

**Policy on:**

**Whistleblowing Policy**

**Compliant with Charter  
Outcomes and Standards:**

**Yes**

**Compliant with Tenant  
Participation Strategy:**

**Yes**

**Compliant with Equalities:**

**Yes**

**Compliant with Business Plan:**

**Yes**

**Compliant with Risk**

**Yes**

**Date Approved by Board:**

**28 September 2022**

**Date for Review:**

**September 2027**

**Responsible Officer:**

**Director**



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## 1. Introduction

Shire Housing Association (the Association) is committed to the highest standards of openness, probity and accountability. Our approach to whistleblowing is a key element of this. Whistleblowing is commonly used to describe the situation where a member of staff raises concern about improper conduct, wrongdoing, risk or malpractice with someone in authority either internally or externally. The policy does not preclude Board Members or stakeholders raising concerns and complies with the Scottish Housing Regulator's guidance on Whistleblowing: <https://www.scottishhousingregulator.gov.uk/publications/whistleblowing-factsheets>.

Employees are often the first to realise that there may be something seriously wrong, and the Association expects those who have serious concerns about any aspect of the Association's work to come forward and speak up without fear of reprisal. We recognise that it is an important aspect of accountability and transparency to provide a mechanism to ensure that no employee, Board Member or stakeholder of the Association feels at a disadvantage in raising legitimate concerns.

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 which are made in good faith to a prescribed person or organisation. A full list of prescribed persons and organisations, including the Scottish Housing Regulator, can be found at the Department for Business, Energy and Industrial Strategy in the following document:

[GOV.UK - Blowing the whistle: list of prescribed people and bodies.](#)

## 2. Scope of Policy

This policy is designed to enable employees of the Association, Board Members or stakeholders to raise concerns internally and at a high level to disclose information that the individual believes shows malpractice or impropriety. A number of policies and procedures are already in place, including Grievance, Dignity at Work, and Discipline. This policy is intended to cover concerns that are in the public interest and may (at least initially) be investigated separately but might then lead to the commencement of other procedures. These concerns might include:

- financial malpractice, impropriety or fraud
- failure to comply with a legal obligation or Statutes
- dangers to health and safety or the environment
- criminal activity involving the Association, its staff, committee/board members or stakeholders
- professional malpractice
- improper conduct or unethical behaviour
- failure to meet legal obligations
- abuse of power or status
- attempts to conceal any of the above



### **3. Safeguards**

#### **Protection**

This policy is designed to offer protection to those employees and Board Members of the Association who disclose such concerns provided the disclosure is made:

- in good faith;
- to an appropriate person/body; and
- that the individual has reasonable belief in the validity of the concerns being raised

Shire Housing Association will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect the individual when they raise a concern in good faith.

#### **Confidentiality**

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.

#### **Anonymous Allegations**

This policy encourages individuals to put their names to any disclosures they make. Concerns expressed anonymously are less powerful but will be considered by the Association.

#### **Untrue Allegations**

If an individual makes an allegation in good faith that is not confirmed by the subsequent investigation, no action will be taken against them. However, if an employee makes an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against them and this may include dismissal. Board Members will be dealt with in line with Board Member Code of Conduct and Standing Orders.

### **4. Raising a Concern**

#### **Process**

Concerns about improper conduct, wrongdoing, risk or malpractice should initially be raised with the Director. Concerns can be raised in person, by telephone, or in writing and should detail:



- The nature of the concern and why it is believed to be true;
- The background and history (where possible giving relevant dates);

Where a concern is raised about the Director it should be addressed to the Association's Chairperson.

### **What the Association Will Undertake**

The Association will undertake an initial assessment of the concern raised to determine whether an investigation is appropriate and what form this should take.

Investigations may need to be carried out under terms of strict confidentiality, i.e. by not informing the subject of the complaint until (or if) it becomes necessary to do so. In certain cases, however, such as allegations of ill treatment of others, suspension from work may have to be considered immediately. Protection of individuals is paramount to the Association in all cases.

Where appropriate, the matters raised may:

- Be investigated by the Director, internal audit, or through the Disciplinary/Grievance process;
- Be referred to the police;
- Be referred to the external auditor; and
- Form the subject of an independent inquiry.

Whistleblowing allegations are a Notifiable Event, and the Association will make the Scottish Housing Regulator aware of the concerns raised and the actions being taken to investigate and deal with the issues raised.

### **Timescales**

Within 10 working days a report assessing the concerns raised will be reviewed by the Director and/or the Chairperson and Vice-Chair. The Association will then write to the whistle blower who raised the concern and:

- Acknowledge that the concern has been received and assessed;
- indicate how the matter will be dealt with;
- give an estimate of how long it will take to provide any further response;
- supply the individual with information on staff support mechanisms; and tell the individual whether further investigations will take place and if not, explain why; and
- Report to the Management Board at the next meeting or earlier depending on the severity of the issue raised by the whistle blower.

### **Outcome of Investigations**

Once an investigation has been completed and the final report is received by the Board, a decision on what



action to take will be considered. If there are reasonable grounds to substantiate the complaint, the appropriate procedure will be invoked. This may also include referral to an external body or to the Scottish Housing Regulator.

Where a whistle blower feels that their concern has not been dealt with appropriately by the Association, they can contact the Scottish Housing Regulator or a prescribed person or organisation. Appendix 1 provides a list of organisations that Whistle blowers can contact for support or advice.

## **5. Equalities**

We will ensure this policy complies with our Equality and Diversity Policy. For example, it can be made available on request in different formats.

## **6. Policy Review**

This policy will be reviewed every five years or at such times as new guidance is available.



## Appendix 1

### List of Contacts

#### **The Scottish Housing Regulator**

Buchanan House  
58 Port Dundas Road  
Glasgow  
G4 0HF

Tel: 0141 242 5642

[www.scottishhousingregulator.gov.uk](http://www.scottishhousingregulator.gov.uk)

#### **Office of the Scottish Charities Regulator (OSCR)**

2nd Floor  
Quadrant House  
9 Riverside Drive  
Dundee  
DD1 4NY

Tel: 01382 220446

[info@oscr.org.uk](mailto:info@oscr.org.uk)

#### **Scottish Public Services Ombudsman**

Bridgeside House  
99 McDonald Road  
Edinburgh  
EH7 4NS

Tel: 0800 377 7330

[www.spsso.org.uk](http://www.spsso.org.uk)

#### **East Ayrshire Council**

Environmental Health  
Regulatory Services  
Civic Centre South Building  
16 John Dickie Street  
Kilmarnock  
East Ayrshire  
KA1 1HW

Tel: 01563 553520

24 Hour Emergency Helpline: 0345 724 0000

[www.east-ayrshire.gov.uk](http://www.east-ayrshire.gov.uk)



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**Health and Safety Executive**

Cornerstone  
107 West Regent Street  
Glasgow  
G2 2BA

Tel: 0345 0031647  
[www.hse.gov.uk](http://www.hse.gov.uk)

**ACAS**

151 West George Street  
Glasgow  
G2 2JJ

Helpline: 0300 1231150  
[www.acas.org.uk](http://www.acas.org.uk)

**Protect (formerly Public Concern at Work)**

The Green House  
244-254 Cambridge Health Road  
London  
E2 9DA

Tel: 020 3117 2520  
[www.protect-advice.org.uk](http://www.protect-advice.org.uk)

**Unite**

Trade Union  
145-165 West Regent Street  
Glasgow  
G2 4RZ  
Tel: 0141 404 5424  
[www.uniteunion.org](http://www.uniteunion.org)

**External Auditor**

**Chiene and Tait LLP**

61 Dublin Street  
Edinburgh  
Scotland  
EH3 6NL

Tel: 0131 558 500

[mail@chiene.co.uk](mailto:mail@chiene.co.uk)





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**Internal Auditor**

**Wylie and Bisset**

168 Bath Street  
Glasgow  
G2 4TP

Tel: 44(0)141 566 7000  
[info@wyliebisset.com](mailto:info@wyliebisset.com)

