

# HR15a - Whistleblowing Procedure

<b>Procedure Reference:</b>		HR15a	
<b>Related Policy:</b>		HR15 Whistleblowing	
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<b>To be issued to:</b>			
<input type="checkbox"/> Board of Management <input checked="" type="checkbox"/> All Staff <input type="checkbox"/> ET/SLT <input type="checkbox"/> Head Office Managers <input type="checkbox"/> Head Office Staff <input type="checkbox"/> Finance <input type="checkbox"/> Housing <input type="checkbox"/> Asset <input type="checkbox"/> ICT		<input type="checkbox"/> OD <input type="checkbox"/> Compliance <input type="checkbox"/> All Care & Support <input type="checkbox"/> C&S Managers (RM, OM, CSM) <input type="checkbox"/> C&S Staff <input type="checkbox"/> Contractors <input type="checkbox"/> Agency Staff <input checked="" type="checkbox"/> Unite the Union <input type="checkbox"/> Employee Voices Group <input type="checkbox"/> Other: _____	
<b>Method of Delivery (check as needed)</b>			
<input checked="" type="checkbox"/> LearnPro <input type="checkbox"/> Board Portal <input type="checkbox"/> Line Manager to Share (eg. Agencies)		<input type="checkbox"/> Policy Owner to Notify (eg. Contractors) <input type="checkbox"/> Other: _____	
<b>Stakeholder Consultation Completed (check as needed)</b>			
<input type="checkbox"/> Board of Management <input type="checkbox"/> All Staff <input type="checkbox"/> ET/SLT <input type="checkbox"/> Head Office Managers <input type="checkbox"/> Head Office Staff <input type="checkbox"/> Finance <input type="checkbox"/> Housing <input type="checkbox"/> Asset <input type="checkbox"/> ICT		<input checked="" type="checkbox"/> OD <input type="checkbox"/> Compliance <input checked="" type="checkbox"/> All Care & Support <input checked="" type="checkbox"/> C&S Managers (RM, OM, CSM) <input checked="" type="checkbox"/> C&S Staff <input type="checkbox"/> Contractors <input type="checkbox"/> Agency Staff <input checked="" type="checkbox"/> Unite the Union <input type="checkbox"/> Employee Voices Group <input type="checkbox"/> Other: _____	

## Version Control

Date	Owner	Version	Reason for Change
Feb 2024	Michael Catlin	1	Cyclical Review

## Summary of Changes

Section	Change
1.0	Expanded further on the introduction to include example types of concerns and Ark's commitment to these concerns.
2.0	Included new section on L&D requirements to reflect new Procedure process.
3.0	Included HR Business Partner involvement in assigning impartial investigating manager and HR department option if individual is unsure where to raise concern.
3.2	Include new section on protection for whistleblowers and when they are and are not protected by law.
4.0	Include grievance process as a potential option and the communication individuals will receive throughout the process.
4.1	Included appeal stage as information was missing from previous copy.
Appendix 1	Updated authority to investigate to bring in line with HR18 and HR19 process.

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## 1.0 Introduction

This procedure is designed to enable and support employees of Ark to raise concerns internally, and at a high level to disclose information that the individual believes shows malpractice or impropriety. This procedure is intended to cover concerns that might be in the public interest and may (at least initially) be investigated separately from other organisational processes, such as Grievance and Discipline procedures, but might then lead to the commencement of such procedures.

Employees should inform their line manager or another appropriate manager immediately if they have concerns that improper conduct, wrongdoing, risk or malpractice that affects others is happening or is likely to happen. Concerns might include:

- A criminal offence, for example, fraud;
- A danger to the health and safety of any individual;
- The breach of a legal obligation;
- A miscarriage of justice;
- Risk or actual damage to the environment;
- Deliberate attempt to conceal any of the above.

Ark recognises that it is an important aspect of accountability and transparency to provide a mechanism to ensure that no employee, member or associate of Ark feel at a disadvantage in raising legitimate concerns. Ark will ensure that:

- Concerns raised are taken seriously;
- An appropriate and thorough investigation is conducted, and an objective assessment of the concern is made;
- The employee will be advised where relevant/appropriate;
- Any necessary action to resolve a concern is taken.

## 2.0 Learning & Development Requirements

All employees are required to complete the online training module:

- Grievance and Whistleblowing

## 3.0 Raising the Concern

The individual should raise their concern immediately with their line manager or another appropriate manager. The Manager should then inform the HR Department. This information will be sent to a Human Resources (HR) Business Partner who will assign an impartial and

appropriate person as soon as is reasonably possible (see Appendix 1) as investigating manager. If the concern is against a line manager or is in any way related to the actions of that Manager, then the HR Business Partner will assign a different investigating manager.

The individual raising the concern has the right to bypass the line management structure and take their concern direct to the Chief Executive. The Chief Executive has the right to refer the concern back to another level of management if they feel that another manager, without any conflict of interest, can more appropriately investigate the concern.

If the individual is unsure who to raise the concern with then they should email the HR department (HRTeam@arkha.org.uk).

### 3.1 Communicating the Concern

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. Reasonable grounds should be based on the whistleblower's belief and not necessarily facts which are subsequently identified in an investigation. Concerns may be raised verbally or in writing. Any individuals 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.

Employees should not carry out an investigation of their own in order to strengthen their case. The earlier the individual expresses their concern, the easier it is to action. Employees can also gain advice, in confidence, or help with expressing their concerns by contacting Unite the Union or the HR department. Appendix 1 provides a list of individuals within Ark that employees should address their concerns with along with a list of external agencies and further sources of information.

### 3.2 Protection

In order for you to be protected by law, you must raise your concern to the right person in the right way. This includes:

- Raising the concern to an appropriate person within the organisation or to an appropriate external prescribed person/body;
- Raising a concern in the public interest;
- Reasonably believing that the concern is real/valid.

It is important to remember, however, that you may not be protected if you break any laws when 'blowing the whistle'. Ark 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. Personal grievances (for example bullying, harassment, discrimination) are not covered by whistleblowing law, unless they are in the public interest.

## 4.0 Process

On receipt of a concern the Manager or the Chief Executive with support and advice from the HR Department will consider the information made available to them and decide on the form of investigation to be undertaken. This may be to:

- Investigate the matter by internal audit;
- Investigate the matter through Ark's disciplinary process;
- Investigate the matter through Ark's grievance process;
- Investigate the matter through independent inquiry;
- Refer the matter externally to the external auditor, an external body or the police;
- Resolve the concerns by agreed action without the need for investigation.

If urgent action is required, this will be taken before any investigation is conducted. The person who is carrying out the investigation will write to the individual concerned within 10 working days of a concern 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;
- Tell the individual whether further investigations will take place and if not, provide an explanation as to why not.

The amount of contact between the employee and the investigator will vary depending on the nature of the matters raised, the potential difficulties involved, and the clarity of the information provided. If necessary, Ark will seek further information from the individual concerned. Where any meeting is arranged, the individual can be accompanied by a trade union representative and have the meeting off-site if they so wish.

Any events which are required to be notified to the Scottish Housing Regulator will be identified and Ark will adhere to the process outlined in the G50 Notifiable Events Procedure.

Once all facts are established the Investigating Manager will decide what action to take. This outcome will be communicated in an appropriate way to the individual who raised the concern. If the complaint is justified, then they will invoke the appropriate Ark procedures and/or processes. Given the confidential nature of Ark's procedures and/or processes (such as Grievance and Discipline procedures), the individual who raised the concern will not receive any further communication on the outcome of these.

#### 4.1 Appeal

Where an individual feels that their outcome has not been satisfactorily resolved they should appeal. The individual should inform the appropriate manager within 5 working days of receipt of the outcome, detailing the grounds of their appeal.

The appeal should be dealt with impartially and wherever possible by an appropriate manager (see Appendix 1) who has not previously been involved in the investigation of the concern. The appropriate manager will respond in writing as soon as possible inviting the staff member to a meeting at a specified date and time to discuss the matter.

Once all facts are established the Appeal Manager will decide an outcome. This outcome will be communicated in an appropriate way to the individual who raised the concern. If the complaint is justified, then they will invoke the appropriate Ark procedures and/or processes. Given the confidential nature of Ark's procedures and/or processes (such as Grievance and Discipline procedures), you will not receive any further communication on the outcome of these. The decision at the appeal stage will be final.

## 5.0 Related Policies & Procedures

This procedure should be read in conjunction with HR15 Whistleblowing Policy. In addition, the following policies/procedures may also be relevant are:

- G12 Complaints Policy
- G50 Notifiable Events Procedure
- HR18 Disciplinary Policy
- HR18a Disciplinary Procedure
- HR19 Grievance Policy
- HR19a Grievance Procedure

## 6.0 Implementation and Review

### 5.1 Implementation

The Head of People & Organisational Development is responsible for ensuring that the whistleblowing procedure is implemented when required.

### 5.2 Review

The Head of People & Organisational Development will ensure that this procedure remains relevant and effective and is reviewed on a regular basis.



## Appendix 1 - Contacts

If appropriate, before contacting external agencies employees should raise their concern with the appropriate levels of management within Ark in a bid to appropriately address their concern. The contacts are as follows:

<b>Staff Member</b>	<b>Authority to Investigate</b>	<b>Appeal</b>
C&S Employee	Line Manager	Senior Manager to Investigation Manager
Head Office Staff	Line Manager	Senior Manager to Investigation Manager
Director Level	Chief Executive	Board of Management
Chief Executive	Board of Management	Chair of the Board of Management

The person investigating the concern may vary depending on the nature of the concern and who would be best placed to investigate. Where the concern raised involves the employee's line manager the employee should speak directly to another appropriate manager. Where employees feel their concern has not been resolved appropriately and they feel it is of a significant nature to raise the issue with the appropriate external body, they may wish to consider the following contacts:

The Scottish Housing Regulator

Tel: 0141 242 5642

Email: [shr@scottishhousingregulator.gsi.gov.uk](mailto:shr@scottishhousingregulator.gsi.gov.uk)

Environmental Health

Local Authority Specific

Health and Safety Executive

Tel: 0845 345 0055

Scottish Executive

Tel: (general) 0131 556 8400

The Scottish Social Services Council (SSSC)

Tel: 0345 60 30 891

Care Inspectorate

HQ Tel: 01382 207 100

Gen. Tel: 0845 600 9527

**For further advice and information on Whistleblowing:**

ACAS

Helpline: 08457 47 47 47

Public Concern at Work

Tel: (general) 020 7404 6609

Unite the Union (Trade Union)

Tel: 0845 604 4384