



RCH Group Policy: Whistleblowing

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| Policy Owner | Executive Director Group Services |
| Policy Manager | HR Manager |
| Approval Body | RCH Group Board |
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This policy is available, on request, in different languages and in other formats such as large print, audio format and braille as required.

1. Scope

- 1.1 This is a Group policy and therefore applies to Staff, Board and Committee members of The RCH Group of companies. As at June 2022, The RCH Group consists of River Clyde Homes and its subsidiary, Home Fix Scotland Ltd.

2. Introduction

- 2.1 RCH Group is committed to having the highest standards of openness, probity and accountability. We expect anyone who has a genuine concern about any aspect of our work to be able to come forward and speak up without fear of reprisal. Thus, we recognise that it is necessary to provide a suitable mechanism to report such a concern and to ensure that no-one is treated detrimentally for raising a legitimate concern.
- 2.2 The Chief Executive and the Board of RCH Group are committed to discharging their obligations under the Public Interest Disclosure Act 1998, which gives legal protection to staff against being dismissed or penalised by RCH Group as a result of publicly disclosing certain serious concerns.
- 2.3 Several policies are already in place, including disciplinary, grievance and dignity work 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.
- 2.4 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 RCH Group, its staff, committee/board 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
- 2.5 Employees who 'blow the whistle' on wrongdoing in RCH Group will not suffer any detriment from doing so. Employees can claim unfair dismissal if they are dismissed or victimised for doing so. An employee's dismissal (or selection for redundancy) is automatically considered 'unfair' if it is wholly or mainly for making a protected disclosure.
- 2.6 Related Legislative and Statutory Frameworks are The Public Interest Disclosure Act 1998 and Enterprise and Regulatory Act 2013.

- 2.7 RCH Group related documents are RCH Group Disciplinary and Dismissal Policy and Procedure, RCH Group Grievance and Dignity at Work Policy and Procedure and RCH Group Code of Conduct

3. Policy Statement and Responsibilities

- 3.1 This policy is designed to offer protection to staff who disclose such concerns provided the disclosure is made:
- In good faith;
 - To an appropriate person/body; and
 - In the reasonable belief of the individual making the disclosure that it tends to show malpractice or impropriety.
- 3.2 RCH Group will not tolerate any harassment, bullying or victimisation (including informal pressures) and will take appropriate action to protect the individual when they raise a concern in good faith.
- 3.3 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, this may not always be possible, for example where an offence has been committed either in law or person has done something that would contravene RCH Group's Code of Conduct, or behaviour/actions that would fall within the scope of the RCH Group's Disciplinary and Dismissal Policy and Procedures. Therefore, where it is appropriate for the individual to come forward as a witness, this will be fully discussed beforehand with that person.
- 3.4 Whistleblowing concerns can be raised in writing to Whistleblowing, River Clyde Homes, Clyde View, 22 Pottery Street, Greenock, PA15 2UZ or by e-mail to public.interest@riverclydehomes.org.uk.
- 3.5 On receipt of a whistleblowing concern the appropriate person will conduct an investigation.
- 3.6 Depending on the circumstances surrounding the investigation appropriate action will be taken in accordance RCH Group's existing policies and procedures. This is also a notifiable event and is required to reported to the Scottish Housing Regulator.
- 3.7 The person who raised the concern will receive the following written communication as soon as possible:
- Acknowledgement that the concern has been received;
 - Indication on how the matter will be dealt with;
 - An estimated time of how long it will take to provide a final response; and
 - Information on staff support mechanisms; and inform whether further investigations will take place and if not, explain why.

- 3.8 Concerns expressed anonymously are much less powerful but will be considered at our discretion. Where there is no knowledge of the identity of the complainant, it is difficult to assess the validity of any complaint and such anonymity will be discouraged.
- 3.9 If an allegation is made in good faith and is not confirmed by the subsequent investigation, no action will be taken against that individual. However, if an allegation is made frivolously, maliciously or for personal gain, disciplinary action may be taken against the individual concerned.
- 3.10 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.

3.11 Roles and Responsibilities

3.11.1 The Board

The Board is responsible for monitoring compliance with all elements of the Whistleblowing Policy. The Board will review whistleblowing performance on an annual basis and ensure that any issues of significant risk are actioned appropriately. The Board has a collective role for whistleblowing principles within RCH Group.

3.11.2 The Chief Executive

The Chief Executive is ultimately responsible for ensuring that all information from disclosures is handled appropriately and determine the form of required investigation. This may be to:

- Investigate the matter by management, internal audit, or through RCH Group's Policy and Procedures.
- Refer the matter to an external organisation for example external audit or police; or
- Call for an independent inquiry.

3.11.3 Directors and Heads of Service (Senior Leadership Team)

The Senior Leadership Team (SLT) will:

- Ensure that the recognised Trade Unions are given SLT sponsorship for the members to feel confident to report any whistleblowing concerns.
- Safeguard staff ensuring that they feel confident in raising whistleblowing concerns;
- Make sure that managers within their departments are suitably trained, competent and fully understand their obligations in relation to whistleblowing; and
- Support managers by providing effective resources and advice to ensure best practice standards are achieved.

3.11.4 Managers and Supervisory Staff

- Bring the Whistleblowing Policy to the attention of employees under their management and ensure an understanding of its contents;
- Ensure that any whistleblowing concerns raised are taken seriously;
- Thoroughly investigate any whistleblowing concerns ensuring that they are assessed objectively;
- Regularly communicate with staff, keeping them informed of the progress of their disclosure; and
- Make certain that appropriate actions are taken to resolve the whistleblowing concern

3.11.5 HR Staff

- Keep the Chief Executive and the SLT informed of any whistleblowing related matters that may affect the area of service under their responsibility;
- Provide specialist advice and awareness training; and
- Monitor Public Interest inbox

3.11.6 Employees

- Familiarise themselves with this Policy and any other policies, procedures relevant to their role and workplace;
- Attend whistleblowing training courses as and when necessary;
- Contribute and co-operate with RCH Group management on all matters relating to whistleblowing; and
- Report any whistleblowing concerns if they become aware that any are happening (or have happened or are likely to happen).

3.11.7 Stakeholders

Tenants, members of the public or other service users should raise any whistleblowing concerns as follows:

- Directly with the Chief Executive or the Chair of the Board;
- In writing marked "Private and Confidential" for the Chief Executive or the Chair of the Board's attention at River Clyde Homes, River Clyde Homes, Clyde View, 22 Pottery Street, Greenock, PA15 2UZ;
- By e-mail to public.interest@riverclydehomes.org.uk; and
- By telephone on 01475 788867

4. Equality Impact Assessment

EIA has been undertaken and no adverse impact on equality was identified.

5. Review

This policy will be reviewed in its entirety every 3 years, unless an earlier review is required due to changes in legal, regulatory or best practice requirements, or because monitoring and reporting reveals that a change in policy is required sooner.