



Group Whistleblowing Policy

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Scottish Social Housing Charter Standards and Outcomes:	1. Equalities 2. Communication 3. Participation
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Contents

1.0	Introduction.....	3
2.0	Policy Statement.....	4
3.0	Scope of the Policy	4
4.0	Protection	4
5.0	Confidentiality	5
6.0	Anonymous Allegations	5
7.0	Untrue Allegations.....	5
8.0	Raising a Concern	5
9.0	Process	6
10.0	Timescales	6
11.0	Outcome of Investigations.....	6
12.0	Training	7
13.0	Equalities and Diversity	7
14.0	Monitoring and Reporting	7
15.0	Review	7
16.0	Distribution.....	7
17.0	Legal Framework	7
	Appendix 1	8

1.0 Introduction

- 1.1 A whistleblower can be defined as being a person who informs on someone or who puts a stop to something. In a workplace, the term is used to describe a person who has serious concerns about practices or conduct, and decides to report these to a person or persons who they believe will be in a position to deal with this. Similarly, the term would be used to describe any person, e.g. an applicant, a tenant or their relative, a contractor, or a representative from any outside agency who believes that there have been instances of improper conduct or malpractice.
- 1.2 Govan Housing Association, Govan HOME Team and the Water Row Company [the Group] are 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, the Group expects those who have serious concerns about any aspect of the Group's work to come forward and speak up without fear of reprisal. Therefore, the Group recognises that it is an important aspect of accountability and transparency to provide a mechanism to ensure that no employee, governing body member or stakeholder of the Group feel at a disadvantage in raising legitimate concerns.
- 1.3 Regulatory Standard 5 states that an RSL must "*conduct its affairs with honesty and integrity*". To ensure this, the Association has a clear policy and procedures in place which make sure the organisation acts with transparency, honesty and propriety and avoids any public perception of improper conduct.
- 1.4 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.
- 1.5 Employers may also be held vicariously liable for workers who victimise colleagues for making a disclosure. The Group will take all reasonable steps to protect workers from being victimised.
- 1.6 All employees, governing body members and stakeholders working for or acting on behalf of the Group are covered by this policy. The policy also applies to suppliers and those providing services under a contract within the Group.
- 1.7 If you are a customer, member of the public or other service user, you should raise any concerns regarding "Whistleblowing" directly with the Director of Customer Services/Deputy GCEO.

2.0 Policy Statement

- 2.1 The aim of this policy is to provide a framework which enables staff, governing body members or any other person to raise any serious concerns relating to conduct or practices within the Group; and to do so in confidence without fear of reprisal. This includes a summary of the process and principles that will guide internal investigations and response.

3.0 Scope of the Policy

- 3.1 The policy is designed to enable employees of the Group to raise concerns internally and at a high level to disclose information that the individual believes shows malpractice or impropriety. A number of policies are already in place, including dignity at work, and disciplinary and grievance procedures. 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:

- Financial malpractice, impropriety or fraud.
- Falsifying records.
- Failure to comply with a legal obligation or Statutes.
- Dangers to health and safety or the environment.
- Breaches of confidentiality.
- Harassment, bullying and violence of any kind in the workplace.
- Criminal activity involving Govan Housing Association, its staff, committee members or stakeholders.
- A miscarriage of justice.
- Professional malpractice.
- Improper conduct or unethical behaviour.
- Failure to meet legal obligations.
- Abuse of power or status.
- Deliberate attempts to conceal any of the above.

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

4.0 Protection

- 4.1 This policy is designed to offer protection to those employees of the Group 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.

- 4.2 The Group will not tolerate any harassment or victimisation (including formal pressures) and will take appropriate action to protect the individual when they raise a concern in good faith.

5.0 Confidentiality

- 5.1 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.

6.0 Anonymous Allegations

- 6.1 This policy encourages individuals to put their names to any disclosures they make. Concerns expressed anonymously are must less powerful, but will be considered at the discretion of the Group.

7.0 Untrue Allegations

- 7.1 If an individual makes an allegation that is not confirmed by the subsequent investigation, it is probable that no action will be taken against them.
- 7.2 If however, the 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.
- 7.3 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.

8.0 Raising a Concern

- 8.1 The individual should raise concerns with their immediate line manager. This information will be passed on as soon as possible to the Director of Corporate Services/Deputy GCEO.
- 8.2 Any complaints will be investigated by the Director of Corporate Services/Deputy GCEO unless the complaint is against the Director of Corporate Services/Deputy GCEO or is in any way related to their actions. Where the complaint is related to the Director of Corporate Services/Deputy GCEO, it should be addressed to the Group Chief Executive Officer who will in turn appoint an independent person to investigate the allegations.
- 8.3 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.

- 8.4 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, the Group will seek further information from the individual concerned.
- 8.5 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.

9.0 Process

- 9.1 On receipt of a disclosure the appropriate person will launch an investigation.
- 9.2 Depending on the circumstances surrounding the investigation appropriate action will be taken in accordance with the Group's existing policies and procedures.

10.0 Timescales

- 10.1 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:
- 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;
 - Supply the individual with information on staff support mechanisms; and inform the individual whether further investigations will take place and if not, explain why.

11.0 Outcome of Investigations

- 11.1 Once the investigation has been completed and the report is received by the individual who instructed the investigation, 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.
- 11.2 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.

12.0 Training

- 12.1 The Staff induction programme includes an overview of this policy.
- 12.2 The Management Committee induction programme includes an overview of this policy, including responsibilities for the promotion and delivery of openness and confidentiality as relevant to their job descriptions. Committee members will receive updates on these issues and specific training as required.

13.0 Equalities and Diversity

- 13.1 This policy will be implemented in line with our Equality and Diversity Policy.

14.0 Monitoring and Reporting

- 14.1 The Group will use appeals, complaints, comments or suggestions from users of this policy to monitor its effectiveness. These will also be used to prompt a review of the policy where necessary.

15.0 Review

- 15.1 This Policy will be approved by the Management Committee. It will be reviewed every five years unless amendment is prompted by a change in legislation, or monitoring and reporting reveals that a change in Policy is required sooner.

16.0 Distribution

- 16.1 This policy will be made available to every employee and committee member and will be made freely available to any tenant or interested party.

17.0 Legal Framework

- Public Interest Disclosure Act 1998
- Enterprise and Regulatory Act 2013
- The Bribery Act 2010

18.0 Equalities & Diversity

- 18.1 In implementing this Policy, we will comply with all the requirements of the Equalities Act 2010.

Appendix 1

List of Prescribed Persons

Scottish Housing Regulator

Buchanan House
58 Port Dundas Road
Glasgow, G4 0HF
0141 242 5642
Email: shr@scottishhousingregulator.gsi.gov.uk

Glasgow City Council: Environmental & Public Health

Telephone: 0845 270 1558

Health and Safety Executive

www.hse.org.uk

Scottish Government

St. Andrew's House
Regent Road
Edinburgh, EH1 3DG
0300 244 4000

Office of the Scottish Charity Regulator (OSCR)

2nd floor
Quadrant House
9 Riverside Drive
Dundee, DD1 4NY
01382 220 446
info@oscr.org.uk

External Auditor

AZETS
Titanium 1
King's Inch Place,
Renfrew, PA4 8WF
0141 886 6644

Further Sources of Information

ACAS

www.acas.org.uk