



Whistleblowing Policy

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Applicable Committee(s)	Management Committee
Owner - role	Corporate Compliance Officer

Record of Updates/Changes			
Current Version	Date Approved	Approved By	Changes
V2	March 2023	-	No changes made
V1	October 2019	MC	Revised policy

1. INTRODUCTION

Whistleblowing is the disclosure of information either internally (e.g. to the Chief Executive) or externally (e.g. to the Scottish Housing Regulator) which relates to suspected wrongdoing (generally a breach of a legal or regulatory requirement and/or unethical, immoral behaviour).

Employees have a legal right to protection if they disclose certain specified types of wrongdoing 'in the public interest'. The legal framework is set out in more detail at section 2 below.

Castlehill Housing Association (CHA) is committed to ensuring employees and stakeholders can raise, in good faith, all concerns about conduct or incidents which they feel contradict CHA's policies and standards and be confident that CHA will deal appropriately with such concerns. CHA has a transparent and safe system to ensure that no employee or stakeholder of CHA feels at a disadvantage in raising legitimate concerns.

For the purposes of this Policy, 'stakeholders' shall mean Committee Members and any third parties engaged by CHA.

Personal grievances e.g. bullying or harassment should be reported under CHA's Grievance Policy.

Complaints regarding CHA's standard of service should be raised under CHA's Complaints Procedure.

2. LEGAL FRAMEWORK

The Public Interest Disclosure Act 1998 (PIDA) gives legal protection to employees being dismissed or penalised by their employers as a result of publicly disclosing certain serious and protected concerns. These concerns must be made in the 'public interest' as per the Enterprise and Regulatory Act 2013.

Only disclosures by employees about specified types of wrongdoing qualify for protection under PIDA. The Act sets out the circumstances in which a disclosure of information is protected as being:

- Someone's health and safety is in danger
- Risk of or actual damage to the environment
- A criminal offence – e.g. fraud
- CHA is not obeying the law – e.g. not having the right insurance
- A miscarriage of justice
- Covering up wrongdoing

3. SCOPE

All employees and stakeholders working for or acting on behalf of CHA are covered by this Policy. The Policy also applies to suppliers and those providing services under a contract within CHA.

If you are a tenant, member of the public or other service user, you should raise any concerns regarding whistleblowing with the Chief Executive or in writing marked Private & Confidential to the Chairperson of Castlehill Housing Association.

Concerns can be raised at any time about an incident that happened in the past, is happening now or suspected to happen in the near future.

4. PURPOSE

This Policy aims to:

- Ensure an open and transparent process where the rights of whistleblowers are protected
- Ensure the availability of support to those raising concerns
- Create a robust framework for handling whistleblowing

5. RAISING A CONCERN

An employee or stakeholder wishing to report a concern or incident under this Policy (the reporting party) should normally do so by contacting their immediate Line Manager, Director or the Chief Executive. In circumstances where this would not be appropriate, the reporting party should contact another member of the Senior Management Team, the Chairperson of the Management Committee or another Committee Member. The Corporate Compliance Officer can issue contact details for Management Committee Members (including the Chairperson) where required.

Although the reporting party 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.

Employees may also raise concerns with an external body (known as a 'prescribed person' in the Public Interest Disclosure Act 1998). A list of prescribed persons is detailed in Appendix 1.

6. INVESTIGATION

Within five working days of a disclosure being made, the Manager or Committee Member receiving the complaint (the receiving party) will:

- Acknowledge that the concern has been received
- Indicate how the matter will be dealt with, whether further investigations will take place and if not, why not
- Give an estimate of how long it will take to provide a final response
- Seek advice where necessary
- Normally invite the reporting party to a meeting to discuss the matter.

CHA recognises that workers may wish to seek advice and be accompanied by a representative or work colleague when raising a serious matter with their employer, and CHA supports workers who wish to do so.

Following this initial discussion, the receiving party will arrange for the conduct of an investigation as is appropriate in the circumstances. Where appropriate, an independent person, external to CHA, will be appointed to investigate the allegations.

The purposes of the investigation are:

- to establish, on balance of probabilities, what happened and

- to assess the implications for CHA in terms of necessary action

The receiving party will keep a record of the reported matter, the parties involved and the outcome.

CHA undertakes to maintain confidentiality so far as is possible, but where an outcome of the process involves other parties, CHA reserves the right to use material information gained from the process for this purpose but will do so sensitively.

7. OUTCOMES OF INVESTIGATIONS

Following completion of the investigation (and, where necessary, receipt of the investigation report by the Chairperson of the Management Committee), a decision on what action to take will be made.

If there are reasonable grounds to substantiate the concern/complaint, an appropriate procedure will be initiated. This may also include referral to an external body or regulator.

The receiving party will respond to the reporting party, advising of the outcome and of their right to appeal. Where the reporting party feels that their concern has not been dealt with appropriately, they can appeal the decision internally to the Management Committee. If, after appealing internally the individual is still not satisfied with the outcome, they can raise the issue with the appropriate external body as outlined in Appendix 1.

8. CHA'S COMMITMENT TO REPORTING PARTIES

CHA will not subject any worker to detriment where a concern is raised reasonably, in good faith and not for personal gain.

All concerns will be treated in confidence and every effort will be made not to reveal the individual's identity if they so wish. Individuals are encouraged to put their names to any disclosures they make but anonymous concerns will be considered at the discretion of CHA.

CHA will invoke its Disciplinary Provisions where

- an employee is alleged to have harassed or otherwise subjected a worker to a detriment in connection with his/her having used this Policy
- an employee fails to cooperate in an investigation related to a complaint made under this Policy e.g. by withholding relevant information or evidence, or who acts disruptively during the process
- an employee raises a concern/makes an allegation maliciously or vexatiously via this Policy or otherwise

9. UNTRUE ALLEGATIONS

If a complaint is not confirmed by the subsequent investigation, provided it was raised reasonably, in good faith and not for personal gain, CHA will support any employee or stakeholder who makes use of this Policy.

If the individual makes an allegation that is deemed in bad faith i.e. frivolously, maliciously or for personal gain, disciplinary action may be taken.

10. SCOTTISH HOUSING REGISTER

Whistleblowing is a notifiable event and will be reported to the Scottish Housing Regulator.

11. PROMOTION OF WHISTLEBLOWING POLICY

This Policy will be brought to the attention of CHA staff and Committee members during their induction, and periodically at staff and committee member briefings and meetings.

Appendix 1

List of Prescribed Persons

Scottish Housing Regulator

Buchanan House

58 Dundas Road

Glasgow

G4 0HF

Tel: 0141 242 5642

Email: shr@scottishhousingregulator.gsi.gov.uk

<https://www.scottishhousingregulator.gov.uk/>

Health and Safety Executive

Tel: 0300 003 1647

Online form: www.hse.gov.uk/contact/concerns.htm

Office of the Scottish Charity Regulator (OSCR)

2nd Floor Quadrant Drive

9 Riverside Drive

Dundee

DD1 4NY

Tel: 01382 220 446

Email: C&I@oscr.org.uk

www.oscr.org.uk