

Whistleblowing Policy

Prepared by	Corporate Services Director
Policy created	NA
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Date of next review	September 2029
Reviewed by	Management Committee

Corporate Fit	Risk Register	✓
	Business Plan	✓
	Equalities Strategy	✓
	Legislation	✓

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Alternative formats available



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 乐意翻译

Our policies provide a framework to underpin our vision and values, to help us achieve our strategic objectives.

Our Vision

Local people, local control.

By providing quality homes and services, we will create stronger communities and a better quality of life for our customers.

Our Values

- Focused on the needs of our customers and communities.
- Supportive of our staff and Committee members.
- Responsible, efficient, and innovative.
- Open and accountable.
- Inclusive and respectful.
- Fair and trustworthy.

Strategic Direction

Consolidation and improvement: Applicable to our core business as a landlord & property manager.

Growth: Through the new build opportunities, we are taking forward.

Partnerships: Where this can help to address shared goals and increase capacity and value.

Resilience: A key priority across all parts of our business.

Strategic Objectives

Services: Deliver quality, value for money services that meet customers' needs

Homes & neighbourhoods: Provide quality homes and neighbourhoods.

Assets: Manage our assets well, by spending wisely.

Communities: Work with local partners to provide or enable services and activities that benefit local people and our communities as a whole

Our people: Offer a great workplace environment that produces a positive staff culture and highly engaged staff.

Leadership & Financial: Maintain good governance and a strong financial business plan, to ensure we have the capacity to achieve our goals.

Our Equalities and Human Rights Commitment

We understand that people perform better when they can be themselves and we are committed to making the Association an environment where employees, customers, and stakeholders can be open and supported. We promote equality, diversity, and inclusion in all our policies and procedures to ensure that everyone is treated equally and that they are treated fairly on in relation to the protected characteristics as outlined in the Equality Act 2010.

Privacy Statement

As data controller we will collect and process personal data relating to you. We will only collect personal information when we need this. The type of information we need from you will vary depending on our relationship with you. When we ask you for information, we will make it clear why we need it. We will also make it clear when you do not have to provide us with information and any consequences of not providing this. We are committed to being transparent about how we collect and use your data, and to meeting our data protection obligations with you. Further information about this commitment can be found within our full Privacy Statements.

Policy Scope & Review

For the purpose of this policy the term Association will include all members of the Tollcross Housing Association Limited. Therefore, all employees, governing body members, volunteers, customers and other relevant stakeholders will be expected to adhere to this policy and/or procedure. All policies and procedures are reviewed every 3 years in line with best practice and current legislation. The Association reserves the right to make additions or alterations to this policy and procedure from time to time. Any timescales set out in this policy may be extended where required.

Contents

Section		Pages
1.	Introduction	2
2.	Scope of the Policy	2
3.	Safeguards	3
4.	How to Riase a Concern	5
5.	Outcome of Investigations	6
6.	Governance & Assurance	7
7.	Policy Review	7

Appendices		Pages
1.	List of Prescribed Persons	8
2.	Equality & Human Rights Impact Assessment	9

1. Introduction

- 1.1 Tollcross Housing Association 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 Tollcross Housing Association's 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 Tollcross Housing Association feel at a disadvantage in raising legitimate concerns.
- 1.3 The Public Interest Disclosure Act 1998 (PIDA), together with the relevant provisions of the Employment Rights Act 1996 (as amended), provides legal protection for workers who make qualifying disclosures in the public interest. Individuals who make a protected disclosure in accordance with this policy will not suffer detriment, victimisation or dismissal as a result of raising genuine concerns., ~~which came into effect in 1999, gives legal protection to employees against being dismissed or penalised by their employers as a result of disclosing certain serious concerns.~~
- 1.4 These procedures are in addition to Tollcross Housing Association's complaints procedures and other statutory reporting procedures.
- 1.5 All employees, contractors, other bodies, agency staff, etc. working for Tollcross Housing Association on its premises are covered by this policy. The policy also applies to suppliers and those providing services under a contract within Tollcross Housing Association on any of its premises.

2. Scope of the Policy

- 2.1 This policy is designed to enable employees of Tollcross Housing Association 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. 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 such procedures.
- 2.2 Under the Public Interest Disclosure Act, a disclosure of information is protected (i.e. the employee cannot be penalised) if it is made in certain prescribed ways and if the worker *reasonably believes* it is *in the public interest* and relates to one of the following:
 - a criminal offence has been committed;
 - failure to comply with a legal obligation;
 - dangers or likely dangers to health and safety;
 - damage or likely damage to the environment;
 - a miscarriage of justice;
 - attempts to conceal any of the above.

The following examples are specifically covered by this policy:

- financial malpractice, impropriety or fraud;
 - abuse of power or status;
 - improper conduct or unethical behaviour;
 - giving or receiving of bribes;
 - failure to fully comply with any legal process we are required to follow;
 - dangerous working practices.
 - Breach of the Association's policies and procedures for dealing with tenants and prospective tenants.
 - Concerns relating to sexual harassment, sexual misconduct or the failure to take appropriate action to prevent or respond to such behaviour.
 - Deliberate concealment of any of the above.
- 2.3 This policy is intended to address concerns that are in the public interest. It is not normally intended to deal with concerns relating solely to an individual's own employment, such as terms and conditions of employment, interpersonal disputes or grievances, unless these also involve a protected disclosure. Such matters should ordinarily be raised through the Association's Grievance Policy or other appropriate procedures.

3. Safeguards

a) Protection

This policy is designed to offer protection to those employees of Tollcross Housing Association who disclose such information provided the disclosure is made:

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

Tollcross Housing Association will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect the individual when they disclose such information.

b) Confidentiality

All concerns raised internally 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 openly as a witness, or it may not be possible to take the matter forward.

Information relating to whistleblowing disclosures will be handled confidentially and processed in accordance with the UK General Data Protection Regulation (UK GDPR), the Data Protection Act 2018 and the Association's Data Retention Schedule.

c) Anonymous Allegations

The Association encourages individuals to identify themselves when raising concerns, as this assists with a thorough and fair investigation. However, anonymous disclosures will be considered on their merits, taking account of:

- the seriousness of the issues raised;
- the credibility of the information provided;
- whether there is sufficient information available to enable an investigation to take place.

Whilst every effort will be made to investigate anonymous disclosures, it may not always be possible to do so or to provide feedback where the identity of the individual is unknown.

~~This policy encourages individuals to put their names to any disclosures they make. Concerns expressed anonymously are much less powerful, but will be considered at the discretion of Tollcross Housing Association. It may not be possible to ensure protection for an anonymous whistleblower, as the Association will not know who has made the complaint.~~

d) **Untrue Allegations**

If an individual discloses information or makes an allegation that is not confirmed by the subsequent investigation, but was reasonably believed to be true, no action will be taken against that individual. However, if the individual makes an allegation, maliciously, or in any case where it was not reasonably believed to be true, disciplinary action may be taken against them up to and including dismissal.

4. Equalities

~~4.1 An Equality Impact Assessment (EIA) has been carried out when reviewing this policy. In line with good practice the completed EIA will be published alongside the Whistleblowing Policy.~~

~~Where there is a need for follow-up action, the tasks and timeframe for achieving them shall be noted in the Equality and Human Rights Action Plan to ensure they are addressed.~~

~~4.2 We do not see this policy as having any direct impact upon the protected characteristics contained within the Equality Act 2010.~~

54. How to Raise a Concern

a) **First Step**

While disclosures of information may be protected if made to certain external parties, depending on the circumstances (see the prescribed persons listed at Appendix 1), employees are encouraged to raise the matter internally in the first instance.

The individual should normally raise concerns with their immediate line manager or, if the concern relates to the line manager, it should be notified to a Director within the Leadership Team. This information will be passed on as soon as is reasonably possible to the appropriate designated investigating officer as follows:

- Complaints of malpractice will be investigated by the Chief Executive unless the complaint is against the Chief Executive or is in any way related to the actions of the Chief Executive. In such cases, the complaint should be passed to the Chairperson for referral.
- In the case of a complaint that is in any way connected with but not against the Chief Executive, the Chairperson will nominate a Director to act as the alternative investigating officer.
- The complainant has the right to bypass the line management structure and take their complaint direct to the Chairperson or other Committee Member. The Chairperson/Committee Member has the right to refer the complaint back to management if he/she feels that the management, without any conflict of interest, can more appropriately investigate the complaint.

b) Communicating the Disclosure

Although the individual is not expected to prove beyond doubt the truth of an allegation, they will need to demonstrate to the person contacted that there are reasonable grounds for their concern.

Concerns may be raised verbally or in writing. Any individual making a written report are invited to use the following format:

- The background and history of the concern (giving relevant dates).
- The reason why there is concern about the situation.

The earlier the individual expresses their concern, the easier it is to action.

Employees can also gain advice, in confidence, by contacting their Trade Union, or alternatively one of the organisations set out in Appendix 1.

c) Process

On receipt of a disclosure the Chief Executive or Chairperson will consider the information made available to him/her and decide on the form of investigation to be undertaken.

Depending on the circumstances surrounding the investigation appropriate action will be taken in accordance with Tollcross Housing Association's existing policies and procedures.

d) Timescales

The person who will have to reach the decision on the matter should not carry out the investigation. The responsible person will write to the individual concerned within ten working days of a disclosure being made. They 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;
- tell the individual whether any initial enquiries have been made;
- supply the individual with information on staff support mechanisms; and
- tell the individual whether further investigations will take place and if not, why not.

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, Tollcross Housing Association will seek further information from the individual concerned.

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.

56. Outcomes of Investigations

Once all facts are established the Chief Executive or Chairperson will decide what action to take. If the complaint is justified, then they will invoke the appropriate procedures already existing at Tollcross Housing Association.

Alternatively the disclosure may be referred to an external body.

Tollcross Housing Association hopes the individual will be satisfied with any action taken. If they are not and feel it is right to take the matter outside Tollcross Housing Association, Appendix 1 provides a list of Prescribed Persons and Further Sources of Information to contact.

Learning from concerns

The Association is committed to learning from whistleblowing concerns. Where appropriate, following the conclusion of an investigation, consideration will be given to whether improvements should be made to policies, procedures, internal controls, training or working practices in order to reduce the likelihood of similar issues arising in the future.

6. Governance & Assurance

The Management Committee will receive periodic anonymised reports, where appropriate, summarising whistleblowing concerns raised, themes identified, outcomes and any organisational learning arising from investigations. Such reports will protect confidentiality whilst providing assurance that concerns are being managed appropriately and that lessons are being acted upon.

7. Policy Review

This policy will be reviewed every 3 years or sooner as determined by Management Committee or in line with legislative updates.

Appendix 1

Individuals may also seek independent confidential advice before making a disclosure.

LIST OF PRESCRIBED PERSONS

Scottish Housing Regulator

Tel: 0141 242 5642

Alexander Sloan (External Auditor)

Tel: 0141 204 8989

~~Quinn Internal Audit & Business Support~~Cameron Audit (Internal Auditor)

Tel: 07957 117913

Scottish Government (Legal & Parliamentary services)

Tel: 0131 244 4000 or 0300 244 4000

Environmental Services

Tel: 0141 287 2000

Health and Safety Executive

Tel: 0345 300 9923

OSCR (Office of the Scottish Charity Regulator)

Tel: 01382 220 446

Further Sources of Information

ACAS

Helpline: 03001231100~~08457 474747~~

Protect (formerly Public Concern at Work ~~(Whistleblowing Charity : Protect)~~

Tel: 020 31172520~~7404 6609~~

UNITE (Trade Union)

Tel: 0141 404 5424

Appendix 1 – Equality & Human Rights Impact Assessment

<u>Policy</u>	<u>Whistleblowing Policy</u>		
<u>EIA Completed by</u>	<u>Corporate Director</u>	<u>EIA Date</u>	<u>September 2026</u>
<u>1. Aims, objectives, and purpose of the policy / proposal</u>			
<u>This policy is designed to enable employees of Tollcross Housing Association to raise concerns internally and at a high level to disclose information that the individual believes shows malpractice or impropriety.</u>			
<u>2. Who is intended to benefit from the policy / proposal?</u>			
<u>All employees, contractors, other bodies, agency staff.</u>			
<u>3. What outcomes are wanted from this policy / proposal?</u>			
<u>To provide an understanding of where issue(s) can be raised.</u>			
<u>4. Which protected characteristics could be affected by proposal?</u>	☐ Age	☐ Gender reassignment	☐ Religion or belief
	☐ Disability	☐ Marriage & civil partnership	☐ Sex
	☐ Race	☐ Pregnancy and maternity	☐ Sexual orientation
<u>5. If the policy / proposal is not relevant to any of the protected characteristics listed in part 4, state why and end the process here.</u>			
<u>The policy provides boundaries in relation to a legislative tool – they do not impact on any characteristics as they are global boundaries.</u>			
<u>6. Describe the likely impact(s) the policy / proposal could have on the groups identified in part 4</u>			
<u>NA</u>			
<u>7. What actions are required to address the impacts arising from this assessment? (This might include; collecting data, putting monitoring in place, specific actions to mitigate negative impacts).</u>			
<u>NA</u>			
<u>8. Consider the impact and actions to be considered for the following Human Right articles:</u>			
<u>Article 6: Right to a fair trial</u>			
<u>Everyone should be given the opportunity to participate effectively in any hearing of their case and present their side.</u>			
<u>Impact: n/a</u>	<u>Actions:</u>		
<u>Article 8: Right to respect for private life, family life & the home</u>			
<u>Everyone has the right to access and live in their home without intrusion or interference.</u>			
<u>Impact: n/a</u>	<u>Actions:</u>		
<u>Article 14: Prohibition of discrimination</u>			
<u>Everyone has equal access to the other rights contained in the Human Rights Act.</u>			
<u>Impact: n/a</u>	<u>Actions:</u>		