

Whistleblowing Policy

Reviewed: Apr 2022
Next Review: 2025



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1. Introduction

- 1.1 Rosehill Housing Co-operative Limited (we, us, our(s)) is 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, we expect those who have serious concerns about any aspect of our work to come forward and speak up without fear of reprisal. Therefore, we recognise that it is an important aspect of accountability and transparency to provide a mechanism to ensure that no employee, committee member or stakeholder of ours feel at a disadvantage in raising legitimate concerns.
- 1.2 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.
- 1.3 Employers may also be held vicariously liable for workers who victimise colleagues for making a disclosure. We will take all reasonable steps to protect our staff from being victimised.
- 1.4 All employees, Committee members and Stakeholders working for or acting on our behalf of are covered by this policy.
- 1.5 If you are a customer, member of the public or other service user, you should raise any concerns regarding "Whistleblowing" directly with our Director, or in writing marked 'Private and Confidential' FAO The Director.

2. Legal and Regulatory Framework

2.1 The legal framework:

- Public Interest Disclosure Act 1998
- Enterprise & Regulatory Act 2013
- Bribery Act 2010

2.2 The regulatory framework:

- Regulatory Standard 5 "The RSL conducts its affairs with honesty and integrity."
 - Guidance 5.6 - There are clear procedures for employees and governing body members to raise concerns or whistleblow if

they believe there has been fraud, corruption or other wrongdoing within the RSL.

- Regulatory requirement that each landlord must have effective arrangements and a policy for whistleblowing by staff and governing body/elected members which it makes easily available and which it promotes.

3. Scope of Policy

3.1 This policy is designed to enable our staff to raise concerns internally and at a high level to disclose information that the individual believes shows malpractice or impropriety. Under the Public Interest Disclosure Act 1998, to qualify for protection a qualifying disclosure must be a disclosure made in the public interest about a possible:

- criminal offence
- failure to comply with a legal obligation
- miscarriage of justice
- threats to an individual's health and safety
- danger to the environment, or
- deliberate attempt to conceal any of the above.

3.2 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.

3.3 There is a clear distinction between whistleblowing and a grievance as follows:

- **Whistleblowing** is about conduct that affects others; for example, fraud or a failure to comply with health and safety;
- **A grievance** is where a staff member has a personal complaint about their own employment situation.

3.4 If a staff member has a grievance, they should follow our Grievance Procedures as set out in the Terms and Conditions of Employment.

4. Associated Policies

4.1 We have a range of other policies and procedures in place that are relevant to this Policy:

Anti-harassment and Bullying Policy
Disciplinary and Grievance Procedures (included in the Terms and Conditions of Employment)

Staff Code of Conduct
Committee Code of Conduct
Protocol for Managing Alleged/Suspected Breaches of the Code of
Conduct (Committee)
Procedure for dealing with serious complaints against the Director
Notifiable Events – Statutory Guidance

5. Safeguards

5.1 Protection

5.1.1 This policy is designed to offer protection to those employees of ours who disclose such concerns provided the disclosure is made:

- In the public interest.
- To an appropriate person/body; and
- That the individual has reasonable belief in the validity of the concerns being raised.

5.1.2 We will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect the individual when they raise a concern with the above provisions acknowledged.

5.2 Confidentiality

5.2.1 All concerns will be treated in confidence and every effort will be made, as far as is reasonably possible in the circumstances, 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.

5.3 Anonymous Allegations

5.3.1 This policy encourages individuals to put their names to any disclosures they make. Concerns expressed anonymously are much less robust but may nevertheless be considered at our discretion.

5.4 Untrue Allegations

5.4.1 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. However, if 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. 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.

6. Raising a Concern

First Step

- 6.1 The individual should raise concerns with their immediate line manager. This information must be passed on as soon possible to the Director.
- 6.2 Any complaints will be investigated by the Director unless the complaint is against the Director or is in any way related to their actions. Where the complaint is related to the Director, it should be addressed to the Chairperson of the Management Committee who will in turn deal with the matter as set down in our "Procedure for Dealing with Serious Complaints against the Director".
- 6.3 Where a concern is raised by a Committee Member this should be directed to the Chairperson. If the matter relates to the Chairperson, it should be directed to the Vice Chairperson. Where the issue raised is about a Committee Member, the matter will be dealt with as set down in the Protocol for Managing an Alleged/Suspected Breach of the Code of Conduct.
- 6.4 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.
- 6.5 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, we will seek further information from the individual concerned.
- 6.6 Where any meeting is arranged, the individual can be accompanied by a trade union representative and have the meeting away from the office if they so wish.

Process

- 6.7 On receipt of a disclosure the appropriate person will launch an investigation.
- 6.8 Depending on the circumstances surrounding the investigation appropriate action will be taken in accordance with our existing policies and procedures.

Timescales

- 6.9 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;
 - inform the individual whether further investigations will take place and if not, explain why.

7. Outcome of Investigation

- 7.1 Once the investigation has been completed and the report is received by the Director (or Chairperson if the complaint is against the Director), 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.
- 7.2 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. If, after appealing internally the individual is still not satisfied with the outcome, they can raise the issue with the Scottish Housing Regulator or any other regulatory body which has jurisdiction. (See Appendix 1)
- 7.3 Attached to this Policy is a factsheet from the Scottish Housing Regulator for potential whistle blowers.

8. Notifiable Events

- 8.1 In accordance with the Statutory Guidance for Notifiable Events, allegations of whistleblowing must be reported to The Regulator. We must provide information on how we are responding to the allegation.

8.2 Whistleblowing allegations fall under Governance and Organisational issues and therefore should be reported by the Chairperson.

9. Data Protection

9.1 On the 25th May 2018 the legislation governing data protection changed with the introduction of the General Data Protection Regulation (GDPR). Following the UK's exit from the EU, and the end of the transition period which followed, the GDPR formed part of the retained EU law and became the UK GDPR which together with the Data Protection Act 2018 constitute the UK's data protection legislation.

10 Equality and Diversity

10.1 We are committed to ensuring equal opportunities and fair treatment for all people in our work. In implementing this Policy, we will provide a fair and equal service to all people, regardless of age, disability, gender reassignment, marriage and civil partnership, race, religion or belief, sex, or sexual orientation.

10.2 Rosehill is committed to removing any barriers to communication. Therefore, if required this Policy can be produced in another format e.g. braille, large print, etc. In addition, where English is not the tenant's first language, Rosehill will provide on request written information in the first language.

11. Risk Management

11.1 In all key areas of our business we need to consider any risks which may arise. To this end we have in place a robust Risk Management Policy and from this flows our Risk Register. We have identified our material risks which are regularly monitored by our Management Team and Audit Sub-Committee.

11.2 To ensure we continue to manage the associated risks we will periodically review this policy to ensure compliance with all legislative requirements and regulatory and best practice guidance.

12. Review







12.1 This policy will be reviewed every three years, as a minimum, to ensure it continues to meet legislative and regulatory requirements.

Appendix 1

List of Prescribed Persons

- The Scottish Housing Regulator
Tel No. 0141 242 5642
- Environmental Health (Glasgow)
Tel No. 0141 287 1059
- Health and Safety Executive (Glasgow)
Tel No. 0300 003 1747

Further Sources of Information

- ACAS Helpline:
 0300 123 1100
 www.acas.org.uk
- Protect (formerly Public Concern at Work):
 020 3117 2520
 www.protect-advice.org.uk
- Unite:
 0141 404 5424
 scotland@unitetheunion.org