



H O U S I N G A S S O C I A T I O N

WHISTLEBLOWING POLICY

DRAFT

Date of Policy	<u>August 2019</u>
Date approved by Management Committee	<u>September 2019</u>
Date for review	<u>September 2022</u>

1. Introduction

- 1.1 In a workplace, the term *whistleblower* is used to describe a person who has serious concerns about wrongdoing, and decides to report this to a person or persons who they believe will be in a position to deal with this.
- 1.2 This policy applies to any person – staff, committee members, a tenant or their relative, a contractor or consultant, an applicant for housing or a representative from any outside agency - who believes that there have been instances of improper conduct or malpractice.
- 1.3 Ruchazie Housing Association (RHA) encourages a culture of openness, honesty and integrity which enables staff or any other persons who harbour concerns to express these without fear that they will then be victimised or disadvantaged.
- 1.4 The aim of this policy is to provide a framework which enables any person to whom it applies to raise any serious concerns relating to conduct or practices within the organisation; and to do so in confidence without fear of reprisal. This policy includes a summary of the process and principles that will guide internal investigations and response.
- 1.5 This policy recognises the provisions of the Public Interest Disclosure Act 1998, and The Enterprise and Regulatory Reform Act 2013. In particular it acknowledges the legal protections against dismissal or detriment offered to employees and other workers who raise concerns in the public interest.

2. Improper Behaviour

- 2.1 RHA expects its staff members to carry out their work activities to the highest possible standards and to the best of their capabilities. Similarly, staff and management committee members must not act in any way which could jeopardise the reputation and well-being of the organisation or the Scottish social housing sector as a whole. Action and behaviour which RHA deems as being unacceptable includes:
 - failure to comply with legal obligations and regulatory requirements
 - failure to comply with RHA's Codes of Conduct for Employees or Governing Members
 - fraud, or other financial impropriety or malpractice
 - falsifying records
 - offering or accepting bribes or other inducements
 - non-disclosure of interests
 - breaches of confidentiality
 - endangering health and safety or the environment
 - harassment, bullying and violence of any kind in the workplace, or other abuse of power or status
 - use of discriminating practices or actions
 - criminal activity involving RHA staff, committee members or stakeholders
 - gross incompetence or negligence of duties and responsibilities
 - improper behaviour towards tenants or acting on behalf of tenants in personal matters, particularly financial matters

- deliberate attempts to conceal or cover up any of the above

The above list is not exhaustive but is intended to indicate types of behaviour and action RHA would find unacceptable and within the scope of this policy.

2.2 This policy is not intended to replace any of RHA's existing employment or governance related policies. For the avoidance of doubt, the Complaints Handling Procedure (CHP) applies in instances where members of the public express dissatisfaction about RHA's action or lack of action or about standards of service. The CHP is not appropriate for use by members of staff or the management committee who have serious concerns about conduct or practices. Similarly the Grievance Policy and Procedure is designed to assist staff in resolving problems which are pertinent only to the individual. RHA also has a separate process for the handling of serious complaints against the Director.

2.3 This policy is also closely linked to and referenced within the Anti-Fraud and Anti-Bribery policies; and the Disciplinary and Dealing with Bullying and Harassment policies.

3. Principles

3.1 RHA will treat all concerns raised under this policy seriously, sensitively and in as confidential a manner as possible.

3.2 Any staff member in receipt of such information must respect the rights and wishes of the whistleblower, including protecting their identity if requested, as far as practically possible.

3.3 The Director is the designated officer responsible for overseeing implementation of this policy.

3.4 Staff will normally raise concerns under this policy through line management arrangements, but may also do so via the Director directly.

3.5 Others, including applicants, tenants or their relatives, contractors, or a representative from any outside agency should direct their concerns to the Director.

3.6 Management committee members will normally direct their concerns to the Chair.

3.7 Notwithstanding the provisions in 3.4 – 3.5, the Director will routinely be alerted to all concerns raised under this policy. (If the concern relates to the Director, it will be referred to the Chairperson.)

3.8 The Director (or as per 3.7, the Chairperson) retains overall responsibility for determining whether the concern falls within the scope of this policy and is founded on reasonable grounds. They may request additional information in order to come to this initial view. Where a concern cannot be substantiated, or it is considered it should not be progressed as a whistleblowing matter, the individual will be advised of this as soon as possible. They will also be advised of their right to appeal this decision, the process for doing so, and whether any other policies or procedures may be applicable.

3.9 The Director (or as per 3.7, the Chairperson) is responsible for ensuring any investigation is carried out properly and, as appropriate, that the whistleblower is kept informed at relevant stages during this process. This includes informing the whistleblower of the outcome of the investigation and any proposed action. The

Director may be directly involved in undertaking the investigation, or may appoint an independent investigator.

- 3.10 The Director is also responsible for reporting to and liaising with the Chairperson and the management committee in relation to whistleblowing allegations.
- 3.11 RHA recognises that individuals may not feel comfortable about raising concerns in accordance with existing line management arrangements (in the case of staff) or informing or involving members of staff (in the case of external parties). If they wish, they may raise a matter directly with the Chairperson of the Management Committee. In such cases, the Chairperson will initiate and retain responsibility for an investigation into the matter, and all other duties that ordinarily rest with the Director as outlined above. The Chairperson will do so in accordance with the principles at 3.1 and 3.2, respecting the rights and wishes of the individuals involved as far as possible. Notwithstanding this, it should be noted that they are likely to require information from or the involvement of other committee members, or to initiate independent investigation, in order to fully and properly fulfil their role.
- 3.12 If they wish, staff or Management Committee members considering whistleblowing may also obtain independent advice on the matter.
- 3.13 In some circumstances, individuals may feel uncomfortable about raising a concern with or within RHA. If they wish, they may raise the matter with The Scottish Housing Regulator (SHR):

Scottish Housing Regulator
Telephone: 0141 242 5642
Email: shr@scottishhousingregulator.gsi.gov.uk.

- 3.14 RHA confirms that an individual has the right to raise a concern with the SHR without fear of victimisation. Individuals should be aware that SHR may refer reported allegations to the Association's management committee for investigation. Where this is considered inappropriate, SHR may itself conduct an investigation; and decide what, if any, action is required.
- 3.15 It should also be noted that whistleblowing allegations fall within the definition of a Notifiable Event. As such, SHR will be informed of the issue, in accordance with the Association's Protocol on reporting of Notifiable Events.
- 3.12 Where an allegation is made by a member of staff and it is found to be mischievous in intent, this will be regarded as a serious offence and the member of staff may be liable to disciplinary action. Any such action will be progressed in accordance with the RHA's Disciplinary Policy and Procedure. In the event of a management committee member raising false or malicious allegations, they will be subject to investigation under the Code of Conduct for Governing Members.
- 3.13 In the event of any complaint being made anonymously, this would not stop an investigation being carried out but it will hinder the effectiveness of the process.

4. Appeals Process

- 4.1 There are two situations where individuals who raise a concern under this policy have a right of appeal.
- 4.2 Firstly, where a concern is rejected on the basis it is judged as not falling within the scope of the whistleblowing policy, an individual may appeal this decision. Secondly,

a whistleblower may appeal if, following an investigation, they disagree with the decision and proposed course of action.

- 4.3 Appeals must be made in writing, with the reason for the appeal clearly stated, and submitted to the Director within two weeks of the individual being notified of the decision. In the event the decision was made by the Director, the appeal should be directed to the Chairperson of the Management Committee.
- 4.4 Any individual considering submitting an appeal may obtain independent advice on the matter.
- 4.5 In order to properly consider the appeal and review the decision, the Director (or as per 4.3, the Chairperson) will invite the individual to attend a meeting. The individual may be accompanied by a work colleague or trade union representative, while the Director (or Chairperson) may also arrange for a note taker to be present.
- 4.6 The Director or (Chairperson) will question the individual to obtain any additional information or clarification they require in relation to the initial allegation or the circumstances giving rise to the appeal. The individual will be given the opportunity to present any substantiating evidence.
- 4.7 Following the meeting, the Director (or Chairperson), will communicate their decision to the individual in writing within 5 working days. This will confirm RHA's final position on the matter.
- 4.8 For the avoidance of doubt, the appeals process is not appropriate in instances where an individual is dissatisfied with the way their concern has been handled. This includes for example, where they believe there has been a lack of action, that their concern has not been treated seriously and given due consideration, or that the correct process has not been followed.
- 4.9 In these instances, the matter may be pursued in alternative ways, outside of the organisation (see below).

5. Alternative ways of taking forward a concern

- 5.1 If an individual is not satisfied with the way their concern has been handled internally, or if the concern has implications for the Director or Chairperson, or there are significant reasons for not raising the matter internally, then the following are possible organisations to whom to refer concern:
 - RHA's internal or external auditors
 - Scottish Housing Regulator (see paragraphs 3.13 to 3.15 above)
 - RHA's solicitor
 - Police Scotland (where a crime is suspected)
- 5.2 RHA's auditors (internal and external) and solicitors are aware of the policy and our wish to be open and accountable for our actions. They can be contacted in confidence for advice and as a contact for raising concerns or starting investigations. Either ACAS (Advisory, Conciliation and Arbitration Service) or Public Concern at Work can also be contacted for independent advice. Contact details are provided at Appendix 1.
- 5.3 Contacting the media is not permitted and could result in formal disciplinary action.

6. Monitoring and Review

6.1 All instances of Whistleblowing and associated investigations will be properly recorded and documented. Relevant details will be reported to the management committee either where approval for a course of action is required; or as part of periodic statistical or compliance assurance reporting.

7. Policy Review

7.1 This policy will be subject to review every three years, or sooner if it is affected by legislative or other significant changes.

Appendix 1

Useful contact details

Internal auditors

Alexander Sloane
38 Cadogan Street
Glasgow G2 7HF
0141 204 8989
info@alexandersloan.co.uk

External auditors

To be confirmed

Solicitors

TC Young
7 West George Street
Glasgow G2 1BA
0141 221 5562
mail@tcyoung.co.uk

ACAS

Helpline 0300 123 1100
www.acas.org.uk

Public Concern at Work

Whistle-blowing advice line: 0207 404 6609

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