

# HR 15 Whistleblowing Policy

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<b>Owner:</b>	Michael Catlin	<b>Job Title:</b>	Head of People & OD
<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:</b>			
<input checked="" type="checkbox"/> LearnPro <input type="checkbox"/> Board Portal <input type="checkbox"/> Line Manager to Share (e.g. Agencies)		<input type="checkbox"/> Policy Owner to Notify (e.g. Contractors) <input type="checkbox"/> Other:	
<b>Stakeholder Consultation Completed</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	Updated to reflect current values.
3.0	Updated statement to reflect content in new Grievance and Whistleblowing training to expand on types of concerns.
7.2	Updated statement to reflect content in new Grievance and Whistleblowing training to expand on necessary criteria for protection from Policy and law.
8.0	Included new section on L&D requirements to reflect new Policy process.
9.0	Updated to reflect new procedures for both HR18 and HR19.
Appendix 1	Removed appendix and included in HR15a Procedure.

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## 1.0 Ark's Values

Arks values are true to the core purpose of the organisation and the services we deliver. They determine our behaviours towards one another and what we should expect in our relationships with one another. Working within the following values will guide and help us deliver our vision and mission of Ark being an organisation where everyone is equal:

### Trust

We have confidence in our people to deliver excellent services and trust in them to do so. We will develop trusting and honest relationships and our customers will feel assured that they can rely on us to deliver.

### Respect

We treat everyone fairly and we listen. We are respectful of each person with whom we come into contact and expect our people to respond professionally and treat others as they would wish to be treated.

### Understanding

We will operate with empathy and compassion and approach each situation with an open mind. We will question and challenge to ensure we achieve the right outcomes for customers and our people.

### Equality

We believe everyone is equal and expect our people to create positive experiences where everyone feels valued and included.

### Integrity

We will do the right thing and take responsibility for our actions. We will work together to uphold the highest standards of behaviour and practice.

## 2.0 Purpose

This policy 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 policy 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.

### 3.0 Policy Statement

Whistleblowing is where a member of staff raises concern about improper conduct, wrongdoing, risk or malpractice with someone in authority either internally or externally. Specifically, whistleblowing is about conduct that affects others: for example, fraud or failure to comply with health and safety requirements. Ark is committed to dealing effectively with any malpractice and impropriety as and when it is identified. This policy is in addition to Ark's Complaints Policy and other statutory reporting procedures. The whistleblower must reasonably believe that the disclosure shows past, present or future wrongdoing. 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.

### 4.0 Scope

All employees, Board of Management members, contractors, other bodies, agency employees, etc. working for Ark on its premises are covered by this policy. The policy also applies to suppliers and those providing services under a contract within Ark on any of its premises.

### 5.0 Legal/Regulatory Framework

The policy follows the Advisory, Conciliation and Arbitration Service (ACAS) code of practice.

Additionally, this policy complies with the requirements of the Scottish Social Services Council's (SSSC) Codes of Practice for Social Services Workers and Employers. Specifically, section 3.5 states Ark employees must inform Ark or an appropriate authority where the practice of colleagues may be unsafe or adversely affecting the standards of care.

Whistleblowing law is also covered in the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998). It provides the right for a worker to take a case to an employment tribunal if they have been victimised at work or lost their job or suffered other detriment to their employment because they have 'blown the whistle'.

## 6.0 Responsibilities

### 6.1 Board of Management

Ark's Board of Management is responsible for consideration and approval of this policy.

### 6.2 Executive Team

Ark's Executive Team is responsible for ensuring that this policy is reviewed in accordance with Ark's schedule for review of policies, or sooner if required.

### 6.3 Operational Management Team

Ark's Operational Management Team is responsible for review of the policy, and for ensuring that relevant measures are put in place in order to implement its requirements.

### 6.4 Managers

Ark's Managers are responsible for the effective implementation of this policy when supporting employees who wish to raise concerns.

### 6.5 All Staff

Ark's employees are required to familiarise themselves with this policy, related procedure (HR15a Whistleblowing Procedure) and complete the online Grievance and Whistleblowing training module.

## 7.0 General Principles

### 7.1 General Principles

Whistleblowing is the term used when a worker passes on information concerning wrongdoing. The wrongdoing will typically (although not necessarily) be something they have witnessed at work. The process for raising a concern about wrongdoing is described in HR15a Whistleblowing Procedure.

As employees, members and associates are often the first to realise that there may be something seriously wrong. Ark expects those who have serious concerns about any aspect of Ark's work to come forward and speak up without fear of reprisal. Thus, 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.

If you are a tenant, member of the public or supported person, you should raise any concerns you may have by contacting our Head Office to request a copy of our complaint's

procedure or via Ark's website. If you are a tenant, member of the public, support person or ex-staff member, and you feel unable to raise your concern with Ark, you can also take your concern to the Scottish Housing Regulator. Further information on how to raise concerns in this way can be found on the website of the Scottish Housing Regulator.

## 7.2 Protection

This policy is designed to offer a whistleblower protection and 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.

## 7.3 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 (unless required by law to break that confidentiality). However, at the appropriate time the individual may need to come forward as a witness. Ark will ensure the individual is clear about expectations as the circumstances in each case may be different.

## 7.4 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 and investigated as far as reasonably practicable and at the discretion of Ark.

## 7.5 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.

## 7.6 Outcomes of Investigations

Once all facts are established the Investigating Manager will decide what action to take. If the complaint is justified, then they will invoke the appropriate Ark procedures and/or processes. Alternatively, the disclosure may be referred to the appropriate external body.

## 8.0 Learning & Development Requirements

All employees are required to complete the online training module:

- Grievance and Whistleblowing

## 9.0 Related Policies & Procedures

This policy should be read in conjunction with HR15a Whistleblowing Procedure. In addition, the following policies may also be relevant are:

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

## 10.0 Equality Impact Assessment (EIA)

No potential equalities issues have been identified in relation to the development of this policy, and consequently an EIA has not been completed.

## 11.0 Data Protection Impact Assessment (DPIA)

No potential data protection issues have been identified in relation to the development of this policy, and consequently an DPIA has not been completed.

## 12.0 Stakeholder Consultation

In developing this policy, the following groups were consulted:

- Ark Board of Management;
- Ark Executive Team;
- Ark Operational Management Team;



- Ark Policy and Procedure Review Group.
- Ark Care & Support Management Team;
- Ark Care & Support Staff;
- Unite the Union

## 13.0 Monitoring and Review

### 13.1 Monitoring

Ark's Executive and Operational Management Team will monitor implementation of this policy on an ongoing basis. The People & Organisational Development team will monitor the number of whistleblowing cases to identify trends and implement appropriate intervention.

### 13.2 Review

This policy will be reviewed within 3 years from the date of approval by our Board of Management, in accordance with Ark's policy review framework.