



Whistleblowing Procedure

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| Approved by P&PRG: | | Oct 2020 | |
| Owner: | Walter Kane | Job Title: | Head of People and OD |
| To be issued to: | | ARK Management | |
| Method of Delivery: | | Via Teams Meetings | |

Version Control

| Date | Owner | Version | Reason for Change |
|----------|-------------|---------|-------------------|
| Mar 2020 | Walter Kane | 1 | New procedure |
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Summary of Changes

| Section | Change |
|---------|--|
| ALL | This procedure is new. Materials are predominantly copied from the previous version of the Grievance Policy. |
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Whistleblowing Procedure

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1.0 Introduction

Employees should inform their line manager or another appropriate manager immediately if they have concerns that improper conduct, wrongdoing, malpractice that affects others (for example, fraud or failure to comply with health and safety requirements) is happening or is likely to happen. Employees will not be penalised for informing management about what is happening or likely to happen. 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
- Any necessary action to resolve a concern is taken

This procedure should be read in conjunction with the Grievance Policy (HR19).

2.0 First Step

The individual should normally raise concerns with their line manager. This information will be passed on as soon as is reasonably possible to the appropriate designated investigating officer as follows:

- Reports of malpractice will be investigated by an appropriate manager (see Appendix 1) unless the complaint is against that manager or is in any way related to the actions of that manager. In such cases, the concern should be passed to the Chief Executive for referral or the Human Resources department.
- In the case of a concern that is in any way connected with, but not against the senior manager, the Chief Executive or the Human Resource department will nominate another appropriate senior manager to act as the alternative investigating officer.
- The person 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.

3.0 Communicating the Disclosure

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 individual 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.

4.0 Process

On receipt of a disclosure the manager, HR department or the Chief Executive 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 management, internal audit, or through the disciplinary process
- Refer the matter externally to the external auditor or the police
- Call for an independent inquiry
- Some concerns may be resolved 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 ten working days of a disclosure 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; and tell the individual whether further investigations will take place and if not, 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 also have the meeting off-site if they so wish.

The person who will have to reach the decision on the matter should not carry out the investigation.

Any events which are required to be notified to the Scottish Housing Regulator will be identified and ARK will adhere to the procedure outlined in the Notifiable Incident Procedure (G30).

5.0 Implementation and Review

5.1 Implementation

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

5.2 Review

The Head of 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:

| Staff Member | Report to | Investigating Officer |
|----------------------|---|---|
| Care & Support Staff | Care & Support Manager or Registered Operations Manager/Human Resources | Line manager or another appropriate manager |
| Priory Staff | Line Manager/Human Resources | Line manager or another appropriate manager |
| Director Level | CEO | Board of Management |
| CEO | 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

Scottish Executive

Tel: (general) 0300 244 4000

Environmental Health

Local Authority Specific

Health and Safety Executive

Tel: 0300 790 6787

The Scottish Social Services Council (SSSC)

Tel: 0345 60 30 891

Care Inspectorate

Gen. Tel: 0345 600 9527

For Further advice on whistleblowing

ACAS

Helpline: 0300 123 1100

Public Concern at Work

Tel: (general) 020 3117 2520

Unite the Union

Tel: 0131 556 9676