

## Whistleblowing Policy

<b>Version Number</b>	4
<b>Revision Date</b>	June 2022
<b>Department</b>	All BSUs
<b>Author</b>	Director of Business Support & Transformation
<b>Reason for Policy Creation/Revision</b>	Planned review
<b>Data Protection</b>	The policy complies with Hanover's Data Protection Policy and Procedures
<b>Equalities</b>	This Policy ensure equitable access for anyone wishing to raise a serious concern about an aspect of the organisation.
<b>Sustainability</b>	No impact
<b>Proof Read By</b>	Business Support Manager
<b>Date Approved</b>	11 August 2022
<b>Approved By</b>	Board
<b>Next Review Due</b>	11 August 2025
<b>Audience – Training and Awareness Method</b>	Given this has minor amendments – we will send out a briefing to Managers once approved.
<b>Effective Date</b>	11 August 2022
<b>Internal References – Policies &amp; Procedures (Located on The Hub)</b>	Anti-Fraud Framework Entitlements and Benefits Policy Grievance Policy Dignity at Work Policy Discipline policy Data Protection Policy Complaints policy Equalities Policy
<b>External References</b>	Scottish Housing Regulator Care Inspectorate SSSC Code of Practice

### 1. Policy Purpose

- 1.1 The purpose of this policy is to ensure that staff are fully aware of the matters which they should report and the reporting procedure they should follow for internal, and where appropriate, external whistleblowing.
- 1.2 This policy adheres to the Public Interest Disclosure Act (PIDA) 1998, amended to the Employment Rights Act 1996. It aims to put the principles of the law into the context of Hanover so that employees, workers and other groups are clear about how to raise a concern that may be considered a protected disclosure, how the protected disclosure will be dealt with and the protections they themselves will have when making a disclosure.
- 1.3 This policy also ensures that we comply with the Scottish Housing Regulator (SHR) Regulatory Framework which states that we 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”.
- 1.4 This policy should not be used for complaints relating to an employee’s own personal circumstances, such as the way they have been treated at work. In those cases the employee should use the Grievance Procedure. If an employee chooses to raise a concern under the Whistleblowing Policy, they must have a reasonable belief that to do so would be in the public interest.
- 1.5 In line with our Values, Hanover is committed to “being accountable” ensuring that we are transparent in all that we do and actively take responsibility for resolving issues. We want to ensure that our organisation conducts its business with honesty and integrity. This ethos underpins all Hanover’s activities and is enshrined in this policy and accompanying procedure
- 1.6 Hanover is committed to dealing responsibly, openly and professionally with any genuine concern and encourages employees to discuss all concerns internally and promptly wherever possible.

### 2. Policy Scope

- 2.1 This policy applies to
  - Board Members
  - Employees (covering workers and contractors)

### 3. Employee Responsibility

- 3.1 The Director of Business Support & Transformation has overarching responsibility for this policy, and individual employees are responsible for the documents linked to it including other policies and procedures.

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### 4. The legal framework

- 4.1 Whistleblowing law is located in the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998 and as amended in 2013)). It aims to protect individuals who make certain disclosures of information in the public interest and provides the right for a worker to take a case to an employment tribunal if they have been victimised or suffer a detriment at work or lost their job because they have 'blown the whistle'. Whistleblowing is the term used when an employee or Board member raises a concern about wrongdoing. This is called 'making a disclosure' or 'blowing the whistle'. The wrongdoing will typically (although not necessarily) be something they witnessed at work.
- 4.2 Under the Act an employee has the right not to be subjected to any detriment by any act, or any deliberate failure to act, by their employer on the grounds that the employee has made a protected disclosure. Hanover's Whistleblowing Policy and Procedure ensures that the requirements set out in the Act are met.
- 4.3 To be covered by the Act, an employee or Board member who makes a disclosure must reasonably believe two things:
- 1) They are acting in the public interest (personal grievances and complaints are not covered by whistleblowing law); and
  - 2) The disclosure shows past, present or likely future wrongdoing falling into one or more of the following categories:
    - a criminal offence;
    - a miscarriage of justice;
    - an act creating risk to health and safety;
    - an act causing damage to the environment;
    - a breach of any other legal obligation; or
    - concealment of any of the above
- 4.4 It is not necessary for the employee to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient. The employee has no responsibility for investigating the matter - it is Hanover's responsibility to ensure that an investigation takes place.
- 4.5 An employee who makes such a qualified/ protected disclosure has the right not to be dismissed, or subjected to victimisation, or suffer a detriment because they have made the disclosure.
- 4.6 Any employee who believes, after raising a whistleblowing concern, that they are being subjected to bullying and/or harassment and/or victimisation and/or unacceptable behaviour should refer to both our Dignity at Work Policy and Whistleblowing Procedure for further guidance.
- 4.7 A qualifying disclosure will become a protected disclosure which is protected under the Act if it is made in one of six specified circumstances under the PIDA; e.g.

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- i. Disclosure to employer, or the person legally responsible or an appropriate individual authorised by the employer to receive disclosures;
- ii. Disclosure to a legal advisor;
- iii. Disclosure to a government minister, where the worker's employer is appointed by a minister;
- iv. Disclosure to a prescribed person;
- v. Disclosure to an individual unconnected with the organisation (external disclosures) e.g. police or media;
- vi. Disclosure in exceptionally serious cases

### 5. Principles

The Whistleblowing Policy apply the following principles:

- 5.1 Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Employees and Board Members should be watchful for illegal or unethical conduct. They should report immediately anything of that nature of which they become aware.
- 5.2 Any matter raised under this policy will be investigated thoroughly, promptly and with appropriate confidentiality, and the outcome of the investigation reported back to the employee who raised the issue.
- 5.3 No employee or Board Member will be victimised for raising a matter under this policy. This means that the continued employment/ engagement and opportunities for future promotion or training of the employee, or a Board Member's role will not be prejudiced because they raised a legitimate concern
- 5.4 Victimisation of an employee for raising a qualified disclosure (defined in section 4, above) will be a disciplinary offence.
- 5.5 If misconduct is discovered as a result of any investigation under this procedure Hanover's disciplinary procedure will be used, in addition to any applicable external measures.
- 5.6 Maliciously making a false allegation is a disciplinary offence.
- 5.7 An instruction to cover up wrongdoing is also a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, employees should not agree to remain silent. They should report the matter to the Chief Executive or a Director, or a Board Member.

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- 5.8 All employees should be assured that it is safe and acceptable for them to make protected disclosures to 'prescribed persons' i.e. regulatory authorities, where they cannot make these disclosures internally.
- 5.9 The Whistleblowing Policy and Procedure will be brought to the attention of employees by means including employee induction, employee representation arrangements, newsletters, learning and development activity, etc.
- 5.10 The Policy will also be brought to attention of Board Members.
- 5.11 A full record of public interest disclosures (whistleblowing) will be maintained with each disclosure being subject to formal investigation and this will be signed off annually by the Chair after the end of the financial year. The Board will also receive confirmation through the regular Governance report to Board, that this register has been signed off.
- 5.12 Any instances of Whistleblowing must be reported as a Notifiable Event to SHR, as per our Notifiable Events Procedure, and will be notified to the Board at the earliest opportunity. In consultation with the Chair of the Board, it may be agreed, depending on the nature of the reported instance, that the Board / Audit Performance and Risk Committee may wish to appoint a Board Member to support the investigation. In line with the Scheme of Delegation, the outcome of all disclosures and investigations will be reported to and recorded in the minutes of the Audit, Performance & Committee, and where necessary will be escalated to Board .
- 5.13 An employee will always receive support and be updated on the progress of their whistleblowing, during the investigation and upon its conclusion.
- 5.14 Hanover will endeavour, at every stage, to follow the Whistleblowing Response and Timeline Guide. Please refer to Whistleblowing Support Pack Appendix 1 to Whistleblowing Procedure.
- 5.15 Hanover encourages its employees and Board Members to raise their concerns under this policy in the first instance. If an employee is not sure whether to raise a concern, they should discuss the issue with their manager or their allocated HR Business Partner.

### **6. Data Protection**

- 6.1 This policy complies with Hanover's Data Protection Policy

### **7. Monitoring and Evaluation**

- 7.1 This policy will be monitored and evaluated by Head of Governance and Transformation. Following each investigated instance, lessons learned will be reported to ELT.

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### **8. Review**

8.1 This policy will be reviewed every 3 years or earlier if required.