

# ***FORTH HOUSING ASSOCIATION LIMITED***

## ***WHISTLEBLOWING POLICY***

Code: GOV24

Approved: Nov 2025

Next review: Nov 2028

Cross reference: GOV 31 Anti-Bribery, Fraud & Corruption Policy



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## **Policy Summary**

This policy has been developed to enable employees of Forth to raise concerns internally and externally, at a high level to disclose information that the individual believes shows malpractice or impropriety. Officially, known as making a 'protected disclosure'.

## **Equalities**

No equalities issues have been identified in the Equalities Impact Assessment Screening Questions and there is therefore no requirement to do a full Equality Impact Assessment.

## **Privacy**

Data Protection legislation applies to records which will be managed accordingly. There is no requirement to do a full Privacy Impact Assessment.

## **Policy Owner**

Name: Head of Corporate Services

Date of Next Review: November 2028

# **FORTH HOUSING ASSOCIATION LIMITED**

## **WHISTLEBLOWING POLICY**

### **1 Introduction**

- 1.1 Forth Housing Association (Forth) 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, Forth expects those who have serious concerns about any aspect of Forth's work to come forward and speak up without fear of reprisal. Therefore, Forth recognises that it is an important aspect of accountability and transparency to provide a mechanism to ensure that no employee, committee/board member or stakeholder of Forth feel 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 making a protected disclosure (Whistleblowing) Concerns which are not in the public interest will normally be dealt with through the grievance policy. If you are unsure which policy is appropriate to raise your concerns, please contact your line manager to discuss
- 1.3 Employers may also be held vicariously liable for workers who victimise colleagues for making a disclosure. Forth will take all reasonable steps to protect workers from being victimised.
- 1.4 All employees, Committee/Board and Stakeholders working for or acting on behalf of Forth are covered by this policy. The policy also applies to suppliers and those providing services under a contract within Forth.
- 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 Director or a member of the senior management team or in writing marked 'Private and Confidential' FAO Director Forth Housing Association.
- 1.6 The SHR differentiates between a grievance and whistleblowing as follows:

**Whistleblowing** - is about conduct that affects others: for example, fraud or a failure to comply with health and safety requirements.

**A grievance** - is where a member of staff has a personal complaint about their own employment situation (and in this situation the Associations Grievance Procedure should be followed).

## **2 Aims and Objectives**

2.1 This policy is designed to enable employees of Forth to raise concerns internally and at a senior level to disclose information that the individual believes shows malpractice or impropriety. 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
- Failure to comply with a legal obligation or Statutes
- Dangers to health and safety or the environment
- Criminal activity involving Forth, its staff, committee/ member 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 Policy Framework**

### **3.1 Legal Framework**

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

### **3.2 Safeguards**

#### **3.2.1 Protection**

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

- In the public interest.
- To an appropriate person/body; and
- That the individual has reasonable belief in the validity of the concerns being raised.

Forth will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect the individual when they raise a concern which complies with the above points.

### 3.2.2 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. If we need to disclose your identity to anyone, we will ensure that you are notified of this in advance.

### 3.2.4 Anonymous Allegations

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 **Forth**.

### 3.2.5 Untrue Allegations

If an individual makes an allegation that is not confirmed by the subsequent investigation, it is probable that 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 Raising a Concern

### 4.1 First Step

- 4.1.1 Appendix 1 Flow Chart, summaries the process for reporting concerns. The individual should raise concerns with their immediate line manager. This information will be passed on as soon possible to the Director or Chairperson if a committee member has raised the concern.
- 4.1.2. Any complaints will be investigated by the Director unless the complaint is against the Director or is in any way related to their actions. Where the complaint is related to the Director, it should be addressed to the Chairperson of the Management Committee who will in turn appoint an independent person to investigate the allegations.
- 4.1.3 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.
- 4.1.4 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, Forth will seek further information from the individual concerned.

- 4.1.5 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 Process**

- 5.2.1 On receipt of a disclosure the following steps will be taken:
- The disclosure will be considered, and, if appropriate, a meeting will be arranged with the individual who raised the concerns to gather initial information.
  - Further to this meeting, if appropriate, an independent investigator will be appointed to take forward an investigation into the concerns raised.
  - The individual who raised the concerns will be provided with an update and a likely timescale on when they will receive a final response.
  - Once the investigation is complete a report will be provided to the individual who instructed the investigation.
  - The report will be considered, and appropriate actions will be taken.
  - A final outcome will be provided to the individual who raised the concerns.
- 5.2.2 Depending on the outcome of the investigation appropriate action will be considered in accordance with Forth's existing policies and procedures.

## **6 Outcome of Investigation**

- 6.1 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, an appropriate procedure will be initiated. This may also include referral to an external body or regulator.
- 6.2 Right of Appeal: 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 Committee (who should not be an office bearer) .

## **7. How to raise a concern: Externally**

- 7.1 Forth encourages employees to raise concerns internally to allow for appropriate investigation and action to be taken, however if an employee remains dissatisfied with the outcome they can raise this with the correct prescribed body or person as outlined in section 10.
- 7.2 Employees can also obtain advice, in confidence, by contacting their Trade Union (if appropriate).
- 7.3 Staff can appropriately report any concerns to the Scottish Housing Regulator (as one of the prescribed persons) and that they should not suffer any detriment for doing so

- 7.4 In terms of how the SHR would deal with a concern raised information can be found in the “[Whistleblowing about a regulated body](#)” leaflet published by SHR

## 8. Notifiable Events

- 8.1 It is anticipated that **any** whistleblowing allegation made under this policy will be deemed to be a notifiable event to the Scottish Housing Regulator and that the Association will report this event upon receipt.
- 8.2 The person responsible for reporting will be the Director or the Chairperson (unless both are implicated in any allegation, then the Secretary, supported by another member of the Senior Management Team).
- 8.3 For the avoidance of doubt the following are to be viewed as a Notifiable Event:
- Any whistleblowing allegation (whether substantiated or not)
  - Serious complaint, allegation, investigation, or disciplinary action against a Committee Member
  - Serious complaint, allegation, investigation, or disciplinary action about the Senior Officer (refer to Appendix One of the Notifiable Events Guidance, see below for hyperlink)
  - First formal notification of an Employment Tribunal
  - Potentially serious breach of legislation by the Association or serious legal action taken against the Association

Please note the above list is illustrative only and for a more detailed list please refer to the Scottish Housing Regulator’s Notifiable Events guidance:

<https://www.scottishhousingregulator.gov.uk/for-landlords/statutory-guidance/notifiable-events#section-1>

## 9. Monitoring of the Policy

- 9.1 This policy is monitored by the Audit and Risk Sub Committee through the measurements on whistleblowing cases and will be recorded in the notifiable events report presented to the Management Committee.

## 10. Complaints and Appeals

- 10.1 Forth Housing Association welcomes complaints and positive feedback, both of which provide information which helps us to improve our services. We use a complaints procedure developed by the Scottish Public Services Ombudsman (SPSO) and the Scottish Housing Regulator.
- 10.2 We will deal with all Complaints in line with the timescales stipulated by the Scottish Public Services Ombudsman Service (SPSO). Full details of our Complaints Policy can be found on our website [www.forthha.org.uk](http://www.forthha.org.uk) or obtained from our office. However, given the complexity of whistleblowing cases this may not be possible and written guidance will be given on individual cases.
- 10.2 Owners can appeal decisions, if still dissatisfied, to the First-tier Tribunal.
- 10.3 All complaints will be monitored on a quarterly basis based on our Complaints Policy. This is reported to our Committee through the quarterly Annual Return on the Charter Report. We also publish a SPSO Annual Complaints Report, which is available in hard copy and on our website. Feedback will be taken into account when reviewing services, policies, and procedures. Notifiable Events are logged with the Scottish Housing Regulator.
- 10.4 Significant performance failure complaints are reported to the Scottish Housing Regulator.

More information is available at [www.housingregulator.gov.scot](http://www.housingregulator.gov.scot) or telephone 0141 242 5642.

- 10.5 Additional list of Prescribed Persons are:

- Stirling Council Environmental Health
- Health and Safety Executive
- Scottish Government
- Office of the Scottish Charity Regulator
- Scottish Housing Regulator
- [A list of prescribed persons / bodies can be found at this link - Whistleblowing: list of prescribed people and bodies - GOV.UK](#)

### 10.6 Further Sources of Information

- ACAS - Helpline: 0300 123 1150
- Public Concern at Work - Tel (general): 020 7404 6609
- Unite Union – 0141 404 5424
- Protect - 020 3117 2520
- Citizens Advice – 01786 470 239



## **11.0 Equalities**

- 11.1 Equality and diversity underpin all our activities and services. When delivering our services, we never discriminate on the basis of sex or marital status, race, disability, age, sexual orientation, language, social origin, or of other personal attributes, including beliefs or opinions such as religious beliefs or political opinions. Full details of our Equalities Policy can be found on our website [www.forthha.org.uk](http://www.forthha.org.uk) or can be obtained from our office.

## **12.0 Data Protection - Privacy**

- 12.1 We recognise the importance of data protection legislation, including the General Data Protection Regulation, in protecting the rights of individuals in relation to personal information that we may handle, use and disclose about them, whether on computer or in paper format. We will ensure that our practices in the handling, use and disclosure of personal information as part of the processes and procedures outlined in this policy comply fully with data protection legislation. More information is available from our Data Protection Officer

## **13. Availability**

- 13.1 The policy is available on our website in downloads: <https://www.forthha.org.uk/downloads/> and copy of the standards is displayed in reception.

## **14. Review**

- 14.1 This policy will be reviewed at least every 3 years by the Audit and Risk Sub Committee and staff are responsible for ensuring that it meets legal and good practice requirements.

## APPENDIX 1 HOW TO RAISE A CONCERN – FLOW CHART (Staff)

### Staff Member



## APPENDIX 2 HOW TO RAISE A CONCERN – FLOW CHART (Committee Members)

### Committee Member

