



# Whistleblowing Policy

Board Approved: [24 May 2023](#)

Next Review: [May 2026](#)

## 1. Introduction

Homes for Life Housing Partnership (HfL) 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, HfL wishes to ensure that employees and others who have concerns about any aspect of HfL's work come forward and speak up (whistle blow) without fear of reprisal.

HfL recognises that it is an important aspect of accountability and transparency to provide a mechanism to ensure that no employee, board member or stakeholder of HfL feel at a disadvantage in raising legitimate concerns.

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 it can reduce the compensation payable in such circumstances.

Employers may also be held vicariously liable for employees who victimise colleagues for making a disclosure. HfL will take all reasonable steps to protect employees from being victimised.

All employees, Board and stakeholders working for or acting on behalf of HfL are covered by this policy.

The policy also applies to suppliers and those providing services under a contract within HfL.

If you are a tenant, other service user, member of the public or other key stakeholder, you should raise any concerns regarding "Whistleblowing" directly with the Chief Executive Officer (CEO), or in writing marked 'Strictly Private and Confidential.'

If the matter is in relation to the CEO, contact should be made with the Chair of HfL.

## 2. Scope of Policy

HfL recognises that our Board and employees will very often be the first to see or suspect misconduct or wrongdoing.

While very often it may be innocent, it could turn out to be fraud on our organisation, be a potential public danger, or some other form of serious malpractice.

HfL encourage all our Board and employees, at all levels, to be vigilant and to raise such concerns in a sound way to demonstrate and ensure good practice in all our activities.

HfL wish to make it clear to our tenants, our employees, the local community and various partners that HfL will take firm and decisive action against any individual or organisation who attempt to defraud us or who are reckless about our good reputation.

HfL has illustrated examples of potential malpractice to include but not restricted to the following:

- breach of contract
- breaches of confidentiality
- bribery and corruption
- criminal activity
- danger to health and safety or the environment
- discrimination and use of discriminating practices or actions
- failure to comply with HfL's Codes of Conduct
- failure to comply with HfL's policies and current legislation
- financial malpractice, impropriety or fraud
- gross negligence of duties and responsibilities
- harassment, bullying and violence of any kind in the workplace
- improper behaviour towards tenants or acting on behalf of tenants in personal matters, particularly financial matters
- improper conduct or unethical behaviour
- legislative or administrative breach
- non-disclosure of interests
- pollution
- professional malpractice
- public safety issue
- serious negligence
- the cover-up of any of the above

This Policy should not be confused with the Grievance Policy which should be used where an employee is aggrieved with their personal position.

Tenants or service users who are aggrieved about their individual situations should use HfL's Complaints Procedure.

### 3. Communication and Openness

This Policy will be provided to every employee and Board member of HfL and will be discussed at employee and Board induction, staff meetings, and wherever else appropriate. Training will also be provided regularly.

HfL has a proven track record, we wish to protect our good name and we will take firm and decisive action against any individual or organisation who threatens it.

HfL has developed this policy to ensure compliance with the:

- Public Interest Disclosure Act 1998
- Enterprise & Regulatory Act 2013

HfL has also developed policies which meet the requirements of the law, the Scottish Housing Regulator and good practice in housing and employment.

## 4. Safeguards

### 4.1 Protection

This Policy is designed to offer protection to those employees of HfL who disclose such concerns provided the disclosure is made:

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

HfL 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.

### 4.2 Independent Advice

Board Members or employees considering whistleblowing may also obtain independent advice on the matter, for example internal or external auditors, our solicitors or other organisations as listed in Appendix 1 of the Policy.

### 4.3 Confidentiality

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.

### 4.4 Anonymous Allegations

HfL encourages individuals to put their names to any disclosures they make. Concerns expressed anonymously are much less robust and it allows us or an investigating officer to speak to the individuals and keep them informed on their disclosure.

### 4.5 Malicious or Untrue Allegations

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 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.

### 4.6 Disclosures about Senior Staff or Board Members

A whistleblowing disclosure about senior staff or Board member must be managed effectively to avoid any conflict of interest.

We will ensure that these disclosures are investigated by individuals that are independent to the situation and can be impartial in the outcome of the disclosure, for example auditors, solicitors or independent consultants.

#### 4.7 Notifiable Event

HfL will immediately notify the Scottish Housing Regulator of any incidence of whistleblowing including disclosures in keeping with the Regulator's guidance on 'Notifiable events.'

### 5. How to Raise a Concern

#### 5.1 Raising a Concern

An individual who believes there to be improper conduct should normally raise concerns with their line manager. This information will be passed on as soon as is reasonably possible to the appropriate designated investigating officer as detailed below:

- A disclosure of malpractice will be investigated by the CEO or a member of the Management Team unless the disclosure is against them or is in any way related to the actions of the CEO. In such cases, the disclosure should be passed to the Chair for referral.
- The CEO will be available to all employees, however the person raising a disclosure has the right to bypass the line management structure and take their disclosure direct to the Chair.
- The Chair has the right to refer the disclosure back to management if felt that management, without any conflict of interest, can more appropriately investigate the matter. In the case of a disclosure that is in any way connected with but not against the CEO, the Chair will decide how this will be managed to avoid any conflict of interest.
- Individuals can also raise concerns with the Scottish Housing Regulator's Support and Intervention team. The Regulator will likely wish to meet with the individual to discuss their concerns on an individual basis.

#### 5.2 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 is 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.

In situations where a disclosure is made verbally, the person should be encouraged to put their concerns in writing or the person in receipt of the disclosure should record a note of person's concerns, which will form a formal note of the disclosure.

#### 5.3 Process

On receipt of a disclosure the CEO or Chair will consider the information made available to them and decide on the form of investigation to be undertaken.

This may be to:

- Investigate the matter by management, and/or
- Refer the matter externally to the internal or external auditors, solicitors or Police Scotland.

Some concerns may be resolved by agreed action without the need for investigation.

If urgent action is required, this will be taken before any investigation is conducted.

#### 5.4 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 employee support mechanisms
- 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, further information may be sought from the individual concerned.

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

#### 5.5 Progress of the Whistleblowing Disclosure

HfL is committed to keeping the individual(s) making the disclosure updated on the progress of their disclosure and, if appropriate, on any resultant action that is proposed.

## 6. Outcomes of Investigations

### 6.1 Whistleblowing Disclosure Upheld

Once all facts are established the CEO or Chair will decide what action to take. If the disclosure is justified, then HfL will invoke the appropriate procedures. Alternatively, the disclosure may be referred to an external body.

### 6.2 Appeal

There are two situations where individuals who raise a concern under this policy have a right of appeal.

Firstly, where a concern is rejected on the basis it is judged as not falling within the scope of the whistleblowing policy, an individual may appeal this decision.

Secondly, a whistle-blower may appeal if, following an investigation, they disagree with the decision and proposed course of action.

Appeals must be made in writing, with the reason for the appeal clearly stated, and submitted to the CEO within two weeks of the individual being notified of the decision.

In the event the decision was made by the CEO, the appeal should be directed to the Chair of the Board.

In the event the decision was made by the Chair or a Panel of Board members, the appeal will be to a separate Panel of Board members.

Any individual considering submitting an appeal may obtain independent advice on the matter.

In order to properly consider the appeal and review the decision, CEO (or Chair or Panel of Board members), will invite the individual to attend a meeting.

The individual may be accompanied by a work colleague or trade union representative, while the CEO (or Chair or Panel of Board members) may also arrange for a note taker to be present.

The CEO (or Chair or Panel of Board members) will ask the individual to obtain any additional information or clarification they require in relation to the initial allegation or the circumstances giving rise to the appeal. The individual will be given the opportunity to present any substantiating evidence.

Following the meeting, the CEO (or Chair or Panel of Board members) will communicate their decision to the individual in writing within 5 working days. If for any reason there is a delay in issuing a response, a letter will be issued confirming the reason and a revised timescale and date for decision to be communicated. This will confirm HfL's final position on the matter.

For the avoidance of doubt, the appeals process is not appropriate in instances where an individual is dissatisfied with the way their concern has been handled. This includes for example, where they believe there has been a lack of action, that their concern has not been treated seriously and given due consideration, or that the correct process has not been followed.

In these instances, the matter may be pursued in alternative ways. Specifically, employees can raise the matter outside HfL, Appendix 1 provides a list of Prescribed Persons and Further Sources of Information to contact.

All instances of Whistleblowing and associated investigations will be properly recorded and documented. Relevant details will be reported to the Board, either where approval for a course of action is required, or as part of periodic statistical reporting.

## 7. Review

This policy will be reviewed every 3 years or in line with legislative changes.



## List of Prescribed Persons

### Scottish Housing Regulator

2<sup>nd</sup> Floor, George House  
36 North Hanover Street  
Glasgow  
G1 2AD  
[shr@shr.gov.scot](mailto:shr@shr.gov.scot)

### Homes for Life Independent Contacts

#### Internal Auditors:

Quinn Internal Auditors  
55 Lady Place  
Livingston  
EH54 6TB  
Email: [alex@quinn-internal-audit.co.uk](mailto:alex@quinn-internal-audit.co.uk)  
Website: [www.quinninternalaudit.com](http://www.quinninternalaudit.com)  
Phone: 07957 117913

#### External Auditors:

French Duncan  
133 Finnieston Street  
Glasgow G3 8HB  
[t.bates@frenchduncan.co.uk](mailto:t.bates@frenchduncan.co.uk)  
0141 221 2984

#### Solicitors

T.C. Young Solicitors  
7 West George St,  
Glasgow, G2 1BA  
[mail@tcyoung.co.uk](mailto:mail@tcyoung.co.uk)  
Tel 0141 221 5562

#### Further Sources of Information

ACAS Helpline: 08457 47 47 47  
Public Concern at Work 020 7404 6609  
Unite (Trade Union) 0845 345 0141