


# Whistleblowing

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## **Our Vision, Mission Statement and Values**

Glen Oaks' vision statement '**Where Communities Thrive**' and our mission statement '**Our aim is to provide good quality affordable housing and an excellent service. We will encourage resident participation and work with other agencies to regenerate our community**' provide the foundation for Glen Oaks Housing Association's commitment to its residents and the communities they live in.

This commitment is also demonstrated in the Association's values which were agreed following discussions with the Board and staff. Glen Oaks' values are fundamental to how we carry out our day-to-day activities.

Our values are:

### **respectful**

*we trust and respect our customers and each other*

### **dedicated**

*we will give 100% commitment to our work*

### **transparent**

*we will be open and honest about what we do*

### **aspirational**

*we will strive to achieve the best we can for our communities*

## **Equality & Diversity Statement**

The Association is intent on ensuring people or communities do not face discrimination or social exclusion due to any of the following protected characteristics: age; disability; sex; marriage & civil partnership; race; religion or belief; sexual orientation; gender reassignment; pregnancy & maternity.

This document complies with the Association's equality & diversity policy.

The Association will regularly review this document for equal opportunities implications and take the necessary action to address any inequalities that result from the implementation of the policy.

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## **1.0 Introduction**

- 1.1 Glen Oaks Housing Association 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, Glen Oaks Housing 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 therefore 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 Glen Oaks Housing Association feels 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. Glen Oaks Housing Association will take all reasonable steps to protect workers from being victimised.
- 1.4 All employees, Board members and stakeholders working for, or acting on behalf of, Glen Oaks Housing Association are covered by this policy. The policy also applies to suppliers and those providing services under a contract with Glen Oaks Housing Association.
- 1.5 If you are a customer, member of the public or other service user, you should raise any concerns regarding 'Whistleblowing' directly with the Chief Executive Officer (CEO), verbally or in writing marked 'Private and Confidential' FAO CEO Glen Oaks Housing Association, or to the Chairperson of the Board.
- 1.6 Governing Body members are not covered by the Public Interest Disclosure Act 1998, but the Scottish housing Regulator (SHR) will handle concerns raised by governing body members in the same way as qualifying disclosures by staff.

- 1.7 The SHR has published a factsheet for staff and Governing body members of Registered Social Landlords (RSL)s who wish to make a disclosure about a concern they have in “Whistleblowing about a regulated body: Information for potential Whistleblowers” updated by the SHR in February 2022

## 2.0 Scope of Policy

- 2.1 This policy is designed to enable employees of Glen Oaks Housing Association to raise concerns internally and at a high level to disclose information that the individual believes shows malpractice or impropriety.
- 2.2 A number of policies are already in place, including Dignity at Work, and disciplinary and grievance procedures. 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. These concerns might include:

- Financial malpractice, impropriety, or fraud.
- Bribery or corruption
- Failure to comply with a legal obligation or Statutes.
- Dangers to Health and Safety or the environment.
- Criminal activity involving Glen Oaks Housing Association, its staff, Board members or stakeholders.
- Professional malpractice.
- Improper conduct or unethical behaviour.
- Failure to meet legal obligations.
- Abuse of power or status.
- Deliberate attempts to conceal any of the above.

## 3.0 Legal and Regulatory Framework

- 3.1 This Policy has been informed by the following legislation.

- Public Interest Disclosure Act, 1998
- Enterprise and Regulatory Act, 2013
- Bribery Act 2010

- 3.2 Glen Oaks Housing Association is regulated by the Scottish Housing Regulator (SHR) The SHR’s *Regulation of Social Housing in Scotland: our Framework* places a number of regulatory expectations upon registered Social Landlords (RSL) in regard to Whistleblowing.

3.3 There is a regulatory requirement for RSL's to have effective arrangements and a policy for whistleblowing by staff and governing body members which it makes easily available and which it promotes.

3.4 The SHR Standards of Governance and Financial Management, Standard 5.6 also sets out an obligation that RSLs must meet.

- 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.
- The SHRs Statutory Guidance on Notifiable Events provides further guidance on Whistleblowing and outlines 'Whistleblowing allegations' as a governance and organisational issue category Notifiable event.

## **4.0 Safeguards**

### **4.1 Protection**

4.1.1 This policy is designed to offer protection to those employees or Board members of Glen Oaks Housing Association who disclose such concerns provided the disclosure is made:

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

4.1.2 Glen Oaks 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 with the above provisions acknowledged.

4.1.3 In respect of any allegations of bribery or corruption, this policy enables employees or Board members to report such matters in a safe and confidential manner to the CEO or the Chairperson. Glen Oaks Housing Association will ensure that all allegations of bribery or corruption are properly investigated by properly qualified individuals and that the results of those investigations are reported back to the individual who made the original complaint.

## 4.2 Confidentiality

4.2.1 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.

## 4.3 Anonymous Allegations

4.3.1 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 the discretion of Glen Oaks Housing Association.

4.3.2 In exercising this discretion the factors to be taken into account would include:

- The seriousness of the issues raised.
- The credibility of the concern; and
- The likelihood of confirming the allegation from attributed sources.

4.3.3 Anonymous complaints should not be ignored. It may be necessary for Glen Oaks Housing Association to arrange for the anonymous Whistleblower to speak to an independent investigator in confidence, with assurance given that the Whistleblower will not lose their job.

## 4.4 Untrue Allegations

4.4.1 If an individual makes an allegation that is not confirmed by the subsequent investigation, but that allegation is deemed to have been made 'in good faith', no action will be taken against them.

4.4.2 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.

4.4.3 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.

## **5.0 Raising a Concern**

### **5.1 First Step**

- 5.1.1 The individual should raise concerns with their immediate line manager. This information will be passed on as soon as possible to the CEO.
- 5.1.2 Any complaints will be investigated by the Chief Executive (although they may delegate all or part of the practical investigation) unless the complaint is against the CEO or is in any way related to their actions. Where the complaint is related to the CEO, it should be addressed to the Chairperson of the Board who will in turn appoint an independent person to investigate the allegations.
- 5.1.3 If both the CEO and Chairperson are implicated in the concern, the individual should raise their concern directly to the SHR.
- 5.1.4 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.
- 5.1.5 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, Glen Oaks Housing Association will seek further information from the individual concerned.
- 5.1.6 Where any meeting is arranged, the individual can be accompanied by a trade union representative and also have the meeting off-site if they so wish.

### **5.2 Procedure for handling a Whistleblowing Disclosure**

- 5.2.1 On receipt of a disclosure, the appropriate person (normally the CEO or the Chairperson) will launch an investigation.
- 5.2.2 The CEO and/or Chairperson must also notify the SHR of any whistleblowing allegations in accordance with the SHRs Notifiable events statutory guidance.
- 5.2.3 Where the disclosure is related to the CEO, the Chairperson will appoint an independent person to investigate the allegations.



5.2.4 Depending on the circumstances surrounding the investigation, appropriate action will be taken in accordance with Glen Oaks Housing Association's existing policies and procedures, which may include disciplinary action.

5.2.5 The CEO and/or Chairperson may appoint a member of the Senior Management Team to Investigate, appoint an appropriate external investigator if deemed necessary, or may refer the matter to the external auditor or the police.

### **5.3 Investigation**

5.3.1 The Investigator will not be the person who makes any the decisions regarding the concern raised, but they will 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; and
- Inform the individual whether further investigation will take place and, if not, explain why.
- Advise the Whistleblower of staff support mechanisms available to them and inform then that they will be expected to participate in the investigation as and when required.

5.3.2 The amount of contact between the persons considering the issues and the Whistleblower will depend on the nature of the matters raised, the potential difficulties involved, and the clarity of the information provided. If necessary, the Association will seek further information from the Whistleblower.

5.3.3 Where any meeting is arranged, the individual can be accompanied by a trade union representative and also have the meeting off-site if they so wish.

## **6.0 Outcome of Investigation**

6.1 Initial informal enquiries will be made to decide whether a formal investigation is appropriate and, if so, what form it should take. The overriding principle is the public interest.

- 6.2 Once the investigation has been completed and the report is received by the CEO or Chairperson (as appropriate), 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.
- 6.3 This may include convening a meeting of the Finance, Audit and Corporate Services Sub- Committee; convening a disciplinary panel; referral to the external or internal auditor or an external body such as the Police or Scottish Housing Regulator, or commissioning an independent inquiry.
- 6.4 The Association accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform you of the outcome of any investigation.
- 6.5 The Association would hope that the Whistleblower will be satisfied with any action taken. Where an individual feels that their concern has not been dealt with appropriately, they can appeal the decision internally to the Chairperson of the Finance, Audit and Corporate Services Sub- Committee.
- 6.6 If, after appealing internally, the individual is still not satisfied with the outcome, they can raise the issue with the appropriate external regulatory body as outlined in Appendix 1.

## **7.0 Distribution and Communication**

- 7.1 This policy will be provided to every employee and Board member of Glen Oaks Housing Association, will be discussed at staff and Board induction, staff meetings, publicised on our staff notice boards, the Association's website and wherever else appropriate.

## **8.0 Policy Review**

- 8.1 This policy will be included for information at the first Board meeting following the Annual General Meeting each year, in order that it can be brought to the attention of new Board members. Any revisions deemed necessary can be considered at that time, otherwise the policy will be reviewed by the Board every 3 years.

## Appendix 1

### List of Prescribed Persons (relevant organisations)

<b>The Scottish Housing Regulator</b> <i>The Scottish Housing Regulator regulates RSLs and local authorities that provide landlord, homelessness and factoring services. While it is not the Regulator's role to intervene in complaints between an individual and a regulated body, if they are notified of a very serious allegation, they may gather information in order to determine whether they need to take action.</i>	0141 242 5642
<b>Office of the Scottish Charities Regulator</b>	01382 220446
<b>Financial Conduct Authority</b>	0800 111 6768
<b>Environmental Health</b>	01389 738674
<b>Health and Safety Executive</b>	0300 003 1647

### Further Sources of Information

Other contacts to whom concerns may be raised (or for the person investigating to get advice) include:

<b>Glen Oaks' Solicitors: TC Young</b> (www.tcyoung.co.uk)	0141 221 5562
<b>Glen Oaks' External Auditors: Alexander Sloan</b> (www.alexandersloan.co.uk)	0141 204 8989
<b>Glen Oaks' Internal Auditors: Henderson Loggie</b> (www.hlca.co.uk)	01382 200055
<b>EVH</b> (www.evh.org.uk)	0141 352 7435
<b>ACAS</b> (www.acas.org.uk)	Helpline 0300 123 1100
<b>Public Concern at Work</b> (www.pcaw.co.uk)	0207 404 6609
<b>Unite the Union</b> (www.unitetheunion.org)	0131 556 9676
<b>PROTECT (whistleblowing Charity)</b> (www.protect-advice.org.uk)	020 3117 2520