

# ***Whistleblowing Policy***

Reviewed: Sep 2025  
Next Review: Sep 2028



## 1. Introduction

- 1.1 Rosehill Housing Association Limited (we, us, our(s)) 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, we would encourage and expect those who have serious concerns about any aspect of our work to come forward and speak up without fear of reprisal. Therefore, we recognise that it is an important aspect of accountability and transparency to provide a mechanism to ensure that no employee of ours feels 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 raised through whistleblowing must be made in the 'public interest' which means that the concerns must affect others such as the public or other stakeholders.
- 1.3 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.
- 1.4 All employees, workers, contractors and Committee Members are covered by this policy.

## 2. Legal and Regulatory Framework

### 2.1 The legal framework:

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

### 2.2 The regulatory framework:

- Regulatory Standard 5 "The RSL conducts its affairs with honesty and integrity."
  - Guidance 5.6 - There are clear procedures for employees and governing body members to raise concerns or whistleblow if they believe there has been fraud, corruption or other wrongdoing within the RSL.
- Regulatory requirement that each landlord must have effective arrangements and a policy for whistleblowing by staff and governing

body/elected members which it makes easily available and which it promotes. (Chapter 3 of Regulatory Framework, February 2024)

### 3. Scope of Policy

3.1 This policy is designed to enable employees to raise concerns internally at a senior level to disclose information that the individual believes shows 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 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 Rosehill, its staff, governing body 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

3.2 There is a clear distinction between whistleblowing and a grievance as follows:

- **Whistleblowing** is about conduct that affects others; for example, fraud or a failure to comply with health and safety;
- **A grievance** is where a staff member has a personal complaint about their own employment situation.

3.3 If a staff member has a grievance, they should follow our Grievance Procedures as set out in the Terms and Conditions of Employment.

### 4. Associated Policies

4.1 We have a range of other policies and procedures in place that are relevant to this Policy:

- Anti-harassment and Bullying Policy
- Disciplinary and Grievance Procedures (included in the Terms and Conditions of Employment)
- Staff Code of Conduct
- Committee Code of Conduct

- Protocol for Managing Alleged/Suspected Breaches of the Code of Conduct (Committee)
- Prevention of Fraud and Anti-bribery Policy
- Procedure for dealing with serious complaints against the Director
- Notifiable Events – Statutory Guidance

## 5. Safeguards

### 5.1 Protection

5.1.1 This policy is designed to offer protection to employees who disclose serious 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.

5.1.2 We 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.

### 5.2 Confidentiality

5.2.1 All concerns will be treated in confidence and every effort will be made, as far as is reasonably possible in the circumstances, 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.

### 5.3 Anonymous Allegations

5.3.1 This policy encourages individuals to put their names to any disclosures they make. Concerns expressed anonymously are more difficult to investigate, however may be considered at our discretion.

### 5.4 Untrue Allegations

5.4.1 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.

## 6. Raising a Concern

### 6.1 First Step

- 6.1.1 The individual should raise concerns with their immediate line manager. This information must be passed on as soon possible to the Director.
- 6.1.2 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 in accordance with our Procedure for Dealing with Serious Complaints against the Director.
- 6.1.3 Where a concern is raised by a Committee Member this should be directed to the Chairperson. If the matter relates to the Chairperson, it should be directed to the Vice Chairperson. Where the issue raised is about a Committee Member, the matter will be dealt with as set down in the Protocol for Managing an Alleged/Suspected Breach of the Code of Conduct.
- 6.1.4 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.
- 6.1.5 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, we will seek further information from the individual concerned.
- 6.1.6 Where any meeting is arranged with the individual that raised the concerns, they can be accompanied by a trade union representative and have the meeting away from the office if they so wish.

### 6.2 Process

- 6.2.1 On receipt of a disclosure the following process will be followed:
  - 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.

6.2.2 Depending on the outcome of the investigation appropriate action will be considered in accordance with our existing policies and procedures.

## 7. Outcome of Investigation

7.1 Once the investigation has been completed and the report is received by the Director (or Chairperson if the allegation is against the Director), 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.

## 8. Right of Appeal

8.1 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 & Risk Sub-Committee (who should not be an office bearer).

## 9. Raising a Concern Externally

9.1 We encourage 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.

9.2 Attached to this Policy is a factsheet from the Scottish Housing Regulator for potential whistle blowers.

## 10. Notifiable Events

10.1 In accordance with the Statutory Guidance for Notifiable Events, allegations of whistleblowing must be reported to The Regulator. We must provide information on how we are responding to the allegation.

10.2 Whistleblowing allegations fall under Governance and Organisational issues and should be reported by the Director unless the Director is the subject of the allegations, in which case, the Chairperson will notify The Regulator.

## 11. Data Protection

- 11.1 On the 25<sup>th</sup> May 2018 the legislation governing data protection changed with the introduction of the General Data Protection Regulation (GDPR). Following the UK's exit from the EU, and the end of the transition period which followed, the GDPR formed part of the retained EU law and became the UK GDPR which together with the Data Protection Act 2018 constitute the UK's data protection legislation.

## 12 Equality and Human Rights

- 12.1 Rosehill's Equality and Human Rights policy (January 2024) outlines our commitment to zero tolerance of unfair treatment or discrimination towards any individuals or group of individuals, particularly those belonging to a protected characteristics group (as defined by the Equality Act (2010)). This includes ensuring everyone has equal access to information and services, by making copies of all policies available in a variety of alternative formats (i.e. large print, translated, etc.) in response to reasonable requests.
- 12.2 Rosehill is aware of the potential for policies to inadvertently discriminate against individuals or group of individuals. To help address this we carry out Equality Impact Assessments (EIA) to help identify any part of a policy that may be discriminatory so this can be addressed (please see Section 9 of our Equality and Human Rights policy for more information).
- 12.3 As this policy applies equally to all groups, Rosehill (with committee approval) made the decision not to carry-out an Equality Impact Assessment on this policy.

## 13. Risk Management

- 13.1 In all key areas of our business we need to consider any risks which may arise. To this end we have in place a robust Risk Management Policy and from this flows our Risk Register. We have identified our strategic risks which are regularly monitored by our Management Team, Audit & Risk Sub-Committee and the Management Committee.
- 13.2 To ensure we continue to manage the associated risks we will periodically review this policy to ensure compliance with all legislative requirements and regulatory and best practice guidance.

## 14. Review

- 14.1 This policy will be reviewed every three years, as a minimum, to ensure it continues to meet legislative and regulatory requirements.



**This policy does not form part of employees' contract of employment, therefore may be updated or withdrawn at any time. If this happens it will be communicated to employees accordingly.**







## Appendix 1

### List of Prescribed Persons

- The Scottish Housing Regulator  
Tel No. 0141 242 5642
- Environmental Health (Glasgow)  
Tel No. 0141 287 1059
- Health and Safety Executive (Glasgow)  
Tel No. 0300 003 1747

A list of prescribed persons / bodies can be found at this link - [Whistleblowing: list of prescribed people and bodies - GOV.UK](#)

### Further Sources of Information

- ACAS Helpline:  
 08457 47 47 47  
 [www.acas.org.uk](http://www.acas.org.uk)
- Protect (formerly Public Concern at Work):  
 020 3117 2520  
 [www.protect-advice.org.uk](http://www.protect-advice.org.uk)
- Unite:  
 0141 404 5424  
 [www.scotland.unitetheunion.org](http://www.scotland.unitetheunion.org)



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Registered Scottish Charity, No. SC053776. Company Registration No. SP02220R.  
A registered society under the Co-operative and Community Benefit Societies Act 2014 No. 2220R(S) and with  
The Scottish Housing Regulator (Number HAC174).



**Scottish Housing  
Regulator**

## Advisory Guidance

# **Whistleblowing about a regulated body**

Information for regulated bodies  
about how the Scottish Housing  
Regulator deals with whistleblowing

## Introduction

This factsheet is for regulated bodies. It explains how we will deal with whistleblowing concerns reported to us by staff or governing body members.

In this factsheet, we use the term '**staff**' to include current and former employees, agents and contractors.

By '**regulated body**', we mean a social landlord that we regulate, including;

- » housing associations, co-operatives, housing partnerships and housing companies that are registered with us (registered social landlords or RSLs); and
- » local authorities that provide landlord, homeless and factoring services.

By '**governing body**' we mean the governing body or management committee of an RSL and the housing committee within a local authority.

We have published a separate [factsheet](#) for potential whistleblowers from the staff and governing body members of a regulated body.

## What is whistleblowing?

Whistleblowing is the term commonly used to describe the situation where a member of staff raises concern about improper conduct, wrongdoing, risk or malpractice with someone in authority either internally or externally e.g. a regulator. A whistleblowing claim is also known as a protected disclosure.

Whistleblowing is distinct from grievances and complaints.

- » **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.

We will not get involved in staff grievances against a regulated body; however, we may have a role where the circumstances leading to a grievance are of a wider significance and we consider it may

threaten the interests of tenants or other service users, or pose a risk to the viability of the regulated body.

## Why whistleblowing is an important part of good governance

Problems can arise in any organisation and the best people to identify them are often the people who work for the organisation.

### Empowering staff and governing body members to report concerns at an early stage can help to ensure that:

- » problems do not become worse and so take more time, effort and resources to fix;
- » the interests of tenants and other service users and staff are protected;
- » tenants and other service users, staff, lenders, other stakeholders, and the public, continue to have confidence in the organisation.

An open and positive approach to whistleblowing will help to give staff, tenants, other service users, and the public, confidence that your organisation is well managed and accountable. The fact that your organisation welcomes and takes whistleblowing seriously may also help to deter any wrongdoing.

## Protection for whistleblowers

The Scottish Housing Regulator is a prescribed person under the Public Interest Disclosure Act 1998 (PIDA). PIDA provides protection to employees, agents and contractors (and in some cases to former employees) who make a qualifying disclosure to a prescribed person if they make the disclosure in good faith and that they reasonably believe the information is true. Whistleblowers making a protected disclosure have a right not to suffer any detriment. This means they should not be treated less favourably for making the disclosure and a claim may be brought to the Employment Tribunal if they are treated less favourably and they suffer a loss as a consequence. It will be for the Employment Tribunal to determine if any whistleblowing claim is a protected disclosure.

Disclosures that are malicious or knowingly untrue are not protected under PIDA.

**To qualify for protection a qualifying disclosure must be a disclosure made in the public interest about a possible:**

- criminal offence
- failure to comply with a legal obligation
- miscarriage of justice
- threats to an individual's health and safety
- danger to the environment, or
- a deliberate attempt to conceal any of the above.

Governing body members are not covered by PIDA. However, we will handle concerns raised by governing body members in the same way as qualifying disclosures from staff.

## Our Regulatory Framework

Our [Regulatory Framework](#) requires an RSL to conduct its affairs with honesty and integrity. We expect all RSLs to have a whistleblowing policy in place which tells both staff and governing body members how they can safely raise concerns and without fear of reprisal. We also expect an RSL to take any concerns raised seriously and look properly into the matter.

## Whistleblowing to the Scottish Housing Regulator

Our statutory objective is to safeguard and promote the interests of tenants and other service users. We are interested in any conduct which puts this at risk and which could threaten the viability or reputation of a regulated body, or the wider sector.

Many people who have blown the whistle have done so because they have a strong sense that something they have seen or heard in their workplace is not right, ethical, or compliant with workplace regulations and rules. Staff and governing body members should feel confident about reporting concerns internally. However, there may be occasions where they feel they cannot do this. This could happen, for example, if they have no confidence in the organisation's

willingness, or ability, to deal with the concerns, or they are worried about repercussions. In some cases they may have raised a concern internally but the organisation failed to deal with the concerns appropriately. In these situations staff and governing body members may contact us.

PIDA provides protection for staff who make a qualifying disclosure to a prescribed person whether or not they have raised the matter within their own organisation. Regulated bodies should therefore ensure that their whistleblowing policy also makes it clear that staff can appropriately report concerns to us and that they should not suffer any detriment for doing so.

## What will the Scottish Housing Regulator do?

Our information note [How we Work](#) explains in more detail how we will work with RSLs when we need to deal with potentially serious issues. Where the concern is about a local authority we will agree an appropriate response with Audit Scotland.

We will take all concerns seriously, even if they are reported to us anonymously; however, we will make no assumptions about any concerns brought to us being either true or false.

We will ask a whistleblower whether they have reported their concerns internally. Where possible we will ask them to provide evidence to substantiate their concerns and we will examine any evidence brought to us. We might take no further action because, for example, there might not be enough evidence for us to proceed upon, or we may have been assured that the regulated body has dealt with the matter appropriately, or we may consider the matter to be vexatious or frivolous.

Where we consider that there needs to be an investigation to determine the facts, it does not mean we assume the whistleblowing concerns to be true. It simply means that the reported issues are serious and the facts need to be established. We will discuss with the regulated body the best approach to establishing the facts. We will set out in writing the issues to be investigated and the agreed approach.

### Every case is different but there are a number of things that could happen:

- we might ask the governing body to investigate the matter (normally by the governing body engaging someone independent and so fully objective);
- we might ask the governing body to get independent advice or support to help them to deal with the situation;
- we might carry out an investigation (planned or unannounced);
- we might refer the matter to another regulator, for example, the Care Inspectorate or Audit Scotland, because the matter falls within their regulatory remit; or
- we might report the matter to the police because we think that a criminal offence may have been committed.

Where we consider regulatory engagement with an RSL is necessary then we will publish an engagement plan which will explain the reasons for, and nature of, our engagement.

Where we need to engage with a regulated body about allegations we will do so in confidence. We will tell the regulated body as much as we can about the allegations but will not reveal any details which could potentially identify the whistleblower.

We will maintain the confidentiality of a whistleblower as far as possible, including after the whistleblowing case has been concluded. So we will not provide any more detail about the whistleblowing concerns after the case is concluded than we did initially to the regulated body.

## More advice and support

### Protect

Protect is an independent charity which gives advice about whistleblowing.



**Tel: 020 3117 2520**



(Open Monday to Friday)



**website: [www.protect-advice.org.uk](http://www.protect-advice.org.uk)**

### Audit Scotland

Audit Scotland, the Accounts Commission and the Auditor General are prescribed persons under PIDA.



**0131 625 1854**



**Website: [www.audit-scotland.gov.uk](http://www.audit-scotland.gov.uk)**

### Employers in Voluntary Housing (EVH)

EVH provides support to the governing bodies of not for profit and voluntary organisations in all aspects of their role as an employer.



**0141 352 7435**



**Website: [www.evh.org.uk](http://www.evh.org.uk)**

## Contact us



**0141 242 5642**



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