

Loreburn Group

Whistleblowing Policy



Creating Great Places to Live

Policy	Whistleblowing Policy									
Version Reference	2									
Approved by	MC	X			LET				MT	
Date of Approval	June 2020									
Review Period	Every 3 Years or as legislation or substantive changes occur									
Review Due	June 2023									
Policy Champion	Chief Executive									
Who this policy affects	Staff	X	Customers	X	Contractors	X	Members of the Public	X		
Where this policy affects	General Needs	X	Sheltered	X	Supported	X	Offices/staff base	X		

1. Purpose of this Policy

- 1.1 Loreburn Group is committed to the highest standards of transparency, accountability and integrity. We encourage a culture of openness which supports staff, or anyone who has serious concerns regarding any areas of our activities, to express concerns without fear of reprisal or victimisation.
- 1.2 This Policy provides a clear mechanism for staff, Committee Members or stakeholders to raise concerns relating to conduct or practices within the organisation and to ensure that staff, Committee Members and other stakeholders do not feel at any disadvantage for raising legitimate concerns.

2. Legislative Background

- 2.1 This Policy takes into consideration:

Public Interests Disclosure Act 1998

Public Interest Disclosure (Prescribed Persons) Order 2014

Bribery Act 2010

Notifiable Events Guidance Scottish Housing Regulator, 2019

Scottish Housing Regulator: Whistleblowing about a regulated body – Information for potential whistle blowers (2015, Updated 2019)

3. Aims of this Policy

- 3.1 This Policy aims to enable employees, Committee Members and other stakeholders to raise concerns internally and at a high level to disclose information that the individual believes show malpractice or impropriety. 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 commencement of other procedures including disciplinary and grievance procedures.

4. Whistleblowing – Definition

- 4.1 Whistleblowing is where a member of staff, governing body member or stakeholder working for, or acting on behalf of Loreburn Group, raises concern about improper conduct, wrongdoing, risk or malpractice with someone in authority either internally or externally e.g. a regulator. Officially, this is known as making a 'protected disclosure'. The term whistleblowing is also used to describe any person (e.g. a tenant, applicant, contractor, consultant) who believes that there have been instances of improper conduct or malpractice.
- 4.2 This policy is intended to cover concerns that are in the public interest and may 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 Loreburn, its staff, committee/board member or stakeholders
- professional malpractice
- improper conduct or unethical behaviour
- failure to meet legal obligations
- abuse of power or status
- breaches of confidentiality
- harassment, bullying or violence in the workplace
- failure to disclose relevant interests
- attempts to conceal any of the above
(*This list is not exhaustive*).

- 4.3 There is a clear distinction between whistleblowing and a grievance. Whistleblowing is about conduct that affects others: for example fraud or a failure to comply with health and safety. A grievance is an issue that relates to a member of staff's personal complaint about their own employment situation.
- 4.4 Customer complaints should generally be made in line with the Complaints Policy unless the concern falls under the description in 4.1 and 4.2.
- 4.5 Governing Body Members can not use this Policy to complain about governing body decisions which have been correctly, in line with the Rules and Standing Orders, but which they do not personally agree with.

5. Safeguards

- 5.1 This policy is designed to offer protection to those 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
- 5.2 Loreburn 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

- 5.2 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

- 5.3 This policy encourages individuals to put their names to any disclosures they make. Concerns expressed anonymously are often less powerful and may mean that an investigation is less robust as follow up information cannot be sought. Where a concern is raised anonymously there will be no opportunity to seek clarification or further information at the investigation stage therefore the original communication should be as detailed as possible in terms of the concern raised.

Untrue Allegations

- 5.4 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 the individual makes an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against them and this may include dismissal/removal from Management Committee Raising a Concern

6. Raising Concerns

Staff

- 6.1 Staff should raise concerns with their immediate line manager or the Head of People & Culture . This information will be passed on as soon as possible to the Chief Executive unless the Chief Executive is the subject of the concern. If the complaint is about the Chief Executive or their actions, the information should be passed to the Convener. Any concerns will be investigated by a member of staff designated by the Chief Executive unless the matter is related to the Chief Executive or their actions.
- 6.2 Where the concern is relating to the Chief Executive it must be passed to the Convener who will appoint an independent person to investigate the allegations.
- 6.3 Loreburn Group hope that individuals will feel confident that they can raise concerns internally however if this is not the case, concerns can be raised directly with the Convener, the Scottish Housing Regulator (0141 242 5642, shr@shr.gov.scot) or the Office of the Scottish Charity Regulator (01382 220446, info@oscr.org.uk).

Governing Body Members

- 6.3 Governing Body Members should raise concerns directly with the Convener or Vice Convener and should set out clearly the reasons for concern. If the concern relates to the Chair, Members should raise their concern with the Chief Executive.

Concerns regarding the Chief Executive and the Convener

- 6.4 In these circumstances those that would normally arrange investigations cannot be approached therefore the individual should raise the matter directly with the Scottish Housing Regulator (refer to Appendix 1 for contact details).

7. Investigation

- 7.1 In line with Section 6, the Chief Executive or Convener will instruct a suitable individual (member of LET not connected to the concern) to carry out an investigation. As soon as practicable, the Investigator will hold a meeting with the individual raising the concern. Where relevant appropriate action will be taken in line with the Group's Policies and Procedures.
- 7.2 The Chief Executive will advise the Convener of the concerns raised (unless the concerns relate to the Convener).
- 7.3 In line with Notifiable Events regulations the Chief Executive must raise a Notifiable Event to advise the Scottish Housing Regulator of the allegations made and the actions being taken to address the matters raised. Where the Chief Executive is the subject of the allegations, it will be the responsibility of the Convener to notify the Scottish Housing Regulator.
- 7.4 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. 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, Loreburn will seek further information from the individual concerned.
- 7.5 Where necessary, the Investigator will seek further information from the individual concerned. Where the individual is a staff member they can be accompanied by a trade union representative or a colleague unconnected to the investigation. Other individuals may invite a witness unconnected to the investigation. A record of all meetings meeting will be taken and shared with the individual involved.
- 7.6 Upon completion of the investigation, the investigator will provide their findings to the Chief Executive or Convener (whoever instructed the investigation),

Timescales

- 7.7 The Chief Executive (or Convener where required) will appoint an investigator within 2 working days. The initial investigation meeting will take place as soon as practicable after the investigator is appointed.
- 7.8 Within 4 working days of receiving the whistleblowing concern, the Chief Executive (or Convener) will write to the person who raised the concern and will:
- 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 tell the individual whether further investigations will take place and if not, explain why.
- 7.9 The Investigator will provide their findings to the Chief Executive (or Convener where required) as soon as possible. The length of time to conduct an investigation will vary

depending on the complexity of the matters raised, however, every effort will be made to conclude an investigation within 10 working days of the investigation commencing.

Outcomes of Investigations

- 7.10 Once the investigation has been completed and the report is received by the Chief Executive (or Convener – see above) a decision on what action to take will be considered. If there are reasonable grounds to substantiate the complaint, an appropriate procedure will be invoked such as disciplinary procedures. This may also include referral to an external body e.g. the police.
- 7.11 The Chief Executive (or Convener) will usually meet with the individual who raised the concern within 3 working days of the investigation being concluded, or failing this, write to them and acknowledge:
- acknowledge that the concern has been received;
 - advise how the matter has been dealt with and whether any further investigation is required.
 - supply the individual with information on staff support mechanisms;
- 7.12 The Chief Executive (or Convener) will advise the Scottish Housing Regulator of the outcome of the Investigation in line with Notifiable Events requirements. The Chief Executive will update the Whistleblowing Register.
- 7.13 Where an individual feels that their concern has not been dealt with appropriately they can appeal the decision internally to the Convener or Vice Convener. 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. Complaints

- 8.1 Loreburn has a commitment to valuing complaints and ensures the organisation benefits from feedback to identify areas for change or improvement.
- 8.2 Loreburn has a Complaints Policy which ensures there are robust and effective procedures in place for complaints to be properly managed and acted upon.
- 8.3. Anyone dissatisfied with the outcome of their complaint having exhausted Loreburn's complaints procedure has the right to refer the matter to the Scottish Public Services Ombudsman.

9. Equality & Human Rights

- 9.1 Loreburn aims to ensure that equality, fairness, dignity and respect are central to the way we work and how we treat our customers. We support diversity and uphold equal opportunities in all areas of our work as an employer and service provider.
- 9.2 Loreburn will not discriminate against tenants, staff, visitors, suppliers or others based on their age, sex, sexual orientation, race, disability, religion or belief, marital status, pregnancy and maternity or gender reassignment (collectively referred to as 'protected characteristics' in the Equality Act 2010).

10. Risk Management

- 10.1 Loreburn has a Risk Management Strategy, Policy and Procedure. These documents set out how the organisation will manage risk as an integral part of its governance and management systems, ensuring risks are identified, evaluated and controlled effectively.
- 10.2 Identifiable risks arising from this policy will be monitored and managed by the internal processes set out herein and by regular review of this and all other associated policies and procedures, ensuring risks are mitigated and Loreburn complies with all legislative requirements and regulatory and best practice guidance.

11. Responsibilities Chart

The below chart illustrates the responsibilities of all staff pertaining to this policy:

Responsibilities	Man. Comm.	CEO	LET	MT	All Employees
Approve Policy	X				
Appoint Investigator	X (Convener)	X			
Create Notifiable Event & Update SHR on completion	X (Convener)	X			
Investigate as instructed			X	X	
Agree outcomes of Investigation and communicate with individual raising concern	X (Convener)	X			
Seek External advise as required during Investigation	X	X	X	X	
Cooperate in any investigation	X	X	X	X	X
Lead by example in application of Policy	X	X	X	X	X
Take proactive steps to resolve issues and learn from experiences	X	X	X	X	

12. Policy Review

- 12.1 The Policy Champion is the Chief Executive. The Policy Champion is responsible for completing the Health and Safety Assessment and Equality, Diversity and Inclusion Assessment Checklist.
- 12.2 This policy will be reviewed by the Policy Champion every 3 years or sooner as required due to legislative or regulatory change.

Appendix 1

List of Prescribed Persons

The Scottish Housing Regulator

Tel: 0141 242 5642

shr@shr.gov.scot

Office of the Scottish Charity Regulator

Tel: 01382 220446

info@oscr.org.uk

Environmental Health (Dumfries & Galloway Council)

Tel: 030 33 33 3000

Health and Safety Executive

Tel: 0845 300 9923

Further Sources of Information

[Scottish Housing Regulator – Whistleblowing Guidance \(add Link\)](#)

ACAS Helpline

Tel: 0131 123 1100

Public Concern at Work

Tel: 020 3117 2520

Trade Union Representative

Legal Advisors – details available from Director of Finance

Internal & External Auditors – Details available from the Director of Finance.

Policy Assessment Checklist

Health & Safety Assessment

Does this policy have the potential to affect:

Lone Working	Yes
Safety and/or wellbeing of customers	Yes
Safety and/or wellbeing of staff	Yes
Have the above items been considered in the preparation of this policy?	Yes

Comments:

Whilst this Policy does not relate specifically to H&S, the whistleblowing policy may be used if individuals have serious concerns regarding H&S that have not been resolved in line with the Groups' Health & Safety Policies. This Policy ensures that a transparent mechanism is in place to investigate concerns and that a consistent approach is adopted.

Equality, Diversity & Inclusion Assessment

Does this policy have the potential to affect:

Staff's rights to equal opportunities	Yes
Tenants' / Customer's rights to equal opportunities	Yes
Staff member's ability to access to homes and/or services	Yes
Have the above items been considered in the preparation of this policy?	Yes

Comments:

Loreburn Group has an Equality & Diversity Policy in place to address Equality, Diversity & Human Right concerns.

This Policy ensures that a transparent mechanism is in place to investigate any whistleblowing concerns and ensures that a consistent approach is adopted. Where individuals have specific requirements, these will be accommodated as far as possible in all stages of the process.

Agile Working Assessment

Agile working requirements have been considered and addressed in the preparation of this policy: Yes