Whistleblowing Policy

Policy Implementation Checklist:	
Policy Guardian:	Chief Executive Officer
Policy Author:	Corporate Services Manager
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Date Approved by Staffing Sub-committee	N/A
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Policy linkages:	Anti-Bribery Anti-Fraud Standing Orders & SoDA Code of Conduct for Staff Code of Conduct for Management Committee Notifiable Events

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1. Introduction

1.1 Linthouse Housing Association (LHA) is committed to the highest standards of openness, probity and accountability and encourages a culture that enables staff, or any other persons who have concerns, to express these without fear of reprisal.

1.2 In a workplace, the term describes a person who has serious concerns about practices or conduct and decides to report them to someone they believe is in a position to deal with them. Concerns raised through whistleblowing must be in the 'public interest', meaning they must affect others, such as the public or other stakeholders.

1.3 The Scottish Housing Regulator requires an RSL to conduct its affairs with honesty and integrity. The Regulator expects all RSLs to have a whistleblowing policy in place which tells both staff and Management Committee members how they can safely raise concerns. It also expects RSLs to take any concerns raised seriously and to look properly into the matter.

1.4 This policy recognises the provisions within the following legislative framework:

- The Public Interest Disclosure Act 1998 (PIDA)
- The Enterprise and Regulatory Reform Act 2013
- The Bribery Act 2010.

In particular, it acknowledges the legal protections against dismissal or detriment offered to employees and other workers (eg. agency staff) who raise concerns in the public interest. This means that you should not be treated less favourably for making the disclosure, if it is made in good faith, and you reasonably believe that the information is true.

2. Scope

2.1 This policy is designed to enable employees of LHA to raise concerns internally and at a high level, to disclose information that the individual believes displays malpractice or impropriety. This policy covers concerns that may be in the public interest and may (at least initially) be investigated separately but could then lead to the commencement of such procedures.

2.2 Concerns might include:

- financial malpractice, impropriety, or fraud
- falsifying records
- failure to comply with a legal obligation or Statutes
- dangers to health and safety or the environment
- breaches of confidentiality
- offering or accepting bribes or other inducements
- harassment, bullying and violence of any kind in the workplace
- criminal activity
- a miscarriage of justice
- professional malpractice
- improper conduct or unethical behaviour
- attempts to conceal any of the above

3. Aim & Implementation

3.1 The aim of this policy is to provide a framework which enables staff, committee members, or any other workers, to raise any serious concerns relating to conduct or practices within LHA; and to do so in confidence without fear of reprisal. The following summarises the principles and process that will guide internal investigations and responses.

3.2 Safeguards

3.2.1 Protection

This policy is designed to offer protection to employees who disclose serious concerns, provided the disclosure is made:

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

LHA will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect the individual when they raise a concern which complies with the above points.

3.2.2 Confidentiality

All concerns will be treated in confidence, and we will make every effort 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. If we need to disclose your identity to anyone, we will notify you in advance.

3.2.3 Anonymous Allegations

This policy encourages individuals to identify themselves when making disclosures. Anonymous concerns are more difficult to investigate; however, LHA may consider them at its discretion.

3.2.4 Untrue Allegations

If an individual makes an allegation that the subsequent investigation does not confirm, it is likely 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.

3.3 Raising a Concern

3.3.1 First Step

The individual should raise concerns with their immediate line manager. This information will be passed on as soon as possible to the Chief Executive Officer.

The Chief Executive Officer will investigate any complaints unless the complaint is against the Chief Executive Officer or relates to their actions. If the complaint relates to the Chief Executive Officer, it should be addressed to the Chairperson of the Governing Body, who will then appoint an independent person to investigate the allegations.

Although the individual is not expected to prove an allegation beyond doubt, they must demonstrate reasonable grounds for their concern.

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, LHA will seek further information from the individual concerned.

If LHA arranges a meeting with the individual who raised the concerns, they may be accompanied by a trade union representative, and the meeting may be held off-site if they wish.

3.3.2 Process

On receipt of a disclosure, the following process will be followed:

- The disclosure will be considered, and, if appropriate, a meeting will be arranged with the individual who raised the concerns to gather initial information.
- Further to this meeting, if appropriate, an independent investigator will be appointed to take forward an investigation into the concerns raised.
- The individual who raised the concerns will be provided with an update and a likely timescale on when they will receive a final response.
- Once the investigation is complete, a report will be provided to the individual who instructed the investigation.
- The report will be considered, and appropriate actions will be taken.
- A final outcome will be provided to the individual who raised the concerns.

Depending on the outcome of the investigation, appropriate action will be considered in accordance with LHA's existing policies and procedures.

3.3.3 Outcome of Investigation

Once the investigation is complete and the Chairperson receives the report, a decision on the 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.

3.3.4 Right of Appeal

If an individual feels their concern has not been dealt with appropriately, they may appeal the decision internally to the Chair of the Audit and Assurance Sub-Committee.

3.3.5 Raising a Concern Externally

LHA encourages employees to raise concerns internally to allow appropriate investigation and action; however, if an employee remains dissatisfied with the outcome, they can raise it with the correct prescribed body or person (See Appendix 1 for further detail).

4. Monitoring & Recording

4.1 All instances of whistleblowing and associated investigations will be properly recorded and documented. Relevant details will be reported to LHA's Management Committee either where approval for a course of action is required; for information; or as part of periodic statistical reporting.

4.2 The Association will use appeals, complaints, comments, or suggestions from users of this policy to monitor its effectiveness. The Association will also use these to prompt a review of the policy where necessary.

5. Policy Review

5.1 This Policy will be reviewed every three years unless amendment is prompted by a change in legislation, or monitoring and reporting reveals that a change in Policy is required sooner.

6. Equalities Impact Assessment

Whistleblowing Policy	
What is the purpose of this policy?	To provide a clear framework for employees and others to raise any serious concerns about conduct or practices within LHA without fear of reprisal.
Protected characteristic groups affected by this policy:	In the application of this policy, no one will be treated differently or less favourably than others because of any of the protected characteristics as listed in the Equality Act 2010.
Who is the target audience of this policy?	All employees, committee members, or other workers of LHA.
List any existing documentation used to complete this assessment:	EVH model policy and information note.
Has any consultation taken place with protected characteristics groups identified?	No.
What is the likely impact?	Reduce the risk of potential legal, financial or reputational damage caused by staff or MC.
Have you, or will you, put the policy into practice? Who is responsible for delivery of the policy?	Yes, the policy is in place and implemented.
How does this policy fit into our wider or related policy initiatives?	It fits with our wider policy-related initiatives to operate with integrity and accountability, and in a manner that is fair, transparent, and consistent.
Do you have a set budget for this work?	No set budget.

7. Version Control

Version Number	Name	Author	Notes
1.0	Whistleblowing	CSM	Appr June 2023 MC
2.0	Whistleblowing	CSM	Revised draft to PWG 15 Sept 26

Appendix 1 Prescribed Bodies or Persons/Other Sources of Information

Scottish Housing Regulator (SHR)
5th Floor
220 High Street
Glasgow
G4 0QW
Phone: 0141 242 5642
Email: shr@shr.gov.scot

Office of the Scottish Charity Regulator (OSCR)
Quadrant House
9 Riverside Drive
Dundee
DD1 4NY
Phone: 01382 220446
Email: info@oscr.org.uk

Glasgow City Council (Environmental Health Department)
Glasgow City Council
City Chambers
Glasgow
G2 1DU
Phone: 0141 287 2000

Health and Safety Executive (HSE)
1 Atlantic Square
21 York Street
Glasgow
G2 8HS
Phone 0300 0031747

Further Sources of Information

- **ACAS**
  Helpline: 0300 123 1100
  www.acas.org.uk

- **Citizen's Advice**
  Contact an adviser in Scotland - Citizens Advice