



GROUP WHISTLEBLOWING POLICY

POLICY IMPLEMENTATION CHECKLIST	
Policy Guardian:	Chief Executive
Author:	Integration Director
Version number:	1.0
Approved by Chief Executive on:	17 June 2014
Approved by Caledonia Management Board on:	19 August 2014
Approved by Cordale Committee of Management:	24 June 2014
Effective from:	20 August 2014
Due for review on:	June 2017
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:	22 August 2014
Posted on website:	
Publicity material issued:	N/A
Business Services – Implementation Review:	

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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 including Caledonia and Cordale 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.
- 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 Caledonia's Business Services Director is the designated officer responsible for overseeing implementation of this policy.
- 3.4 Staff will normally raise concerns under this policy through line management arrangements, but may also do so via Caledonia's Business Services Director directly.
- 3.5 Others, including applicants, tenants or their relatives, contractors, or a representative from any outside agency should direct their concerns to Caledonia's Business Services Director.
- 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, Caledonia's Business Services Director will routinely be alerted to all concerns raised under this policy. If the concern relates to Caledonia's Business Services Director, it will be referred to the Group Chief Executive.
- 3.8 Caledonia's Business Services Director (or as per 3.7, the Group 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 Caledonia's Business Services Director (or as per 3.7, the Group 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. Caledonia's Business Services Director may be directly involved in undertaking the investigation, or will act in an advisory role to others who are tasked with investigating.
- 3.10 Caledonia's Business Services Director is also responsible for reporting to and liaising with the Group 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 in accordance with existing line management arrangements (in the case of staff) or informing or involving members of staff (in the case of external parties). If they wish, they 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 Caledonia Business Services Director as outlined above. The Chair of Caledonia's Board 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 Board Governing Body 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 with or within the Group. If they wish, they may raise the matter with The Scottish Housing Regulator (SHR):
- Scottish Housing Regulator
Highlander House,
58 Waterloo Street,
GLASGOW G2 7DA,
Telephone: 0141 271 3810, Fax: 0141 221 5030
Email: shr@scottishhousingregulator.gsi.gov.uk.
- 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 however, that the SHR will normally refer reported allegations to the Group's Governing Bodies for investigation. Where this is considered inappropriate, SHR may itself conduct 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 Group's 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.

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 Group Chief Executive within two weeks of the individual being notified of the decision. In the event the decision was made by the Group 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 Group 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) may also arrange for a note taker to be present.
- 4.6 The Group 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 Group 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's Committee of Management, either where approval for a course of action is required; for information; or as part of periodic statistical reporting.

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.