



# Whistleblowing Policy

Document No. GP52      Version: 3  
Responsible Officer: Chief Executive  
Date Approved: 27<sup>th</sup> March 2025  
Review Date: March 2026  
Regulatory Standard: 5.2,5.6



INVESTOR IN PEOPLE

**Providing homes, supporting communities**

## Contents

1.0	Hjaltland Values
2.0	Introduction
3.0	Scope of Policy
4.0	Regulatory Framework / Legal
5.0	Safeguards
5.1	Protection
5.2	Confidentiality
5.3	Anonymous Allegations
5.4	Untrue Allegations
6.0	Equality Impact Assessment
7.0	GDPR
8.0	Monitoring and Review
	Appendix 1 - Raising a concern
	Appendix 2 – List of Prescribed Persons
	Appendix 3 – Equality impact assessment

## 1.0 Hjaltland Values

### Our Vision

Providing homes, supporting communities

### Our Values

#### Teamwork

Working together as one team, to the benefit of our customers. To demonstrate and extend trust in each other.

#### Open, Honest & Inclusive

We offer a people focused service that is centred in fairness and integrity. We believe in being open, honest and respectful in everything we do.

#### Ownership

We expect our staff to take responsibility for their actions and give them the freedom to do their job in a positive working environment.

#### Quality

We value quality in everything we do from the standard of our product to the level of service we provide. We take pride in making a difference in communities and providing continuous improvement.

#### Innovation

We seek to ensure we have sustainable housing, fit for future generations, maintained and developed to the highest possible standard.

## 2.0 Introduction

Hjaltland Housing Association 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, the Association expects those who have serious concerns about any aspect of its work to come forward and speak up without fear of reprisal. Therefore, Hjaltland Housing Association recognises that it is an important aspect of accountability and transparency to provide a mechanism to ensure that no employee, committee member or stakeholder of feel at a disadvantage in raising legitimate concerns.

The Public Interest Disclosure Act, 1998, gives legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns. These concerns must be made in the 'public interest' as per the Enterprise and Regulatory Act 2013, in addition if a disclosure is not made in 'good faith' this will still be

considered by an employment tribunal, but compensation can be reduced by up to 25% in such circumstances. Employers may also be held vicariously liable for workers who victimise colleagues for making a disclosure. Hjaltland Housing Association will take all reasonable steps to protect workers from being victimised.

All employees, Committee Members and Stakeholders working for or acting on behalf of Hjaltland Housing Association are covered by this policy. The policy also applies to suppliers and those providing services under a contract within Hjaltland Housing Association.

If you are a customer, member of the public or other service user, you should raise any concerns regarding “Whistleblowing” directly with the Chief Executive, or in writing marked ‘Private and Confidential’ FAO Bryan Leask. The Whistleblowing procedure is attached to this policy as Appendix 1.

### **3.0 Scope of Policy**

This policy is designed to enable employees of Hjaltland Housing Association to raise concerns internally and at a high 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 Hjaltland Housing Association, 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.

### **4.0 Regulatory Framework / Legal**

This policy has been written to take account of the Public Interest Disclosure Act 1998 which protects workers making disclosures about certain matters of concern, when those disclosures are made in accordance with the Act’s provisions and in the public interest.

Enterprise & Regulatory Act 2013 seeks to limit abuses of the whistleblowing legislation by self-interested claimants but also to protect genuine whistleblowers from abusive colleagues.

### **5.0 Safeguards**

## 5.1 Protection

This policy is designed to offer protection to those employees of Hjaltland Housing Association 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.

Hjaltland Housing Association will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect the individual when they raise a concern with the above provisions acknowledged.

## 5.2 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.

## 5.3 Anonymous Allegations

This policy encourages individuals to put their names to any disclosures they make. Concerns expressed anonymously are much less robust but may never the less be considered at the discretion of Hjaltland Housing Association.

## 5.4 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. It should also be noted that under the provisions of the Enterprise and Regulatory Act 2013, if a disclosure is not made in 'good faith' this will still be considered by an employment tribunal, but compensation can be reduced by up to 25% in such circumstances.

## 6.0 Equality Impact Assessment

The Association is committed to promoting positive measures that eliminate all forms of unlawful or unfair discrimination on the grounds of age, disability, gender reassignment, marriage & civil partnership, pregnancy & maternity, race, religion or belief, sex, sexual orientation. Our aim as landlord, service provider and employer is to recognise the needs of

all individuals, and ensure these commitments are evident throughout every aspect of our business and our activities.

Access to the information on and communication about the Whistleblowing procedure is equal, irrespective of any protected characteristics. As a result, this procedure has a neutral impact on employees for any of the below protected characteristics. The Whistleblowing policy is also available to all in the Hjaltland Housing Association website.

This policy is a staff and Committee management policy to prevent fraud and to ensure that all staff and Committee members are aware of what is required of them.

## **7.0 GDPR**

The Association will treat your personal data in line with our obligations under the current data protection regulations and our own Data Protection Policy. Information regarding how your data will be used and the basis for processing your data is provided in Hjaltland Housing Associations Privacy notices.

## **8.0 Monitoring and Review**

- Date approved by Management Committee: 27<sup>th</sup> March 2025
- This policy will be reviewed in line with our Assurance Statement Annually.



## Appendix 1

### Raising a Concern

- **First Step**

The individual should raise concerns with their immediate line manager. This information will be passed on as soon possible to the Chief Executive. Any complaints will be investigated by the Chief Executive unless the complaint is against the Chief Executive or is in any way related to their actions. Where the complaint is related to the Chief Executive, it should be addressed to the Chair of the Management Committee who will in turn appoint an independent person to investigate the allegations. If the complaint relates to the Chair of the Management Committee it should be addressed to the Chair of the Audit and Risk Sub Committee, who will in turn appoint an independent person to investigate the allegations.

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. 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, Hjaltland Housing Association will seek further information from the individual concerned.

Where any meeting is arranged, the individual can be accompanied by a trade union or staff representative and also have the meeting off-site if they so wish.

- **Process**

On receipt of a disclosure the appropriate person will launch an investigation.

Depending on the circumstances surrounding the investigation appropriate action will be taken in accordance with Hjaltland Housing Associations existing policies and procedures.

- **Timescales**

Once the investigator has completed the investigation it will be given to the individual who instructed the investigation. They will then write to the person who raised the concern as soon as possible and:

- Acknowledge that the concern has been received;
- Indicate how the matter will be dealt with;
- Give an estimate of how long it will take to provide a final response;

- Supply the individual with information on staff support mechanisms; and inform the individual whether further investigations will take place and if not, explain why.

## **Outcome of Investigation**

Once the investigation has been completed and the report is received by the Chair, 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.

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 and Risk Sub Committee. If, after appealing internally the individual is still not satisfied with the outcome, they can raise the issue with the appropriate external regulatory body as outlined in Appendix 2.



## Appendix 2

### List of Prescribed Persons

- **Scottish Housing Regulator**

Tel: 0141 242 5642

Email: [shr@shr.gov.scot](mailto:shr@shr.gov.scot)

[www.housingregulator.gov.uk](http://www.housingregulator.gov.uk)

Mail:

Scottish Housing Regulator  
2nd Floor. George House  
36 North Hanover Street  
Glasgow  
G1 2AD

- **Environmental Health; Shetland Islands Council**

Tel: 01595 745250

Email: [ehadmin@shetland.gov.uk](mailto:ehadmin@shetland.gov.uk)

[www.shetland.gov.uk/environmental-health](http://www.shetland.gov.uk/environmental-health)

Mail:

- **Health and Safety Executive; Aberdeen**

Tel: 0300 003 1747

[www.hse.gov.uk](http://www.hse.gov.uk)

- **RSM - External Auditors**

Tel: 01595 743520

[www.rsmuk.com/offices/lerwick](http://www.rsmuk.com/offices/lerwick)

### Further Sources of Information

- **ACAS**

Helpline: 0300 123 1100

Text Relay Service 18001 0300 123 1100

[www.acas.org.uk](http://www.acas.org.uk)

### Free, confidential whistleblowing advice

- **Protect (Previously Public concern at work)**

Tel (general): 020 3117 2520

## Appendix 3

**Policy proposal to be assessed,** Whistleblowing Policy

**New Policy/Revision;** Revision

**Person responsible for the assessment;** Kim Laidlaw

<b>Briefly describe the aims/objectives and purpose of the policy/proposal</b>	The policy aims to provide employees with a safe and acceptable way of raising any concerns at an early stage and how to raise these concerns. The process is designed to prevent the individual from being the subject of victimisation, harassment or discrimination as a result of their allegations.
<b>Who is intended to benefit from the policy/proposal?</b> (e.g. applicants, tenants, staff, contractors)	The Whistleblowing process is designed to support individuals who have genuine concerns in the interests of assisting the Association in eliminating fraud. Malicious or false concerns will not be tolerated and raising them may result in disciplinary action. All Hjaltland employees, Former Employees, Committee Members, External Business, and HR staff benefit from this policy.
<b>What outcomes are wanted from this policy/proposal?</b> (e.g. the benefits to customers)	Raised awareness and understanding of the procedure. Annually discussed by both committee members and employees to raise and maintain awareness. Publicise Whistleblowing Policy on the Intranet to ensure openness and transparency.

<b>Describe the likely positive or negative impact(s) the policy/proposal could have on the groups</b>	<b>Positive impact(s)</b>	<b>Negative impact(s)</b>
Age	Unlikely to be any impact	Unlikely to be any impact
Disability	Unlikely to be any impact	Where there are disabilities relating to vision, the standard version of this policy may have a negative impact on an applicant.
Gender re-assignment	Unlikely to be any impact	Unlikely to be any impact
Marriage and civil partnership	Unlikely to be any impact	Unlikely to be any impact
Pregnancy and maternity	Unlikely to be any impact	Unlikely to be any impact

Race	Unlikely to be any impact	Where English is not a first language, interpretation of this policy may have a negative impact on an applicant.
Religion or belief	Unlikely to be any impact	Unlikely to be any impact
Sex	Unlikely to be any impact	Unlikely to be any impact
Sexual orientation	Unlikely to be any impact	Unlikely to be any impact

**It is considered that the policy will have a potential positive impact on these protected group(s) as they are covered by the Equality Act and can make a complaint if they experience discrimination or harassment**

Actions Required to Address Impact	
What <b>actions</b> are <b>required</b> to address the impacts arising from this assessment? ( <i>This might include; collecting additional data, putting monitoring in place, specific actions to mitigate negative impacts</i> ).	<p><u>Disability</u> – all policies can be supplied in a preferred format (for example, in large print)</p> <p><u>Race</u> – where language is a barrier, translation services can be provided and The Association has ‘google translate’ as a function on the webpage.</p>

The policy applies to all employees and doesn’t disadvantage any group. The purpose of the policy is to protect all employees from experiencing discrimination, harassment or victimisation at work and to support them to raise a complaint if they do experience such behaviour. We also signpost employees and managers to our Equality and Diversity policy for further information.