



Whistleblowing Policy

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Craigdale Housing Association can provide this document on request, in different languages and formats, including Braille and audio formats.

Whistleblowing Policy

1.0 Introduction

Craigdale Housing Association is a Registered Social Landlord (RSL) and a Charity registered with the Office of the Scottish Charity Regulator (OSCR). As such the Association is part of a sector that has a strong reputation for integrity and accountability to all of its service users and Regulators. It is committed to upholding these and ensuring the highest standards of openness, transparency and probity.

It is recognised that an important factor is ensuring these are met to encourage a culture where employees, Board members or any other stakeholder feel able to come forward with any serious concerns they may have about any aspect of the Association's business activities and to do so without fear of reprisals.

The Whistleblowing Policy is intended to put in place a framework where legitimate concerns can be raised, managed and addressed in a safe and supportive environment.

2.0 Definition

For the purposes of this policy, Whistleblowing will be where a member of staff, Board or other stakeholder raises concerns about improper conduct, wrongdoing, risk or malpractice with someone in authority either internally or externally.

Whistleblowing is different from a complaint or grievance and refers to concerns about conduct or activities that affect others and/or has a wider impact.

3.0 Legal Framework

Scottish Housing Regulator (SHR)

The Scottish Housing Regulator's regulatory framework requires that the Association has "Effective arrangements and a policy for whistleblowing by staff and governing body/elected members which it makes easily available and which it promotes"

The Public Interest Disclosure Act 1998

The Act gives legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns

The Enterprise and Regulatory Act 2013

The Act states that, to benefit from protection whistleblowing claims must satisfy a public interest test and cannot be for of a personal rather than public interest.

4.0 Policy Framework

The Association is committed to ensuring that it delivers good governance in all areas of its activities.

The Whistleblowing Policy is part of a suite of documents to support achieving this aim that includes those relating to:

- Codes of Conduct for staff and Board members
- Anti-Fraud & Bribery Policy
- Dignity at Work
- Disciplinary
- Grievances
- Notifiable Events

The Whistleblowing Policy is intended to:

- Demonstrate the Association's commitment to openness, transparency and accountable
- Enable individuals to raise concerns internally and at a high level to disclose information they believe shows malpractice or impropriety
- Provide assurance to employees, Board members and other stakeholders that there will be no adverse treatment or reprisals as a result of whistleblowing
- Set out the process for managing and addressing concerns raised under this policy
- Give guidance on what is regarded as serious concerns that are in the public interest that would fall under the scope of this policy
- Demonstrate the Association's zero tolerance approach to harassment or victimisation of individuals that whistle blow

5.0 Scope of Policy

The terms of this policy will apply to:

- Employees and workers – permanent and temporary
- Board Members
- Volunteers with the Association
- Contractors & consultants

In line with the Enterprise and Regulatory Act 2013, to benefit from protection, whistleblowing claims must be in the public interest. Such concerns include.

- Financial malpractice, impropriety
- Failure to comply with a legal obligation or Statutes
- Dangers to health and safety or the environment
- Criminal activity involving Craigdale Housing Association, its staff, Board members or stakeholders
- 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

These may, initially, be investigated as a separate concern but may ultimately lead to the review and/or development of other procedures.

N.B. The above list is not exhaustive but is intended to be illustrative of the types of behaviour, actions or activities that would be unacceptable and within the scope of this policy.

6.0 Policy Principles

In implementing this policy, the Association will adhere to several overarching principles:

- All concerns raised under this policy will be treated seriously, sensitively and as confidentially as possible
- The rights and wishes of the whistle-blower will be respected
- As far as possible the identity of the whistle-blower will be protected
- Individuals can raise concerns directly with an external body such as the Scottish Housing Regulator
- As the whistleblowing process can be stressful, support will be provided to everyone involved
- Individuals considering reporting a concern as a Whistle blower may obtain independent advice

7.0 Anonymous Allegations

The Association wishes to create an environment where it's staff, Board Members and stakeholders feel able to put their name to any disclosure they make as anonymous reports are less robust and could hinder an investigation and/or the implementation of the procedures.

However, concerns reported anonymously may be considered at the discretion of the Association. In exercising this discretion consideration will be given to:

- The seriousness of the concern raised
- The risks the allegations present to the Association
- The credibility of the concern
- The likelihood of obtaining corroboration

8.0 Unfounded/Untrue Allegations

The Association is committed to ensuring that it delivers good governance in all areas of its activities. Allegations that are deemed to be made in "bad faith" are vexatious, false, mischievous in intent, malicious or made frivolously or for personal gain are likely to be deemed a breach of the Code of Conduct.

For employees, this may instigate disciplinary action up to and including dismissal and for members of the Management Board this may lead to them being removed from the Board in accordance with the protocol for dealing with breaches.

9.0 Whistleblowing Procedure

The Association will put in place clear procedures and guidance notes for both reporting serious concerns and for investigating concerns raised. These will be provided to staff and members of the Management Board and made available to other stakeholders via the Association's website.

10.0 Protection for Whistleblowers

This policy is designed to offer protection to those individuals who make a disclosure provided it is made:

- In good faith and in the public interest
- To an appropriate person/body
- In the reasonable belief in the validity of the concern being raised

No individual will be subjected to any form of harassment, victimisations, discrimination or bullying as a result of them legitimately raising a concern under the terms of this policy. All appropriate steps will be taken to protect the individual and anyone found to be in any way targeting the whistle blower will be subject to appropriate action such as disciplinary and/or legal.

11.0 Outcomes

Following the completion of a full investigation into the concerns raised, the outcome will be recorded and the appropriate action taken. This may be to:

- Take no further action
- Investigate further under another of the Association's policies such as Grievance, Disciplinary, Anti-Fraud & Bribery
- Take action under another of the Association's policies such as Grievance, Disciplinary, Anti-Fraud & Bribery
- Refer the matter to Police Scotland
- Refer the matter to the Scottish Housing Regulator and/or another regulatory body
- Instigate an independent, external investigation

No further action will be taken under this policy where:

- The concern raised is clearly not in the public interest and/or is a personal issue or grievance
- The matter is best dealt with under another of the Association's policies and procedures
- After investigation there is no corroborating evidence to support the allegation
- The matter has been referred to Police Scotland or another regulatory body
- The matter is already the subject of legal proceedings

The individual that raised the concern will normally be advised of the outcome of the investigation in the allegations unless there are compelling legal, safety or confidentiality grounds for not doing so.

12.0 Appeals

Anyone involved in the reporting of a concern, or any subsequent investigation has the right of appeal if;

- They feel their concern has not been dealt with appropriately
- They believe the correct processes have not been followed
- After investigation, they disagree with the outcome and the proposed course of action

Appeals must be submitted to the Chair of the Audit & Assurance Committee (who should not be an office bearer) in writing within 14 days of the notification of the outcome.

The Association will endeavour to support the Chair to advise the individual of the outcome of their appeal within 21 days from the date the appeal is submitted. However, it is recognised that the Chair is a voluntary member of the Management Board and may have other personal obligations that prevent this timescale being met. Any delays will be communicated in writing to the individual.

Within that period the Chair will be required to:

- Meet with the individual. The individual may be accompanied by a work colleague or trade union representative, and the Chair can request a note taker to be present
- Meet with anyone else that can present evidence to support the grounds for the appeal
- Seek any appropriate advice if required including external legal advice

Any further appeal against the decision of the Chair will need to be made directly to the appropriate external regulatory body.

13.0 Notifiable Event

Whistleblowing falls within the definition of a Notifiable Event and concerns raised under the terms of this policy will therefore be reported to the Regulator.

14.0 Confidentiality

As far as possible, all cases of whistleblowing will be dealt with in confidence and, in particular, every effort will be made not to reveal the whistle-blower's identity without their consent unless:

- There is a legal obligation to do so
- It is required to allow the matter to be dealt with properly and fairly
- The individual is required to come forward as a witness as part of the investigations
- It is already in the public domain

All confidential information and documentation relating to the declaration, investigation and outcome will be held securely with restricted access unless it is;

- Already in the public domain
- Required for legal purposes
- In the public interest

15.0 Review

The full Whistleblowing Policy will be reviewed by the Board every three years. However, elements of the policy may be subject to review within that period as required to comply with changes in regulatory standards or requirements, legislation or good practice.

16.0 Acceptance

Signed: _____

Date: _____