



Whistleblowing Policy and Procedures

Approved: August 2021
Review Date: August 2024

If you have difficulty with sight, or if you require a translated copy of this policy, we would be pleased to provide the information in a form that suits your needs.

1. Purpose of the Whistleblowing Policy

- 1.1 Whistleblowing (also known as “making a disclosure”) is the term used when a worker passes on information about wrongdoing within the organisation they work for.
- 1.2 This document sets out Govanhill Housing Association’s policy and procedures on:
 - How employees and committee members can raise any concerns they may have, and
 - How the Association will act upon those concerns.
- 1.3 The Whistleblowing Policy is group policy and therefore also applies to our subsidiary Govanhill Community Development Trust.

2. Policy Statement

- 2.1 Govanhill Housing Association (GhHA) aims to meet the highest standards of ethical conduct and accountability. Since employees are often the first to realise that there may be something seriously wrong within an organisation, the Management Committee wishes to encourage anyone who has serious concerns about GhHA to come forward and speak up without fear of reprisal.

3. Legal and Regulatory Requirements

- 3.1 GhHA is committed to complying with all relevant legislation, in particular:
 - The Public Interest Disclosure Act 1998
 - The Enterprise and Regulatory Reform Act 2013
 - The Public Interest Disclosure (Prescribed Persons) Order 2014.
- 3.2 In meeting its legal obligations, GhHA will offer protection to any employee who raises or discloses concerns about the Association, provided that:
 - The disclosure is in the public interest and is made to an appropriate person or body, and
 - The individual has reasonable belief in the validity of the concerns they have raised.
- 3.3 GhHA is obliged to provide the Scottish Housing Regulator with information about whistleblowing allegations, as a Notifiable Event. This also applies to serious complaints or allegations made against an RSL’s senior member of staff.

4. Raising Concerns Under the Whistleblowing Policy

Who Can Use the Whistleblowing Policy

- 4.1 The Policy refers throughout to “employees”. For the purposes of the Policy, this also covers other workers who do not have a contract of employment with us, such as agency workers and people who are on training programmes.
- 4.2 Committee members do not enjoy the legal protections available to employees and other workers who make disclosures. However, committee members may also use the Policy as a way of raising concerns that **cannot reasonably be raised** through our committee and office bearer structures.

What Can Be Reported and Assessed

- 4.3 It is up to employees to decide what matters they may wish to report, and what advice they should obtain about their rights before doing so. Such advice may be available from the employee’s trade union, a legal adviser or the confidential advice line run by the charity Public Concern at Work (see Appendix 1 for contact details).
- 4.4 GhHA does not set any limits on the types of suspected wrongdoing that can be reported to us. However, we will only assess allegations under the Whistleblowing Policy if the following conditions are met. These reflect the law on whistleblowing.

The person making the disclosure reasonably believes that:

❖ One of the following types of wrongdoing has already taken place or is likely to occur:

- Criminal activity or offences (for example, financial impropriety such as fraud, bribery or corruption, abuse of vulnerable people)
- Breach of a legal obligation (for example breach of a contract, unlawful discrimination or breach of any other legal duty)
- A miscarriage of justice
- Endangering of someone’s health and safety
- Damage to the environment
- Deliberately covering up information in any of the above categories; **and**

❖ The disclosure of the wrongdoing is in the public interest.

- 4.5 “**Reasonably believes**” means that concerns should be based on more than unsubstantiated opinion or rumour. The employee is not expected to prove beyond doubt the truth of an allegation, but they should be able to demonstrate that there are reasonable grounds for their concern.

- 4.6 **“In the public interest”** means that the concerns must affect others, such as tenants or other employees. Personal grievances will only rarely meet this test and so will generally be dealt with using GhHA’s policies on grievance, dignity at work etc., rather than the Whistleblowing Policy.

Who Concerns Can Be Reported to

- 4.7 To obtain legal protection, the employee must make their disclosure to an appropriate person or organisation. This will normally be GhHA itself, but it could also be a “prescribed person” listed by the UK Parliament, i.e.
- The Scottish Housing Regulator
 - The Office of the Scottish Charity Regulator (OSCR)
 - The Care Inspectorate
 - The Health and Safety Executive
 - The local authority environmental health department.
- 4.8 GhHA encourages employees to raise any concerns internally in the first instance. This is the most direct way for the employee to obtain legal protection, and for concerns to be investigated fairly and thoroughly.
- 4.9 Employees also have the right to make a disclosure to a prescribed person as listed at 4.7, without raising the matter internally. Similarly, concerns that have been raised initially with GhHA can be passed on to a prescribed person at a later stage, if the employee wishes.
- 4.10 The main rules for making disclosures to a prescribed person are that the employee believes the disclosure is substantially true and that it concerns a matter within the prescribed person’s area of responsibility (for example, a disclosure about misuse of charitable funds would be made to OSCR).
- 4.11 GhHA does not regard disclosures to the news media or via social media or the internet as an acceptable course of action, unless the Association accepts that there are exceptional and compelling reasons for doing so.

How to Raise a Whistleblowing Concern

- 4.12 Concerns can be raised verbally and/or in writing, as the employee prefers. Concerns should normally be raised in the first instance with the employee’s line manager or head of department who will refer the matter on to the Director. Employees can also choose to raise their concerns directly with either the Director or the Association’s Chairperson. Further information about “prescribed persons” and possible sources of advice and assistance is provided in Appendix 1.

Confidentiality and Anonymous Allegations

- 4.13 Disclosures will be treated in confidence and every effort will be made not to reveal the employee's identity if this is their wish. However, at the appropriate time the employee may need to come forward openly, if action is to be taken on the issue they have raised.
- 4.14 GhHA encourages employees to put their names to any disclosures they make. Anonymous allegations are more difficult to investigate, especially if further information is required. In deciding how to respond to anonymous allegations, the Director and Chairperson will take into account:
- The seriousness of the issues raised;
 - The credibility of the concern; and
 - The likelihood of confirming the allegation from attributed sources.

5. Investigation Procedures

- 5.1 GhHA's procedures for investigating concerns that have been raised under the Whistleblowing Policy are attached at Appendix 2. The procedures are based on a preliminary review stage, to clarify the nature of the concerns being raised and the supporting evidence, followed by an investigation (or other appropriate action, for example referral to the Police).

6. Protection for Whistleblowers

- 6.1 The law offers whistleblowers two main protections:
- It is automatically unfair to dismiss an employee, if the reason or principal reason for the dismissal is that they have made a protected disclosure.
 - It is unlawful to subject an employee or worker to a detriment because he/she has made a protected disclosure.
- 6.2 GhHA will ensure that an employee who has made a protected disclosure does not experience detriment as a result (for example in relation to their pay and conditions, career progression, or in any employment references GhHA provides).
- 6.3 GhHA will not tolerate any harassment or victimisation (including informal pressures) by management or other workers, and will take appropriate action to protect the employee when they make a protected disclosure.

7. Allegations that are Untrue or Made in Bad Faith

- 7.1 If an employee makes an allegation that is not subsequently confirmed, it is probable that no action will be taken against them if they had reasonable grounds for believing that the allegation was true. If this is not the case, we may take disciplinary action (up to and including dismissal) if we decide that an employee has made an

allegation in bad faith (for example frivolously and/or maliciously or for personal gain).

- 7.2 The Enterprise and Regulatory Reform Act 2013 allows a disclosure not made in good faith to be considered by an Employment Tribunal. However, if a Tribunal upholds an employer's argument that a disclosure was made in bad faith, it has the power to substantially reduce any compensation paid to a former employee.

8. Promoting Awareness of the Whistleblowing Policy

- 8.1 This Policy will be brought to the attention of staff and committee during their induction, and periodically at staff and committee briefings and meetings. Information about the Whistleblowing Policy will also be provided in GhHA's Codes of Conduct for staff and committee members.

9. Equal Opportunities

- 9.1 GhHA is committed to ensuring equal opportunities and fair treatment for all people in its work. In implementing this Policy, GhHA will ensure that it does not discriminate against anyone on the grounds of any of the nine Protected Characteristics stated in the Equality Act 2010. These are age, disability, gender reassignment, being married or in a civil partnership, being pregnant or on maternity leave, race, religion and belief, sex, or sexual orientation.

10. Delegated Authority

- 10.1 The Management Committee has authority to approve all and any of the actions described in this Policy and the accompanying procedures.
- 10.2 In practice, the Management Committee's direct role in the investigation of whistleblowing complaints is likely to be restricted, if there is a need to preserve confidentiality or if immediate decisions need to be made.
- 10.3 Accordingly, the Management Committee has delegated authority for these matters to the Chairperson (and other Office Bearers, if available) and Director, who must provide the Committee with reports on the use of the delegated powers.
- 10.4 The outcome of any investigations conducted under the Whistleblowing Policy will be reported to the Management Committee, along with any steps taken or required to remedy any failures.

11. Policy Review

- 11.1 The Whistleblowing Policy will be reviewed in three years time, or as required by changes in the law or regulatory guidance.

APPENDIX 1

EXTERNAL CONTACTS FOR RAISING CONCERNS

(a) List of Prescribed Persons

The Scottish Housing Regulator

0141 242 5642

The Office of the Scottish Charity Regulator (OSCR)

01382 220446

The Care Inspectorate

0345 600 9527

Glasgow City Council Land and Environmental Services (includes Environmental Health)

0141 287 1059

0141 287 3777

Health and Safety Executive

0300 003 1747

(b) Sources of Information and Advice about Whistleblowing

ACAS

Helpline: 0300 123 1100

Public Concern at Work

0207 404 6609

Staff members belonging to the Unite trade union

0141 404 5424

WHISTLEBLOWING PROCEDURES

Raising a Concern

For concerns raised within the Association, the employee should normally raise their concerns with their immediate line manager or head of department in the first instance. Details of the concerns will then be passed on to the Director as soon as possible.

The Director, or a senior member of staff acting on behalf of the Director, will write to the person who raised the concern, and will:

- Acknowledge that the concern has been received;
- Confirm how the matter will be dealt with (i.e. an initial review stage, which may be followed by a full investigation or other action).

If the complaint is against the Director, it should be addressed to the Chairperson of the Association who will appoint an independent person to investigate the allegations.

Initial Review of Concerns

The Director (or nominee) will carry out an initial review, in order to:

- Confirm that the disclosure is within the scope of the Whistleblowing Policy (Policy, para 4.4)
- Form a view on what evidence underpins the allegations
- Ensure that the nature of the concerns is clear (this may require a meeting with the person who has raised the concerns), and establish any expectations the person may have regarding confidentiality/anonymity, if an investigation were to take place
- Decide if the whistleblowing complaint can be concluded on the basis of the information already provided and, if not, how the complaint should be taken forward

Communications issues at this stage:

- The Director will advise the Chairperson as soon as possible that the whistleblowing allegation has been received.
- The Director will write to the employee at the end of the review stage (ideally within 7 working days of the allegation being received), and the letter should:
 - ➔ State whether further investigations will take place (and if not, the reasons why) and give an estimate of how long this may take.
 - ➔ Advise the employee that it may be necessary to seek further information from them during the investigation
 - ➔ Advise the employee that if any meeting is needed, they can be accompanied by their union representative and ask for meetings to be held away from the office
 - ➔ Provide information about the support mechanisms that are available to the employee.

- Inform SHR of Notifiable Event
- *If a complaint concerns the Director, it will be referred to the Chairperson who will seek independent professional advice. (SHR guidance on complaints against an RSL's senior officer also applies).*

Stage 2: Investigations

Whistleblowing complaints may need to be taken forward as a matter of urgency. The Director and two Office Bearers shall have authority to instruct formal investigations and any other action needed, and will report on actions taken at the next meeting of the Management Committee.

Where further action is needed at the end of the initial review, this could take a number of forms, including:

- Investigation by management
- Investigation by internal audit
- The appointment of an independent investigator
- Disciplinary process
- Referral to the external auditor
- Referral to the Police

The nature of an investigation will depend on the specific concern raised and what or who would be the most suitable way to deal with the investigation.

During the course of an investigation, the person who has raised concerns is not expected to prove beyond doubt the truth of an allegation, but they would be expected to show that there are reasonable grounds for the concerns they have expressed.

The Association will offer to report the outcome of the investigation to the concerned employee and, where possible, any action that is proposed. However, the Association is not under any obligation to provide reports on how an investigation is proceeding, and there may be legal constraints on what can be reported back at the end of the process.

Once an Investigation Has Been Completed

The Association will assess the findings and their future implications.

- If there are reasonable grounds to substantiate the allegations received, the Association will take appropriate steps to remedy any failures.

The Association will take steps to minimise any difficulties that employees may face as a result of raising a concern.

- For instance, if somebody is required to give evidence in criminal or disciplinary proceedings the Association will arrange for them to receive advice about the procedures involved.

If an employee feels that their concerns have not been dealt with appropriately:

- They can ask the chairperson of the Audit Committee to review the Association's decision
- They can notify the appropriate external regulatory body of their concerns, if they have not already done so.