

# WHISTLEBLOWER POLICY

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**LANARKSHIRE**  
HOUSING ASSOCIATION LTD



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## WHISTLEBLOWER POLICY

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(\*Note Lanarkshire Housing Association hereinafter referred to as LHA)

### 1.0 INTRODUCTION

- 1.1 LHA is committed to the highest standards of openness, probity and accountability and actively promotes the reporting of suspected misconduct or wrongdoing in all aspects of its activities.
- 1.2 The objective of this policy is to provide a mechanism that enables employees (current, former and voluntary), governing body members and other third parties (such as contractors, consultants and stakeholders) to raise any concerns, internally or externally, if they suspect LHA of wrongdoing. This process is known as making a 'protected disclosure' or 'whistleblowing'.
- 1.3 This policy includes a summary of the principles and processes that will guide LHA's actions to ensure that whistleblowers feel confident about safe reporting their concerns, without fear of reprisal.

### 2.0 SCOPE OF POLICY

- 2.1 The types of concerns which fall within the remit of this policy include any conduct that threatens the interests of tenants and other service users or puts at risk the viability and reputation of LHA, or the wider sector.
- 2.2 Examples of such actions include those which do not seem proper, ethical, legal or compliant with LHA's policies and procedures or those which do not comply with the Scottish Housing Regulator's (SHR) Regulatory Framework. These examples are not exhaustive and are only intended to indicate the types of behaviour and actions that LHA would find unacceptable and within the scope of this policy.
- 2.3 Whistleblowing relates to conduct that affects others and is distinct from a grievance, where a member of staff has a personal complaint about their own employment situation and should instead be dealt with through a Grievance Procedure. The SHR will not intervene in such cases, unless the matter is found to be of wider significance and threatens the interests of service users or poses a viability risk to LHA.
- 2.4 Complaints are also distinct from whistleblowing as these involve expressions of dissatisfaction from members of the public over action, lack of action or standards of service provided by or on behalf of LHA. These should instead be dealt with in accordance with LHA's Complaints Handling Procedure.

### **3.0 CONFIDENTIALITY AND ANONYMOUS ALLEGATIONS**

- 3.1 Where a whistleblower does not wish to be identified, LHA will investigate the matter sensitively and in as confidential a manner as practically possible, whilst meeting its legal obligations relating to data protection.
- 3.2 LHA encourages individuals to put their names to any disclosures they make as concerns expressed anonymously are much less robust.
- 3.3 If the whistleblowing concern is received anonymously, the matter may still be investigated, at LHA's discretion, as far as reasonably possible.

### **4.0 PRINCIPLES OF THE POLICY**

- 4.1 The whistleblower is not required to prove the truth of an allegation beyond doubt and is only expected to demonstrate reasonable grounds.
- 4.2 LHA will be as open and transparent as possible (given any potential legal, confidentiality or data protection issues) and provide the whistleblower with as much information as it is able to as quickly as possible, depending on the complexity of the matter and the extent of information to be gathered.
- 4.3 Efforts will be made to avoid any conflicts of interest in the reporting, investigation, decision-making, appeal or other part of the whistleblowing process.
- 4.4 The Chief Executive (or Chairperson of the Management Committee if the concern involves the Chief Executive in any way) is responsible for overseeing the implementation of this policy and retains overall responsibility for determining whether any raised concern falls within its scope and is founded on reasonable grounds.

### **5.0 REPORTING PROCEDURE**

- 5.1 Whistleblowers are encouraged to promptly report concerns internally, in order that LHA is given the opportunity to investigate and put things right, before issues escalate.
- 5.2 It is preferable for concerns to be raised in writing and employees should raise concerns directly with their line manager, acting as the appropriate person, unless those concerns involve that person in any way. In such instances, these should instead be raised with the Chief Executive.

- 5.3 Line managers receiving notification of concerns should not seek to investigate the matter themselves, but inform the Chief Executive as soon as practically possible.
- 5.4 Any concerns involving the actions of the Chief Executive should instead be reported to LHA's Chairperson of the Management Committee.
- 5.5 If the concern involves both the Chief Executive and the Chairperson, the whistleblower should raise the matter directly with the SHR.
- 5.6 Other third parties (such as consultants and contractors) should raise their concerns with the Chief Executive, unless the concern involves that person, whereby they should raise the matter with the Chairperson. If the matter implicates both the Chief Executive and Chairperson, the third party whistleblower should instead report to the SHR.
- 5.7 Governing Body members should raise concerns direct with the Chief Executive, unless those concerns involve that person and, in such instances, should instead report to the Chairperson. If the concern involves both the Chief Executive and Chairperson, the Governing Body member should directly approach the SHR.

## **6.0 THE INVESTIGATION**

- 6.1 On receipt of the concern, the Chief Executive will undertake an initial assessment to determine whether an investigation is appropriate and what form this should take.
- 6.2 Where it is considered that an investigation is appropriate, this will be carried out by the Chief Executive, or other party appointed by them and deemed appropriate (may be a member of the Extended Leadership Team or a suitably qualified independent investigator).
- 6.3 If the whistleblowing concern involves the Chief Executive in any way, the matter will instead be investigated by the Chairperson, or another party appointed by them (may be internal or independent external) as considered appropriate.
- 6.4 If the investigation is carried out by a member of the Extended Leadership Team or an independent investigator, it will be carried out under the direction of the Chief Executive (or Chairperson if it involves that person) and they will instruct the investigator to ascertain whether there is any information or evidence to support the whistleblower's claim and provide a report on their findings within an agreed timescale.
- 6.5 If required, further information will be sought from the whistleblower. Where a meeting is needed, this may be held off-site, with a colleague

of the whistleblower or union representative in attendance, if preferred by the whistleblower.

## **7.0 WHAT ACTION MIGHT BE TAKEN AND TIMESCALE**

- 7.1 On receipt of a concern, this will be formally acknowledged to the whistleblower within 3 working days by the Chief Executive (or Chairperson if the concern involves the Chief Executive) or other person delegated by them.
- 7.2 Thereafter, the Chief Executive (or Chairperson if the concern involves the Chief Executive) or other person delegated by them, will communicate with the whistleblower within 10 working days to either provide the final response or outline the proposed course of action and estimated timescale for a final response.
- 7.3 After considering the findings of the investigation, the Chief Executive (or Chairperson if the concern involves that person) will decide whether there is a need for action to be taken and if so, determine the particular action required.
- 7.4 Any action taken will be in accordance with LHA's existing policies and procedures and could include referring a matter to LHA's external auditor, passing information to the police (if there are indications that a criminal offence may have been committed) or contacting the SHR if the matter is a notifiable event. Alternatively, it could involve taking no action due to lack of evidence.
- 7.5 Where it is decided by the Chief Executive (or Chairperson if it involves that person) that the whistleblowing matter should not be progressed or cannot be substantiated, the Chief Executive (or Chairperson) will inform the whistleblower, in writing, as soon as possible.
- 7.6 The whistleblower will also be advised of their right to appeal this decision to the Chairperson of the Audit & Assurance Sub-Committee, for consideration by that body.
- 7.7 The whistleblower should be kept fully advised throughout the process and their final response should provide as much information as possible regarding the findings of the investigation, in accordance with the principles of this policy.
- 7.8 If, after appealing internally, the individual remains dissatisfied, the Chief Executive will inform the whistleblower that they subsequently have the option of raising the matter with the SHR.
- 7.9 The Corporate Services section will maintain a record of concerns received and outcomes, in a format that does not affect employee confidentiality, and the Chief Executive (or Chairperson if it involves

that person) will report to the Governing Body as appropriate and on an annual basis (as a minimum) on all recorded cases of whistleblowing throughout a calendar year.

## **8.0 THE SCOTTISH HOUSING REGULATOR (SHR) AND OTHER APPROPRIATE PRESCRIBED PERSONS**

- 8.1 The SHR is the Prescribed Person for disclosures being made about social landlords' performance of housing activities, financial well-being and standards of governance. Refer to **Appendix 1** for information relating to Prescribed Persons.
- 8.2 LHA recognises that sometimes people may be reluctant to report concerns internally, therefore, whistleblowers also have the option to report these directly to the SHR, acting as the 'Prescribed Person' to whom disclosures can be made about social landlords.
- 8.3 Whistleblowers may also approach the SHR because they are dissatisfied with the way that LHA previously dealt with their whistleblowing concerns or the outcome of these.
- 8.4 Whistleblowing allegations are a Notifiable Event, and LHA will make the SHR aware (in accordance with their Notifiable Events Guidance) of the concerns raised, and the actions being taken to investigate and deal with the findings.
- 8.5 In the event of the SHR engaging with LHA on the matter, LHA will cooperate with them in their enquiries in an attempt to reach a satisfactory resolution. In this respect, LHA may seek specialist advice, if it considers this appropriate.
- 8.6 The contact information of appropriate Prescribed Persons is outlined in **Appendix 1**.

## **9.0 LEGAL FRAMEWORK**

- 9.1 The Public Interest Disclosure Act 1998 (PIDA) protects employees, agents and contractors making a qualifying disclosure to a Prescribed Person from being dismissed or penalised, if this is made in good faith and reasonably believed to be true. These concerns must be made in the 'public interest', in accordance with the Enterprise and Regulatory Act 2013.
- 9.2 To receive protection, a qualifying disclosure must be in the public interest about a possible:
  - Criminal offence
  - Failure to comply with a legal obligation

- Miscarriage of justice
- Threat to an individual's health and safety
- Danger to the environment, or
- A deliberate attempt to conceal any of the above

9.3 LHA will not tolerate any harassment (including informal pressure) and will take all reasonable steps to ensure that whistleblowers are protected from victimisation.

9.4 If a person considers that they have been treated unfairly and suffered a loss because of making a whistleblowing disclosure, a claim may be brought to the Employment Tribunal, for them to determine an outcome. Protect (formerly known as Public Concern at Work) is a source of free and confidential advice on whistleblowing and can be contacted via the website.

9.5 Governing body members are not covered by PIDA, however, the SHR will handle their reported concerns in the same way as those from staff.

9.6 Action is unlikely to be taken against a whistleblower where a subsequent investigation fails to confirm their allegations. However, malicious or deliberately false disclosures are not protected under PIDA and in order to ensure the protection of our employees and reputation, LHA may take appropriate disciplinary action (up to and including dismissal) or other action against parties found to have made these.

## **10.0 CIRCULATION AND REVIEW**

10.1 Employees and Governing Body members will be made aware of this policy and new parties provided with a copy at induction stage. LHA's consultants and contractors will also be forwarded a copy at appointment or at any other time considered appropriate by the appointing officer.

10.2 This policy will be subject to review by the Management Committee on a three-yearly basis, or sooner as required by the Chief Executive.

Appropriate Prescribed Persons may be as follows:

The Scottish Housing Regulator (SHR)  
Tel: 0141 271 3810  
Email: [shr@scottishhousingregulator.gsi.gov.uk](mailto:shr@scottishhousingregulator.gsi.gov.uk)

The Scottish Charity Regulator (OSCR)  
Tel 01382 220446,  
Email: [info@oscr.org.uk](mailto:info@oscr.org.uk)

Health and Safety Executive (HSE)  
Tel 0845 300 9923  
Email: [www.hse.gov.uk](http://www.hse.gov.uk)

Environmental Health Services, North Lanarkshire Council  
Tel 01236 856361  
Email: [environmental-health@northlan.gov.uk](mailto:environmental-health@northlan.gov.uk)



## Equality Impact Assessment

### Lanarkshire Housing Association Equality Impact Assessment Tool



<b>Name of the policy / proposal to be assessed</b>	Whistleblower Policy	<b>Is this a new policy / proposal or a revision?</b>	Revision
<b>Person(s) responsible for the assessment</b>	Planning & Research Manager		
<b>1. Briefly describe the aims, objectives, and purpose of the policy / proposal</b>	To provide a mechanism that enables employees, governing body members and other third parties to raise any concerns, internally or externally, if they suspect LHA of wrongdoing.		
<b>2. Who is intended to benefit from the policy / proposal? (e.g. applicants, tenants, staff, contractors)</b>	Tenants and other service users will benefit from the policy as it is intended to protect them from any conduct that threatens their interests. It also safeguards LHA and the wider section from reputational damage.		
<b>3. What outcomes are wanted from this policy / proposal? (e.g. the benefits to customers)</b>	Any concerns raised by a whistleblower will be fully addressed by LHA or by the SHR/ other Prescribed Person.		

## Equality Impact Assessment

**4. Which protected characteristics could be affected by the proposal? (tick all that apply)**

- ☐ Age
 ☐ Disability
 ☐ Marriage & Civil Partnership
 ☐ Pregnancy/Maternity
 ☐ Race  
☐ Religion or Belief
 ☐ Sex
 ☐ Gender Reassignment
 ☐ Sexual Orientation

**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.**

LHA will ensure that it carries out its whistleblowing duties in accordance with the policy, for the benefit of all parties outlined above and regardless of protected characteristics.

	Positive impact(s)	Negative impact(s)
<b>6. Describe the likely positive or negative impact(s) the policy / proposal could have on the groups identified in part 4.</b>		
<b>7. What actions are required to address the impacts arising from this assessment? (This might include collecting additional data, putting monitoring in place, specific actions to mitigate negative impacts).</b>		

## Equality Impact Assessment

Signed: Gracey Winters Job title: Planning & Research Manager

Date the Equality Impact Assessment was completed: 10.6.25

***Please attach the completed document as an appendix to your policy / proposal report***