



Policy Title: Policy on Dealing with Whistle-blowing

Policy Manual Section: Governance

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Next Review Date: January 2023

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Policy on Dealing with Whistle blowing

1.0 Introduction

- 1.1 Cadder Housing Association is committed to the highest standards of openness, probity and accountability. As employees (and others that we deal with) are often the first to realise that there may be something seriously wrong, the Association [wishes to ensure that all employees are enabled to whistleblow](#) and those who have concerns about any aspect of our work [can](#) come forward and speak up without fear of reprisal.
- 1.2 The Association recognises that it is an important aspect of accountability and transparency to provide a mechanism to ensure that no employee, Committee member, or Stakeholder of the Association feels at a disadvantage in raising legitimate concerns.
- 1.3 The Public Interest Disclosure Act, which came into effect in 1999, 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 outlined in 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 in such circumstances this can reduce any compensation payable.
- 1.4 The Association is fully aware of its regulatory requirements on Whistleblowing and allegations through the Scottish Housing Regulator's Regulatory Framework and associated guidance on improper conduct within a regulated body.
- 1.5 This policy is in addition to the Association's complaints procedures and other statutory reporting procedures.
- 1.6 All employees, contractors, other bodies, agency staff, etc. working for the Association on our premises are covered by this policy. The policy also applies to suppliers and those providing services under a contract to the Association on any of our premises.
- 1.7 This policy is intended to cover staff, committee, consultants or contractors working with us. If a tenant, member of the public or other service user, raises any concerns that would normally be called "Whistleblowing" they should be encouraged to speak to the Director / Chairperson, or submit their [disclosure](#) and information in writing marked "Private & Confidential" for their attention at Cadder Housing Association, [20 Fara Street, Cadder, Glasgow, G23 5AE](#)

2.0 Cadder HA'S Position

- 2.1 The Association recognises that our Committee and staff will very often be the first to see or suspect misconduct or wrongdoing. While very often it may be innocent, it could turn out to be fraud on our organisation, be a potential public danger, or some other form of serious malpractice.
- 2.2 We wish to encourage all our Committee and staff, at all levels, to be vigilant and to raise such concerns in a sound way to demonstrate and ensure good practice in all our activities.
- 2.3 We wish to make it clear to our tenants, our staff, the local community and various partners that the Association will take firm and decisive action against any individual or organisation who attempt to defraud us or who are reckless about our good reputation.
- 2.4 For the purposes of this policy, we consider that examples of potential malpractice in the Association would include:
- Financial malpractice, Impropriety or fraud;
 - A miscarriage of justice
 - Professional malpractice
 - bribery and corruption;
 - failure to comply with the Association's Policies and current legislation
 - failure to comply with the Association's Codes of Conduct for Employees or Board Members
 - breach of contract;
 - non-disclosure of interests
 - breaches of confidentiality
 - **serious** negligence:
 - danger to health and safety or the environment;
 - legislative or administrative breach (e.g. allocations);
 - Criminal activity;
 - public safety issue;
 - discrimination;
 - pollution;
 - harassment, bullying and violence of any kind in the workplace
 - use of discriminating practices or actions
 - gross negligence of duties and responsibilities
 - improper behaviour towards tenants or acting on behalf of tenants in personal matters, particularly financial matters
 - improper conduct or unethical behaviour; and
 - the cover-up of any of these.
- 2.5 This **policy** should not be confused with the Grievance Procedure which should be used where an employee is aggrieved with their personal

position. Tenants or service users who are aggrieved about their individual situations should use the Association's Complaints Procedure.

3.0 Communications and Openness

- 3.1 This policy will be provided to every employee and Committee member of the Association and will be discussed at staff and Committee induction, staff meetings, publicised in our staff hand book, and wherever else appropriate. [There will be training provided to the Committee and staff on this policy.](#)
- 3.2 Cadder Housing Association has a proven track record, we wish to protect our good name and we will take firm and decisive action against any individual or organisation who threatens it.
- 3.3 We consider that our employees have a considerable contribution to make in the development of our organisation and ensuring a constantly improving quality of service and performance. Their contribution can be ensured by good communication throughout the organisation enabling them to fully contribute to the Association's work and raise good ideas and concerns without fear or favour. This is demonstrated in our approach to communication with staff (including staff/team meetings, staff/Committee away days, etc.).
- 3.4 The Association has developed policies which meet the requirements of the law, our regulator (The Scottish Housing Regulator) and good practice in housing and employment. Particularly relevant in this area are our policies on conflict of interest; donations, gifts and hospitality; [entitlements, payments and benefits](#); health and safety; [procurement](#), customer services, finance, equal opportunities and dignity at work.

4.0 SAFEGUARDS

4.1 Protection

The Association will offer protection to those employees who disclose such concerns provided the disclosure is made:

- in good faith;
- to an appropriate person/body; and
- in the reasonable belief of the individual making the disclosure that it tends to show malpractice or impropriety.

We 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.

- 4.2 Committee or staff members considering whistleblowing may also obtain independent advice on the matter. E.g. internal or external auditors, Association's solicitors or other organisation as listed in Appendix 1.

4.3 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. However, at the appropriate time the individual may need to come forward as a witness.

4.4 Anonymous Allegations

We encourage individuals to put their names to any disclosures they make. Concerns expressed anonymously are much less powerful [and we would like to have the opportunity to speak to individuals and keep them informed on their disclosure.](#)

4.5 Malicious or 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.

4.6 [A whistleblowing disclosure](#) about senior staff or committee members have to be managed effectively to avoid any conflict of interest. We will ensure that these [disclosures](#) are investigated by individuals that are independent to the situation and can be impartial in the outcome of the [disclosure, for example EVH, Auditors, Solicitors or Consultants.](#)

4.7 The Association will immediately notify the Scottish Housing Regulator of any incidence of whistleblowing including [disclosures](#) against a senior staff or Committee members, which is within the Regulator's guidance on 'Notifiable events'.

5.0 HOW TO RAISE A CONCERN

5.1 Raising a Concern

5.1.1 An individual who believes there to be improper conduct should The should normally raise concerns with their line or sectional manager. This information will be passed on as soon as is reasonably possible to the appropriate designated investigating officer as follows:

- [A disclosure](#) of malpractice will be investigated by the Director or a member of the Senior Staff Team unless the [disclosure](#) is against them or is in any way related to the actions of the Director. In such cases, the [disclosure](#) should be passed to the Chairperson for referral.
- The Director will be available to all staff, however the person raising a disclosure has the right to bypass the line management structure and take their [disclosure](#) direct to the Chairperson. The Chairperson has the right to refer the

[disclosure](#) back to management if he/she feels that the management, without any conflict of interest, can more appropriately investigate the [matter](#).

- In the case of a disclosure that is in any way connected with but not against the Director, the Chairperson will [decide how this will be managed to avoid any conflict of interest](#).

5.1.2 Individuals can also raise concerns with the Scottish Housing Regulator's Support and Intervention team. The Regulator will likely wish to meet with the individual to discuss their concerns on an individual basis.

5.2 Communicating the Disclosure

5.2.1 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.

5.2.2 Concerns may be raised verbally or in writing. Any individual making a written report is 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.

In situations where a disclosure is made verbally, the person should be encouraged to put their concerns in writing or the person in receipt of the disclosure should record a note of person's concerns, which will form a formal note of the disclosure.

5.2.3 The earlier the individual expresses their concern, the easier it is to action. Employees can also gain advice, in confidence, by contacting the following

- Trade Union); (Unite on 0845 345 0141)
- Internal Auditor; ([T.I.A.A on 0845 300 3333](#))
- External Auditor; ([Wylie & Bisset on 0141 566 7000](#))
- Association's Solicitor. ([Mark Ewing, TC Young Solicitors on 0141 221 5562](#))
- Data Protection Officer (David Mills, RGCP on 07951 241584)

5.3 Process

5.3.1 On receipt of a disclosure the Director or Chairperson will consider the information made available to him/her and decide on the form of investigation to be undertaken. This may be to:

- Investigate the matter by management, [and/or](#)

- Refer the matter externally to the internal or external auditors, solicitors or the Police Scotland.

5.3.2 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.

5.4 Timescales

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

5.4.1 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, we will seek further information from the individual concerned.

5.4.2 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.

5.5 Progress of the [Whistleblowing Disclosure](#)

5.5.1 The Association is committed to keeping the [person\(s\) making the disclosure](#) updated on the progress of their [disclosure](#) and, if [appropriate](#), on any resultant action that is proposed.

6.0 OUTCOMES OF INVESTIGATIONS

6.1 [Whistleblowing disclosure](#) Upheld

6.1.2 Once all facts are established the Director or Chairperson will decide what action to take. If the [disclosure](#) is justified, then the Association will invoke the appropriate procedures.

6.2.2 Alternatively the disclosure may be referred to an external body.

6.3 Appeal

- 6.3.1 There are two situations where individuals who raise a concern under this policy have a right of appeal.
- 6.3.2 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 whistle-blower may appeal if, following an investigation, they disagree with the decision and proposed course of action.
- 6.3.3 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. [In the event the decision was made by the Chairperson or a Panel of Committee members, the appeal will be to a separate Panel of Committee members.](#)
- 6.3.4 Any individual considering submitting an appeal may obtain independent advice on the matter.
- 6.3.5 In order to properly consider the appeal and review the decision, the Director (or as per 6.3.3, 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.
- 6.3.6 The Director (or Chairperson) will [ask](#) 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.
- 6.3.7 Following the meeting, the Director (or Chairperson), will communicate their decision to the individual in writing within 5 working days. If for any reason there is a delay in issuing a response a letter will be issued confirming the reason and a revised timescale and date for decision to be communicated. This will confirm the Association's final position on the matter.
- 6.3.8 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.

6.3.9 In these instances, the matter may be pursued in alternative ways. Specifically, staff members can raise the matter outside the Association, Appendix 1 provides a list of Prescribed Persons and Further Sources of Information to contact.

7.0 Monitoring & Review

7.1 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 reporting.

7.2 This policy will be reviewed every 3 years and is therefore is due for review in January 2023

Appendix 1

List of Prescribed Persons

Scottish Housing Regulator	Tel: 0141 271 3810
Environmental Health – Glasgow City Council	Tel: 0141 287 2000
Health and Safety Executive	Tel: 0845 345 0055
Scottish Executive	Tel (general): 0131 556 8400

Further Sources of Information

ACAS	Helpline: 08457 47 47 47
Public Concern at Work	Tel (general): 020 7404 6609
Unite (Trade Union)	Tel: 0845 345 0141)