

# **POLICY ON DEALING WITH WHISTLEBLOWERS**

## **SEPTEMBER 2018**



**LANARKSHIRE  
HOUSING ASSOCIATION LTD**



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**Lanarkshire Housing Association Limited**

**POLICY FOR DEALING WITH WHISTLEBLOWERS**

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25 September 2018	3 Yearly	September 2021

## POLICY FOR DEALING WITH WHISTLEBLOWERS

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### 1.0 GENERAL PURPOSE

- 1.1 The general purpose of this policy is to enable concerns to be raised confidentially inside, and if necessary, outside the organisation, where these are of a nature which is outwith the scope of the normal Complaints Procedures already adopted.
- 1.2 This Policy should be read in conjunction with the adopted Complaints Procedures and with LHA's adopted Equal Opportunities Policy Statement.

### 2.0 WHISTLEBLOWERS

- 2.1 The Association encourages a culture of openness, which should allow staff who harbour concerns to express these without fear that they will then be victimised or dealt with unfairly.
- 2.2 This Code of Practice is designed to enable individual staff or committee members to raise confidentially any concerns about propriety or probity with the Management Committee or an appropriate person delegated by the Committee.
- 2.3 It should be clearly noted that this policy does not preclude individuals maintaining the right to raise concerns DIRECTLY with the Scottish Housing Regulator, as the REGULATOR.
- 2.4 LHA has various Codes of Conduct, Rules, Regulations and Policies. Improper behaviour with regard to these conditions will be taken very seriously by LHA.

Examples of improper conduct include the following;

- unlawful discrimination (sex, race or disability)
- acts of indecency or sexual harassment
- financial impropriety
- bribery and corruption
- theft, dishonesty or fraud
- acceptance and giving of extravagant gifts or hospitality
- endangering Health & Safety
- unreasonable behaviour under the influence of alcohol or drugs (refer to policy statement)
- aggression, acts of violence
- wilful damage to property
- serious insubordination
- unauthorised access to or use of computer data (including internet)
- copying of computer software or data other than that authorised by normal working duties
- breach of confidentiality

### 3.0 CONFIDENTIALITY

- 3.1 Serious concerns such as those listed above (although not intended to be an exhaustive list) can be reported outwith the normal line management structure or with an appropriate external body, such as the Scottish Housing Regulator. Clearly a complaint by a subordinate about an immediate supervisor or manager would require to be addressed by the most senior official or indeed a delegated member of the Committee.
- 3.2 Serious complaints about a Chief Executive should be reported to the delegated Committee Member or an appropriate outside body.
- 3.3 Serious complaints about a Committee Member should be reported to the Chief Executive or another delegated Committee Member.
- 3.4 Those delegated the responsibility for dealing with such complaints will respect the confidentiality of any person who does not wish to be named in any investigation.
- 3.5 The delegated person should institute investigations in as confidential a manner as possible. The identity of the person who is the source of information drawing attention to the alleged impropriety should not be revealed to the prospective 'defendant' under any circumstances.
- 3.6 If it is established that the complaint has been raised by way of deliberately false allegations or allegations made with malicious intent this will be regarded as Gross Misconduct and dealt with under Disciplinary Procedures, in the case of Staff Members. In the case of a Committee Member he/she will be asked to resign their position and may be removed from the Committee by a vote of more than two thirds of the Committee members present at a specially convened meeting. Any such procedures do not undermine the rights and pleas in law of those persons falsely accused by libel, defamation etc.
- 3.7 Delegated persons who can deal with such complaints are as follows;
  - Chief Executive
  - Finance & Corporate Services Director
  - Housing Services Director
  - Chairman
  - Secretary
  - Vice Chairman
  - Treasurer
- 3.8 Other than where circumstances make it inappropriate, allegations of improper conduct will normally be referred to the Association's Human Resources & Equality Sub-Committee for investigation and report to the Management Committee.
- 3.9 Where it is inappropriate to refer matters to the Committee, direct referral to a Regulatory Body such as the Scottish Housing Regulator will be an alternative course.

- 3.10 Any person making allegations of improper conduct will be informed if the allegations warrant further investigation. However, they will not be given access to any details arising from the investigations.