



**Drumchapel  
Housing**

Co-operative Limited

## **Whistleblowing policy**

Approved by the Board	October 2022
Latest review date	October 2027

# Whistleblowing Policy

## 1. Introduction

- 1.1 Drumchapel Housing Co-operative is committed to the highest standards of openness, probity and accountability. As employees (and others that we deal with) 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.
- 1.2 Thus, we recognise that it is an important aspect of accountability and transparency to provide a mechanism to ensure that no employee (and other members) of Drumchapel Housing Co-operative feel at a disadvantage in raising legitimate concerns.
- 1.3 This policy and procedure is in addition to Drumchapel Housing Co-operative's complaints procedures, notifiable events and other statutory reporting procedures. It has been framed with regard to the Public Interest Disclosure Act 1998 and Enterprise and Regulatory Reform Act 2013 and takes account of EVH guidance and Section 5.6 of the Regulatory Standards of Governance and Financial Management published by the Scottish Housing Regulator in April 2012.
- 1.4 All employees, contractors, other bodies, agency staff, etc. working for Drumchapel Housing Co-operative on its premises are covered by this policy. The policy also applies to suppliers and those providing services under a contract within Drumchapel Housing Co-operative on any of its premises.
- 1.5 This policy and procedure is intended to cover staff, Board members, consultants or contractors working with us. If you are a tenant, member of the public or other service user, you should raise any concerns regarding whistleblowing directly with the Director or in writing marked "Private & Confidential" for the attention of Pauline Burke, Director, 4 Kinclaven Avenue, Drumchapel, Glasgow, G15 7SP.

## 2. Scope of the policy

- 2.1 The whistleblowing policy is designed to enable employees of Drumchapel Housing Co-operative 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.

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- 2.2 This policy is intended to cover concerns that might be 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:
- a) financial malpractice, impropriety or fraud
  - b) failure to comply with a legal obligation or Statutes
  - c) dangers to health and safety or the environment
  - d) criminal activity involving Drumchapel Housing Co-operative, its staff, Board members or stakeholders
  - e) a miscarriage of justice
  - f) professional malpractice
  - g) improper conduct or unethical behaviors
  - h) abuse of power or status
  - i) attempts to conceal any of the above

### **3. Legal framework and regulatory standards**

- 3.1 Sections 19 and 20 of the Public Interest Disclosure Act, which came into effect in 1999, give legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns.
- 3.2 The Scottish Housing Regulator's Standard 5.6 makes it a requirement to have clear procedures for employees and governing body members to raise concerns or whistleblow if they believe there has been fraud, corruption or other wrongdoing with the RSL.

### **4. Risk management**

- 4.1 We have considered the potential risks involved where the Co-operative's commitment to the highest standards of openness, probity and accountability may be called into question. Not only will we investigate claims and take appropriate action, where applicable, but we shall take steps to deal equally effectively with people who make malicious claims.
- 4.2 This will safeguard the Co-operative's integrity and protect those involved in the Co-operative's business.

### **5. Equality and Human Rights**

- 5.1 The Co-operative's equality and human rights policy, which was approved by the Board in April 2021, outlines our commitment to promote a zero tolerance to

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unfair treatment or discrimination to any person or group of persons, particularly on the basis of any of the protected characteristics<sup>1</sup>. This includes ensuring that everyone has equal access to information and services and, to this end, the Co-operative will make available a copy of this document in a range of alternative formats including large print, translated into another language or by data transferred to voice.

- 5.2 We are also aware of the potential for policies to inadvertently discriminate against an individual or group of individuals. To help tackle this and ensure that it does not occur, best practice suggests that organisations carry out Equality Impact Assessments to help identify any part of a policy that may be discriminatory so that this can be addressed (please see section 6 of the Equality and Diversity policy for more information).
- 5.3 In line with section 6.2 of the Equality and Human Rights policy, the Co-operative will apply a screening process based on that recommended by the Equality and Human Rights Commission to ascertain whether each policy requires an Impact Assessment to be carried out. The screening process was applied to this policy and it was decided that an impact assessment was not required.

## **6. Safeguards**

### **6.1 Protection**

6.1.1 This policy is designed to offer protection to those employees of Drumchapel Housing Co-operative who disclose such concerns provided the disclosure is made:

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

6.1.2 Drumchapel Housing Co-operative 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.

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<sup>1</sup> The Equality Act 2010 identifies the “protected characteristics” as age, disability, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, gender reassignment and sexual orientation

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## 6.2 Confidentiality

- 6.2.1 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.

## 6.3 Anonymous allegations

- 6.3.1 This policy encourages individuals to put their names to any disclosures they make. Concerns expressed anonymously are much less powerful, but may never the less be considered at the discretion of Drumchapel Housing Co-operative.

## 6.4 Untrue allegations

- 6.4.1 If an individual makes an allegation in good faith that is not confirmed by the subsequent investigation, no action will be taken against that individual.
- 6.4.2 However, if the individual makes an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against the individual concerned and this may include dismissal.

## 7. Procedure on how to raise a concern

In addition to the points outlined in this section, it may be useful to refer to the Scottish Housing Regulator's April 2015 publication "whistleblowing about a regulated body" ([click here](#))

### 7.1 First step

- 7.1.1 The individual should normally raise concerns with their immediate line manager. This information will be passed on as soon as possible to the Director.
- 7.1.2 Any complaints will be investigated by the Director unless the complaint is against the Director or is in any way related to their actions. In such cases, the complaint should be addressed to the Chairperson who will in turn appoint an independent person to investigate the allegations.

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## 7.2 **Communicating the disclosure**

- 7.2.1 Although the individual is not expected to prove beyond doubt the truth of an allegation, they will need to demonstrate person that there are reasonable grounds for their concern.
- 7.2.2 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 considered necessary, the Co-operative will seek further information from the individual concerned.
- 7.2.3 Where any meeting is arranged, the individual can be accompanied by a trade union (or other) representative and also have the meeting off site if they so wish.

## 7.3 **Process**

- 7.3.1 On receipt of a disclosure, the Director or Chairperson will consider the information made available to him/her and decide on the form of investigation to be undertaken.
- 7.3.2 Depending on the circumstances surrounding the investigation appropriate action will be taken in accordance with the Co-operative's existing policies and procedures.

## 7.4 **Timescales**

- 7.4.1 Once the investigator has completed the investigation it will be given to the individual who instructed the investigation. The investigator will write to the person who raised the concern as soon as possible and:
  - a) acknowledge that the concern has been received
  - b) indicate how the matter will be dealt with
  - c) give an estimate of how long it will take to provide a final response
  - d) tell the individual whether any initial enquiries have been made
  - e) supply the individual with information on staff support mechanisms and
  - f) tell the individual whether further investigations will take place and if not, why not.

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## **8. Outcome of investigation**

- 8.1 Once the investigation has been completed and the report is received by the Chairperson a decision on what action to take will be considered. If there are reasonable grounds to substantiate the complaint, and appropriate procedure will be invoked.
- 8.2 This may also include referral to an external body.
- 8.3 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, Risk and Staffing sub-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

## **9. Policy review**

- 9.1 The whistleblowing policy and procedure shall be reviewed every five years or sooner if required by legal, regulatory or best practice requirement **or** if the Board asks for an earlier review. The latest review date will be November 2022.

## **10. GDPR Privacy Statement**

- 10.1 The Co-operative will gather and use certain information about individuals in accordance with GDPR. Staff members have a responsibility to ensure compliance with the terms of the privacy policy and to collect, handle and store personal information in accordance with relevant legislation. The privacy notice details how personal data is held and processed.