



## Whistleblowing Policy

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<b>Owner:</b>	Walter Kane	<b>Job Title:</b>	Head of People and OD
<b>To be issued to:</b>		Board of Management ARK Management All Staff	
<b>Method of Delivery:</b>		Email Policy LearnPro	

### Version Control

Date	Owner	Version	Reason for Change
Oct 2020	Walter Kane	2	Policy Update and to new format

### Summary of Changes

Section	Change
1	ARK's Values section updated to match updated policy guidance.
2	Adapted from section 3 from previous policy
3	Adapted from section 2 and section 3 of previous policy
4	Copied from previous policy section 2.6
5	ACAS Code of Practice reference added Copied in part from section 2.4 and 2.2 from previous policy
6	Section has been created in line with guidance for the new policy structure. Some content is original to this version of the policy and some has been copied from the previous versions of policy. The section did not exist in in the current form previous iterations of the policy

	template.
<b>7</b>	Adapted from previous policy, sections 2, 3 and 4
<b>8</b>	Adapted from section 7 of previous policy
<b>9</b>	Section has been created and all content is original to this version of the policy. The section did not exist in the current for in previous iterations of the policy template.
<b>10</b>	Section has been created and all content is original to this version of the policy. The section did not exist in the current for in previous iterations of the policy template.
<b>11</b>	Section has been created and all content is original to this version of the policy. The section did not exist in the current for in previous iterations of the policy template. Content is copied from guidance materials.
<b>12</b>	Adapted from section 8 of previous policy

# Whistleblowing Policy

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## 1.0 ARKs Values

Our organisational values are the basis for everything that we do, from providing housing, care and support to tenants and service users to ensuring that staff have clear standards of performance set.

ARK believes that everyone should have the opportunity to lead a happy, healthy and safe life. We value:

- The worth of each person
- Trusting relationships
- Understanding difference
- Challenging oppression
- Personal and organisational accountability
- Caring for our physical environment
- Enjoyment

All ARK policies and procedures are underpinned by our values and we will ensure that our employees are treated fairly, consistently and in line with our values.

## 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 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
- The breach of a legal obligation
- A miscarriage of justice
- A danger to the health and safety of any individual
- 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 they have 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 Senior Leadership Team

ARK's Senior Leadership 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 Managers are responsible for the effective implementation of this policy when supporting employees who wish raise a concern via whistleblowing.

### 6.5 All Staff

All staff are expected to familiarise themselves with this policy and the supporting procedure.

## 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 the 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 complaints procedure or via ARK's website at: <https://www.arkha.org.uk/how-we-work/how-to-make-a-complaint/>. 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 you 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 or vial the link below: <https://www.housingregulator.gov.scot/for-landlords/advisory-guidance/how-we-work/information-about-whistleblowing>

## 7.2 Protection

This policy is designed to offer protection to those employees of ARK who disclose such concerns provided the disclosure is made by the individual:

- In good faith;
- To an appropriate person/body; and
- In the reasonable belief that the disclosure shows malpractice or impropriety.

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.

## 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 Chief Executive or Senior 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 Related Policies & Procedures

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

- Complaints Policy (G12)
- Notifiable Incidents Procedure (G30)
- Dignity & Respect at Work (HR16)
- Disciplinary (HR18)
- Grievance (HR19)

## 9.0 Equality Impact Assessment (EIA)

An Equality Impact Assessment has not been completed in relation to the development of this policy yet.

## 10.0 Data Protection Impact Assessment (DPIA)

A DPIA has been completed in relation to the development of this policy ([where is it](#))

## 11.0 Stakeholder Consultation

This policy was circulated for comment and feedback to the following groups, prior to approval.

- ARK Board of Management;
- ARK Executive Team; and
- ARK Senior Leadership Team
- Unite the Union

## 12.0 Monitoring and Review

### 12.1 Monitoring

ARK's Executive and Senior Leadership Teams will monitor implementation of this policy on an ongoing basis.

### 12.2 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.

## 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 Staff	Line Manager	Senior manager to investigation manager
Head Office Staff	Senior Leadership Team	Director Level
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 on the next page:

The Scottish Housing Regulator

Tel: 0141 242 5642

Email:

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

