



## GROUP WHISTLEBLOWING POLICY

<b>POLICY IMPLEMENTATION CHECKLIST</b>	
Policy Guardian:	Chief Executive
Author:	Integration Director
Version number:	2.1
Approved by Chief Executive on:	March 2016
Approved by Caledonia HA Management Board:	April 2016
Effective from:	April 2016
Approved by Cordale HA Committee of Management:	June 2019
Approved by Bellsmyre HA Committee of Management:	June 2019
Last Review Date:	June 2019
Next Review Due:	June 2022
Diversity compliant:	Yes
Equality Impact Assessment required:	No
Data Protection compliant:	Yes
Health & Safety compliant:	Yes
Procedure implemented:	Yes
QL system changes made:	N/A
KPIs / reporting arrangements implemented:	Yes
Training Completed:	
Posted on intranet:	Yes
Posted on website:	Yes
Publicity material issued:	
Business Services – Implementation Review:	

This document can also be provided in large print, braille, audio or other non-written format, and in a variety of languages.

## **1. 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 The Caledonia Group comprising Caledonia, Cordale and Bellsmyre Housing Associations encourages a culture of openness which enables staff or any other persons who harbour concerns to express these without fear that they will then be victimised.
- 1.3 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 organisation; 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.
- 1.4 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 The Group 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 Governing Body 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 the Group deems as being unacceptable includes:
  - failure to comply with the Group's Policies and current legislation
  - failure to comply with the Group's Codes of Conduct for Employees or Governing Body Members
  - fraud
  - falsifying records
  - offering or accepting bribes or other inducements
  - non-disclosure of interests
  - breaches of confidentiality
  - failure to identify Health & Safety hazards and/or failure to rectify these
  - harassment, bullying and violence of any kind in the workplace
  - use of discriminating practices or actions
  - gross incompetence
  - gross negligence of duties and responsibilities
  - improper behaviour towards tenants or acting on behalf of tenants in personal matters, particularly financial matters

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.

- 2.2 This policy is not intended to replace any of the Group'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 the Group's action or lack of action or about standards of service. The CHP is not appropriate for members of staff or the Governing Bodies of the Group's companies who have serious concerns about conduct or practices. Similarly Grievance Policies and Procedures are designed to assist staff in resolving problems which are pertinent only to the individual. The Group also has a separate policy on the handling of Serious Complaints Against the Group Chief Executive.
- 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 The Group will treat all concerns raised under this policy seriously, sensitively and in as confidential a manner as possible, having due regard to data protection laws.
- 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 of Finance and Governance is the designated officer responsible for overseeing implementation of this policy.
- 3.4 Staff may raise concerns under this policy through line management arrangements, but may also do so via any member of the Executive Management Team (EMT) including the Chief Executive as appropriate. .
- 3.5 Others, including applicants, tenants or their relatives, contractors, or a representative from any outside agency may similarly direct their concerns to a member of the Executive Management team, including the Chief Executive as appropriate. .
- 3.6 Governing Body members will normally direct their concerns to their Chair, or if appropriate to the Chair of Caledonia's Management Board.
- 3.7 Notwithstanding the provisions in 3.4 – 3.5, the Director of Finance and Governance will routinely be alerted to all concerns raised under this policy. If the concern relates to the Director of Finance and Governance, it will be referred to the Chief Executive.
- 3.8 The Director of Finance and Governance (or as per 3.7, the Chief Executive) 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 of Finance and Governance (or as per 3.7, the Chief Executive) 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 of Finance and Governance (or Chief Executive) may be directly involved in undertaking the investigation, or will act in an advisory role to others who are tasked with investigating.

- 3.10 The Director of Finance and Governance is also responsible for reporting to and liaising with the Chief Executive and the Group's governing bodies in relation to whistleblowing allegations.
- 3.11 The Group recognises that individuals may not feel comfortable about raising concerns via line management arrangements (in the case of staff) or informing or involving members of staff (in the case of external parties). Anyone may raise a matter directly with the Chair of Caledonia's Management Board. In such cases, the Chair of Caledonia's Board will initiate and retain responsibility for an investigation into the matter, and all other duties that ordinarily rest with the Director of Finance and Governance as outlined above. The Chair 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 Governing Body Members or senior staff in order to fully and properly fulfil their role.
- 3.12 If they wish, staff or Governing Body Members considering whistleblowing may also obtain independent advice on the matter.
- 3.13 In some circumstances, individuals may feel uncomfortable about raising a concern internally within the Group. Anyone may raise a matter directly with The Scottish Housing Regulator (SHR):

Scottish Housing Regulator  
Buchanan House  
58 Port Dundas Road  
Glasgow  
G4 0HF Telephone: 0141 242 5642  
Email: [shr@scottishhousingregulator.gsi.gov.uk](mailto:shr@scottishhousingregulator.gsi.gov.uk).  
[www.scottishhousingregulator.gov.uk/contact-us](http://www.scottishhousingregulator.gov.uk/contact-us)

- 3.14 The Group confirms that an individual has the right to raise a concern with the SHR without fear of victimisation. Individuals should be aware that the SHR will respect their right to privacy and confidentiality as far as possible, and in accordance with data protection laws. SHR may refer reported allegations to the Group's Governing Bodies for investigation, and to address any substantiated issues. Alternatively SHR may use its statutory intervention powers to instruct 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 Group's policy on Notifiable Events, and may take regulatory action in relation to the matter. In turn, this may necessitate Governing Body Members' involvement.
- 3.16 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 relevant Disciplinary Policies and Procedures. In the event of a Governing Body Member raising such false or

malicious allegations, they will be expected to issue an apology and tender their resignation.

3.17 In the event of any complaint being made anonymously, this would not stop an investigation being carried out but it could hinder implementation of our procedures.

3.18 Under no circumstances will the Group use a settlement agreement to limit whistleblowing.

#### **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 Chief Executive within two weeks of the individual being notified of the decision. In the event the decision was made by the Chief Executive, the appeal should be directed to the Chair of Caledonia's Management Board.

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 Chief Executive (or as per 4.3, Caledonia's Chair) will invite the individual to attend a meeting. The individual may be accompanied by a work colleague or trade union representative, while the Chief Executive (or Chair of Caledonia's Management Board) may also arrange for a note taker to be present.

4.6 The Chief Executive (or Chair of Caledonia's Management Board) 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 Chief Executive (or Chair of Caledonia's Management Board), will communicate their decision to the individual in writing within 5 working days. This will confirm the Group'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. Specifically, staff members can raise a grievance, in accordance with the Group's Grievance Policies and Procedures. Governing Body members can direct their concern to the Scottish Housing Regulator. All other individuals can invoke the Group's Complaints Handling Procedure.

## **5. Monitoring and Review**

- 5.1 All instances of Whistleblowing and associated investigations will be properly recorded and documented. Relevant details will be reported to Caledonia's Management Board, and where appropriate Cordale or Bellsmyre's Management Committee, either where approval for a course of action is required; for information; or as part of periodic statistical reporting.

## **6. Publication and Promotion**

- 6.1 This policy will be published on the websites of each company within the Group, and freely available for download by customers, stakeholders and any other members of the public. It will be made available to staff via the internal intranet and to Governing Body Members via Decision Time. All new staff and Governing Body Members will be made aware of this policy as part of the induction process.

## **6. Policy Review**

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