



# WHISTLEBLOWING POLICY & PROCEDURES

March 2022

| <b>POLICY IMPLEMENTATION CHECKLIST</b> |               |
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| Policy Guardian:                       | PAUL MURPHY   |
| Author:                                | EVH           |
| Approved by Director:                  | 29 March 2022 |
| Effective From:                        | 29 March 2022 |
| Date of Next Review:                   | March 2025    |
| Diversity compliant:                   | YES           |
| Equality Impact Assessment:            | LOW           |
| Data Protection compliant:             | YES           |
| Health & Safety compliant:             | YES           |
| Procedure implemented:                 | YES           |
| SDM system changes made:               |               |
| Training Completed:                    |               |
| Posted on SharePoint:                  |               |
| Posted on website:                     |               |

### **COVID-19 Generic Policy Statement:**

Although we will always endeavour to abide by our policies and procedures we may be unable to do so due to the COVID-19 global pandemic. The organisation will follow all Government guidance implemented to mitigate transmission of the COVID-19 virus. This could effect over service delivery and protocols contained within this policy.

### **BACKGROUND**

The Co-operative is committed to the highest standards of openness, probity and accountability. As employees (and others that we deal with) are often the first to realise that there may be something seriously wrong, the Co-operative expects those who have serious concerns about any aspect of the Co-operative's work to come forward and speak up without fear of reprisal. Thus, the Co-operative recognises that it is an important aspect of accountability and transparency to provide a mechanism to ensure that no employee (and other members) of the Co-operative feel at a disadvantage in raising legitimate concerns.

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.

These procedures are in addition to the Co-operative's complaints procedures and other statutory reporting procedures.

All employees, contractors, other bodies, agency staff, etc. working for the Co-operative on its premises are covered by this policy. The policy also applies to suppliers and those providing services under a contract within the Co-operative on any of its premises.

This policy is intended to cover staff, committee, 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 Director/Chairperson, or in writing marked “Private and Confidential”.

## **SCOPE OF POLICY**

This policy is designed to enable employees of the Co-operative 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 grievance, dignity at work, and discipline. 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. 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
- attempts to conceal any of the above

## **SAFEGUARDS**

### **Protection**

This policy is designed to offer protection to those employees of the Co-operative who disclose such concerns provided the disclosure is made:

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

The Co-operative 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.

### **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 powerful, but will be considered at the discretion of the Co-operative.

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

## **HOW TO RAISE A CONCERN - PROCEDURE**

## **First Step**

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

Complaints of malpractice will be investigated by the Director unless the complaint is against the Director or is in any way related to the actions of the Director. In such cases, the complaint should be passed to the Chairperson for referral.

In the case of a complaint that is in any way connected with but not against the Director, the Chairperson will nominate a Senior 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 Chairperson. 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.

## **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 are invited 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.

## **Process**

On receipt of a disclosure the Director or Chairperson will consider the information made available to him/her 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.

## **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; and tell the individual whether further investigations will take place and if not, why not.

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, The Co-operative 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.

## **OUTCOMES OF INVESTIGATIONS**

Once all facts are established the Director or Chairperson will decide what action to take. If the complaint is justified, then they will invoke the appropriate procedures already existing at the Co-operative.

Alternatively the disclosure may be referred to an external body. The Co-operative hopes the individual will be satisfied with any action taken. If they are not and feel it is right to take the matter outside the Co-operative, appendix 1 provides a list of Prescribed Persons<sup>1</sup> and Further Sources of Information to contact.

## **EQUAL OPPORTUNITIES**

The Co-operative is committed to ensuring equal opportunities and fair treatment for all people in its work. In implementing this policy, we shall ensure that we achieve fairness towards all staff, governing body members and any partners with a connection to the Co-operative. Our commitment to equal opportunities and fairness will apply irrespective of factors such as gender or marital status, race, religion, colour, disability, age, sexual orientation, language or social origin, or other personal attributes.

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<sup>1</sup> A 'prescribed person' is an individual or body to whom you can blow the whistle.

**List of Prescribed Persons**

**Scottish Housing Regulator**

Tel: 0141 242 5642

**Office of the Scottish Charity Regulator**

Tel: 01382 220 446

**Environmental Health Department, North Lanarkshire Council**

Tel: 01698 403110

**Health and Safety Executive**

Tel: 0845 345 0055

**Further Sources of Information**

**ACAS**

Helpline: 08457 47 47 47

**Public Concern at Work**

Tel (general): 020 7404 6609

**T & G Scotland (Trade Union)**

Tel: 0845 345 0141