

THE MORAY HOUSING PARTNERSHIP

Whistleblowing Policy

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1. Policy Statement

The Moray Housing Partnership (MHP) recognises that its staff along with the Committee Members may very well be the first to see or suspect misconduct or wrongdoing which will adversely affect the Partnership.

While very often issues raised may prove to be innocent, they could uncover fraud against the organisation, a potential public danger, or some other form of serious malpractice.

The Partnership encourages all staff, Committee of Management, Sub-Committee, at all levels, to keep their eyes open and to raise such concerns in a sound way to demonstrate and ensure good practice in all MHP's activities.

MHP wishes to make it clear to tenants, staff, local communities and various partners, that it will deal with those who attempt to defraud it or who are reckless about its good reputation firmly and seriously.

Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. For the purposes of this Policy, it is considered that examples of potential malpractice in a Housing Association would include:

Fraud, corruption, breach of contract, negligence, danger to health and safety, administration breach (eg allocations), abuse of those in care, public safety issue, discrimination, pollution, unethical conduct and the cover up of any of these.

A whistleblower is a person who raises a genuine concern in good faith relating to any of the above. If you have any genuine concerns relating to a suspected wrongdoing or danger affecting any of MHP's activities, you should report it under this Policy.

This Policy outlines:

- MHP's commitment to openness and good communication;
- the ways of raising concerns in the workplace for staff;
- the ways staff may raise concerns outwith the workplace;
- the availability of support to those raising issues of concern;
- that the Partnership will treat cases where malicious allegations are made, as seriously and firmly as any with any other misconduct or offence.

This procedure should not be confused with the Grievance Procedure for Staff which should be used where employees are aggrieved with their personal position.

Tenants who are aggrieved about their individual situations should use the Partnership's Formal Complaints Policy.

2. Legislation

Public Interest Disclosure Act 1998

This Act aims to provide accountability and good governance in organisations by assuring all workers concerned about malpractice that it is safe to raise their concerns. It encourages employers to be receptive to such concerns and penalises them if they respond by victimising the worker.

The Act sets out the circumstances in which a disclosure of information may be protected. To obtain that protection workers must act reasonably and responsibly.

Only disclosures about specified types of malpractice may qualify for protection. A worker who is victimised or penalised for making a protected disclosure can bring an action for compensation against the employer at an Employment Tribunal.

Equalities Legislation including:

Equality Act 2010

Sex Discrimination Act 1975

Race Relations Act 1976

Disability Discrimination Act 1995

The Employment Equality (Religion or Belief) Regulations 2003

The Employment Equality (Sexual Orientation) Regulations 2003

The Employment Equality (Age) Regulations 2006

The Partnership is striving to be an equal opportunity organisation.

In the provision of housing services and employment of staff the Partnership will seek to ensure equality of opportunity and treatment for all persons.

No person or group of persons raising an issue via this Policy will be treated less favourably than another person or group of persons because of age, race, colour, ethnic or national origin, religion or belief, sex, gender, disability, appearance, marital or civil partnership status, pregnancy or maternity, gender reassignment or sexual orientation.

If it is requested the Policy will be made available in large type, Braille, on tape or in other languages.

3. Communications and Openness

This Policy will be available to every employee and Committee Member of Moray Housing Partnership, and will be included in staff induction and Committee training. It will be discussed at staff meetings and be freely available on the Partnership's internal IT system.

Moray Housing Partnership has a proven track record – it wishes to protect its good name and to root out any who would threaten it.

The Partnership considers that its employees have a considerable contribution to make in the development of the organisation and in ensuring a constantly improving quality of service.

Their contribution can be ensured by good communications throughout the organisation, by means of individual supervision sessions and team/staff meetings etc enabling them to raise good ideas and concerns without fear or favour. This Policy was developed and reviewed in conjunction with staff.

The Partnership has developed policies, which meet the requirements of the law, our Regulator (Scottish Housing Regulator) and good practice in housing and employment. Particularly, relevant in this area, are our policies in the following areas:

- Payments and Benefits to Members;
- Employees and their Close Relatives;
- Health and Safety;
- Procurement;
- Housing Management;
- Finance and Equal Opportunities.

4. Raising Concerns within the Workplace

Any employee or Committee Member who has a concern should raise it first with their immediate Line Manager or the Chief Executive.

Employees and Committee Members should be assured that the Committee of Management will support all those who have an honest and reasonable suspicion that malpractice has occurred, is occurring, or is likely to occur. They will be promised confidentiality, if they so request, and protected from reprisals.

Where an employee feels that they cannot raise the concern with their immediate Line Manager or the Chief Executive, it can be raised with the Chair or Secretary of the Committee, in confidence.

Employees and Committee may also raise their concerns, in confidence, with the Partnership's Financial or Legal Advisors.

5. Raising Concerns Outwith the Workplace

The aim of this Policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases you should not find it necessary to alert anyone externally.

The law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body such as a Regulator.

Staff or the Committee can also obtain advice regarding raising any concerns from organisations detailed below:

Public Concern at Work at:

Scottish Office

Public Concern at Work
The Nerv Centre
80 Johnston Avenue
Hillington Business Park
Glasgow G52 4NZ
Tel (general): 0141 883 6761
Email: ht@pcaw.co.uk

The office is staffed weekday mornings and helpline calls are re-routed to the UK lawyers based in London.

UK Office

Public Concern at Work
Suite 306
16 Baldwins Gardens
London
EC1N 7RJ
Tel (general enquiries & helpline) 020 7404 6609
Fax: 020 7404 6576
Email: UK enquiries: whistle@pcaw.co.uk
UK helpline: helpline@pcaw.co.uk
UK services: services@pcaw.co.uk

Hours: The UK office is open and the helpline is staffed from 9pm – 6pm, Monday to Friday. There is an answering machine for out of hours.

Scottish Housing Regulator:

Regulation & Inspection
Rosebury House
9 Haymarket Terrace
Edinburgh
EH12 5YA
Tel: 0131 313 0044

The above contacts will advise on the best course of action.

6. Malicious Allegations

The Partnership will be equally firm with Committee or staff who make false allegations maliciously. The consequences for Committee Members of such acts include removal from the Committee. Staff members may face disciplinary action or dismissal, depending on the circumstances. (Those making allegations genuinely, and who act reasonably and responsibly, should have no fear of arbitrary decisions by the Partnership).

7. Moray Housing Partnership's Undertaking

MHP hopes that it never has to use the terms of this Policy. However, it is essential that where anything goes wrong, it has the opportunity to put it right, and justify the trust placed in it by tenants, community(ies) and partners. Equally, the Partnership wishes to develop a relationship of trust with all people associated with it. It, therefore, needs to know of any concerns and undertakes to-

- respect confidentiality;
- investigate thoroughly;
- provide support and protection if necessary;
- agree to report back on the outcome of its investigations;
- and, if possible, on any resultant action that is proposed.

8. Distribution and Publicity

This Policy will be provided to every employee and Committee Member and will be discussed at their induction/training, and at staff meetings, and be freely available on the internal IT system.

MHP wishes to protect its good reputation and will act decisively and firmly against those who threaten this.

9. Sources

The following sources were used in the compilation of this policy:

- Employers in Voluntary Housing (EVH) - Whistleblowing Policy published April 1999 (updated 2005)
- Raising Standards (SFHA) – Customer Complaints
- Performance Standards (Scottish Housing Regulator)

Other Related Guidance/Publications

- Making A Complaint or Whistleblowing about a Registered Social Landlord (Scottish Housing Regulator)

10. Other Related Policies/Documents

Complaints Policy;

Procurement Policy;

Financial Regulations - Payments & Benefits to Members Employees and their Close Relatives (Schedule 7 Part 1 of Housing (Scotland) Act 2001);