

APPENDIX A

WHISTLEBLOWING PROCEDURE

Passed:-

Review Date:-

1.0 Introduction

1.1 These procedures describe how the Association will manage and respond to any whistleblowing concerns received. The procedures should be read alongside the guidance in the Whistleblowing Policy about:-

- Who can use the Whistleblowing Policy.
- What type of concerns can be assessed as whistleblowing complaints.
- The reporting of concerns to the Association or to an external prescribed person.
- How concerns should be raised.

2.0 Notifiable Event

2.1 In the event of a whistleblowing allegation, the Chairperson will use the Scottish Housing Regulator's Notifiable Event procedures to inform the Regulator of the allegation as soon as is reasonably practicable. Should the Chairperson be the subject of the allegation, an Office Bearer or Senior Member of Staff (i.e. someone who is not the subject of the allegation) will inform the Scottish Housing Regulator.

3.0 Addressing Whistleblowing Allegations

3.1 The Association will implement the following procedures in the event of it receiving a whistleblowing allegation.

3.2 **Stage 1: Initial Review of Concerns Raised with the Association**

3.2.1 The Director (or a senior manager designated by the Director) will conduct an initial review of any whistleblowing complaint that is received.

3.2.2 The initial review should be used to:-

- Confirm that the disclosure falls within the scope of the Whistleblowing Policy.
- Examine any information provided.
- Ensure that the nature of the concerns is clear (this may or may not require a meeting with the person who has raised the concerns, to obtain clarification).
- Decide if the whistleblowing complaint can be concluded on the basis of the information already available and, if not, how the complaint should be investigated in detail.

3.2.3 The following arrangements for communications and decision-making will apply at Stage 1:-



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WHISTLEBLOWING PROCEDURE

- The Director will advise the Chairperson about any whistleblowing complaint as soon as possible after the complaint has been received.
- If a complaint concerns the Director, it will be referred to the Chairperson who will seek independent professional advice as required.
- Whistleblowing complaints potentially expose the Association to high levels of risk and could require immediate action. Accordingly, the Office Bearers will have authority to instruct any formal investigations that may be needed when the Initial Review has been completed, and will report on this to the next meeting of the Management Committee.
- The Director or Chairperson should write to the individual who has expressed concern, normally within **twelve working days** of the matter being raised. The letter will:-
 - Acknowledge that the concern has been received.
 - State how the Association proposes to deal with the matter.
 - State whether further investigations will take place (and if not, the reasons why) and give an estimate of how long this may take.
 - Provide information about the support mechanisms that are available to the individual.

3.3 *Stage 2: Investigations*

3.3.1 Some whistleblowing disclosures may not need any further investigation following the Initial Review stage. For example, the Initial Review may identify:-

- Action that can be taken to remedy the matters raised, through existing policy and procedures and without the need for further inquiry.
- Circumstances where no further action is needed, for example if a disclosure does not meet the criteria for whistleblowing complaints; if there is no or not enough evidence; or if it is evident that a complaint is motivated by malice.

3.3.2 Where further action is needed, this could require:-

- Investigation by management, internal audit or initiation of the disciplinary process.
- The appointment of an independent investigator (this will always be instructed for any allegations that relate to the Director or an Office Bearer of the Association).
- Referral to the police.
- Referral to the external auditor.

3.3.3 The nature of an investigation will depend on the specific concern raised and what or who would be the most suitable way to deal with the investigation.

3.4 *Contact with the person who has made a whistleblowing complaint*



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- 3.4.1 Contact arrangements will depend on the nature of the matters raised, and the clarity of the information provided. If necessary, the person carrying out the investigation will seek further information from the person who has expressed concern.
- 3.4.2 During the course of an investigation, the person who has raised concerns is not expected to prove beyond doubt the truth of an allegation, but they would be expected to show that there are reasonable grounds for the concerns they have expressed.
- 3.4.3 Where a meeting is arranged, the Association will:-
- Hold this away from the Office, if that is the preferred option of the whistleblower or the Association.
 - Allow the whistleblower to be accompanied by a trade union or professional representative or a friend, should he/she so wish.
- 3.4.4 The Association will offer to report back to the concerned employee about the outcome of the investigation and, where possible, on any action that is proposed. However, it is important to note that the Association is not under any obligation to provide reports on how an investigation is proceeding, and there may be legal constraints on what can be reported back at the end of the process.

3.5 **Stage 3: Once an Investigation Has Been Completed**

- 3.5.1 The Association will assess the findings and their future implications. If there are reasonable grounds to substantiate the allegations received, the Association will take appropriate steps to remedy any failures, which may include referral to an external body.
- 3.5.2 The Association will take steps to minimise any difficulties that individuals may face as a result of raising a concern, for instance, if somebody is required to give evidence in criminal or disciplinary proceedings the Association will arrange for them to receive advice about the procedures involved.
- 3.5.3 If an individual feels that their concerns have not been dealt with appropriately, he/she can:-
- ask the Chairperson to review the Association's decision.
 - notify the appropriate external regulatory body of their concerns.

End



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