as to how conflicts of interest should be avoided. At all times the overriding principle should be ensure that conflicts of interest or perceptions of conflicts of interest should be avoided.

- If an allegation involves

- the Chair
- the Chair of the Audit Committee
- the Vice Chair of the Association

Then the Treasurer will be notified.

- If the allegation involves the Director a report will be made to
 - the Depute Director
 - the Chair of the Association
 - the Vice Chair of the Association
 - and Chair of the Audit Committee.

Investigation Route

- The Chair of the Association, the Vice Chair of the Association and Chair of the Audit Committee shall form an Investigation Panel to jointly decide on the appropriate route for investigation depending on the perceived seriousness of the claim.
- Should any of these officers be involved then they will be excluded from the decision making process and the Treasurer will substitute for relevant officer.

Internal Investigations

- An investigation will be carried out under the direction of the Chair of the Audit Committee supported by the Director. Responsibility may be delegated to other senior members of staff/ Internal Auditors/ External Auditors or other appointed advisors as appropriate.
- A draft report on the findings will be made to The Investigation Panel

This will normally be within 28 days of the allegation being notified to them.

Special Investigations

- Where a matter is deemed serious or involves a senior member of staff or committee member then a special investigation may be instigated. Normally such investigations will be carried out by an independent person.
- Where the allegation involves the Director, support to the

investigation will be provided by the Depute Director or other senior member of staff as appointed by the Chair of the Association, the Vice Chair of the Association and Chair of the Audit Committee.

Reporting

- The final report of the findings and recommendations on any investigations will be made available to the Audit Committee and Management Committee.

Outcome of Investigation

Once the investigation has been completed and the report is received by the as above, a decision on what action to take will be considered. If there are reasonable grounds to substantiate the complaint, an appropriate procedure will be initiated. This may also include referral to an external body or regulator.

Appeals

At the start of each committee year the Management Committee will appoint one of its members as the Whistleblowing Appeals Officer. All office bearers will be excluded from holding this position.

Where an individual feels that their concern has not been dealt with appropriately, they can appeal the decision internally to the Whistleblowing Appeals Officer. All office bearer members of the staffing panel will not take part in this process.

If, after appealing internally the individual is still not satisfied with the outcome, they can raise the issue with the appropriate external regulatory body as outlined in Appendix 1.

Appendix 1

List of Prescribed Persons

- **Scottish Housing Regulator**
- **Environmental Health**
 - Falkirk Council
 - Clackmannanshire Council
 - Stirling Council
- **Health and Safety Executive**

Further Sources of Information

- **ACAS**

Helpline: 08457 47 47 47
www.acas.org.uk
- **Public Concern at Work**

Tel (general): 0207 404 6609
- **Trade Unions**
 - Unite
 - Unison