

Policy/Procedure	Whistleblowing
1. Scope	<p>All employees, board members and stakeholders working for or acting on behalf of Abbeyfield Scotland Ltd (ASL) are covered by this policy. The policy also applies to suppliers and those providing services under a contract within ASL.</p> <p>If you are a customer, member of the public or other service user, you should raise any concerns regarding “Whistleblowing” directly with the Chief Executive, or in writing marked ‘Private and Confidential’ FAO Chief Executive.</p>
2. Aim	<p>This policy is designed to enable ASL employees to raise concerns internally and at a high level to disclose information that the individual believes shows malpractice and impropriety.</p> <p>This policy is intended to cover concerns that are in the public interest and may (at least initially) be investigated separately, but may lead to the instigation of other procedures. These concerns might include:</p> <ul style="list-style-type: none"> <li>• Financial malpractice, impropriety or fraud</li> <li>• Failure to comply with a legal obligation or Statutes</li> <li>• Dangers to health and safety or the environment</li> <li>• Criminal activity involving ASL, its staff, committee/board member or stakeholders</li> <li>• Professional malpractice</li> <li>• Improper conduct or unethical behaviour</li> <li>• Failure to meet legal obligations</li> <li>• Abuse of power or status</li> <li>• Deliberate attempts to conceal any of the above</li> </ul>
3. Policy statement	<p>ASL is committed to the highest standards of openness, probity and accountability. As employees are often the first to realise that there may be something seriously wrong, ASL expects those who have serious concerns about any aspect of ASL’s work to come forward and speak up without fear of reprisal. Therefore, ASL recognises that it is an important aspect of accountability and transparency to provide a mechanism to ensure that no employee, board member or stakeholder of ASL feel at a disadvantage in raising legitimate concerns.</p> <p>Employers may be held vicariously liable for workers who victimise colleagues for making a disclosure. ASL will take all reasonable steps to protect workers from being victimised.</p>
4. Safeguards	
4.1. Protection	<p>This policy is designed to offer protection to those employees of ASL who disclose such concerns provided the disclosure is made:</p> <ul style="list-style-type: none"> <li>• In the public interest.</li> </ul>

	<ul style="list-style-type: none"> <li>• To an appropriate person/body; and</li> <li>• That the individual has reasonable belief in the validity of the concerns being raised.</li> </ul> <p>ASL will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect the individual when they raise a concern with the above provisions acknowledged.</p> <p>The Public Interest Disclosure Act 1998, gives legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns. These concerns must be made in the 'public interest' as per the Enterprise and Regulatory Act 2013, in addition if a disclosure is not made in 'good faith' this will still be considered by an employment tribunal but compensation can be reduced by up to 25% in such circumstances.</p>
4.2. 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. However, at the appropriate time the individual may need to come forward as a witness.
4.3. Anonymous allegations	This policy encourages individuals to put their names to any disclosures they make. Concerns expressed anonymously may be less robust, but will never the less be considered at the discretion of ASL.
4.4. Untrue allegations	If an individual makes an allegation that is not confirmed by the subsequent investigation, no action will be taken against them if that allegation is deemed to have been made with good intentions. However, if an individual makes an allegation that is deemed to be made 'in bad faith' i.e. frivolously, maliciously or for personal gain, disciplinary action may be taken against them and this may be up to and including dismissal. It should also be noted that under the provisions of the Enterprise and Regulatory Act 2013, if a disclosure is not made in 'good faith' this will still be considered by an employment tribunal but compensation can be reduced by up to 25% in such circumstances.
5. Raising a concern	
5.1. First step	<p>The individual should raise concerns with their immediate line manager, or another line manager if that is more appropriate to the concern being raised. This information will be passed on as soon possible to the Chief Executive.</p> <p>Any complaints will be investigated by the Chief Executive unless the complaint is against the Chief Executive or is in any way related to their actions. Where the complaint is related to the Chief Executive, it should be addressed to the Chair of the Board who will in turn appoint an independent person to investigate the allegations.</p> <p>There may be concerns of a nature where the individual is not comfortable raising them with an ASL staff member, in which case the concern can be raised with Internal Audit. Internal Audit would consider</p>

	<p>the appropriate action for the concern, which is likely to include notification to the Chief Executive or Chair of the Board.</p> <p>Although the individual is not expected to prove beyond doubt the truth of an allegation, they will need to demonstrate that there are reasonable grounds for their concern.</p> <p>The earlier the individual expresses their concern, the easier it is to action. The amount of contact between the persons considering the issues and the individual will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, ASL will seek further information from the individual concerned.</p> <p>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.</p>
<p>5.2. Process</p>	<p>On receipt of a disclosure the appropriate person will launch an investigation.</p> <p>Depending on the circumstances surrounding the investigation appropriate action will be taken in accordance with ASL's existing policies and procedures.</p>
<p>5.3. Timescales</p>	<p>Once the investigator has completed the investigation it will be given to the individual who instructed the investigation. They will then write to the person who raised the concern as soon as possible and:</p> <ul style="list-style-type: none"> <li>- Acknowledge that the concern has been received;</li> <li>- Indicate how the matter will be dealt with;</li> <li>- Give an estimate of how long it will take to provide a final response;</li> <li>- Supply the individual with information on staff support mechanisms; and inform the individual whether further investigations will take place and if not, explain why.</li> </ul>
<p>6. Outcome of investigation</p>	<p>Once the investigation has been completed and the report is received by the Chair, a decision on what action to take will be considered. If there are reasonable grounds to substantiate the complaint, an appropriate procedure will be initiated. This may also include referral to an external body or regulator.</p> <p>Where an individual feels that their concern has not been dealt with appropriately, they can appeal the decision internally to the Chair of the Audit Committee (who should not be an office bearer). If, after appealing internally the individual is still not satisfied with the outcome, they can raise the issue with the appropriate external regulatory body as outlined in Appendix 1.</p>
<p>7. GDPR</p>	<p>ASL will treat your personal data in line with our obligations under the current data protection regulations and our own Data Protection Policy.</p>

	Information regarding how your data will be used and the basis for processing your data is provided in ASL's employee privacy notice.
8. Equal opportunities	ASL will ensure that the process is non-discriminatory on the grounds of age, disability, gender, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief and sexual orientation and any other condition or requirement that cannot reasonably be justified.
9. Monitoring and review	<p>ASL will use appeals, complaints, comments or suggestions from users of this policy to monitor its effectiveness. The policy will be approved by the Board and will be reviewed every three years unless amendment is prompted by a change in legislation, or monitoring and reporting reveals that a change in policy is required sooner.</p> <p>The policy will be made available on the ASL website. To help develop a supportive and open culture, staff will receive training on the policy both as part of their induction and as part of their ongoing training and development.</p>
10. Legislative framework	<ul style="list-style-type: none"> <li>• Public Interest Disclosure Act 1998</li> <li>• Enterprise &amp; Regulatory Act 2013</li> <li>• Data Protection Act 1998</li> <li>• Human Rights Act 1998</li> <li>• Equal Opportunities Act 2010</li> <li>• Bribery Act 2010</li> </ul>

Status:	Approved Nov 2020	Date of next review:	Nov 2023
---------	-------------------	----------------------	----------

## Appendix 1

### List of Prescribed Persons

- **Scottish Housing Regulator**  
<https://www.housingregulator.gov.scot/about-us/contact-us>
- **Care Inspectorate:**  
<https://www.careinspectorate.com/index.php/contact-us>
- **Environmental Health:**  
<https://www.gov.uk/find-local-council>
- **Health and Safety Executive**  
<https://www.hse.gov.uk/contact/contact.htm>

### Further sources of information

- **ACAS**  
Helpline: 08457 47 47 47  
[www.acas.org.uk](http://www.acas.org.uk)
- **Public Concern at Work**  
Tel (general): 0207 404 6609  
<https://protect-advice.org.uk/>