



RCH Group Whistleblowing Policy

Policy Owner: Richard Turnock	Policy Manager: Maureen Gimby	Date Approved:
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1. Purpose & Aims of the Policy	
1.1	<p>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.</p>
1.2	<p>This policy will apply to everyone in RCH Group. 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.</p>
2. Scope	
2.1	<p>This policy applies to:</p> <ul style="list-style-type: none">○ Board Members of the RCH Group;○ Employees of RCH Group; and○ All customers, contractors and other stakeholders visiting or carrying out work on behalf of or with RCH Group.
3. Qualifying Disclosures	
3.1	<p>Qualifying disclosures are disclosures of information where staff reasonably believes (and it is in the public interest) that one or more of the following matters is either happening, has taken place, or is likely to happen in the future.</p> <ul style="list-style-type: none">○ A criminal offence;○ The breach of a legal obligation;○ A miscarriage of justice;○ A danger to the health and safety of any individual;○ Damage to the environment; and○ Deliberate attempt to conceal any of the above.
3.2	<p>Staff who 'blow the whistle' on wrongdoing in RCH Group will not suffer any detriment from doing so. Staff 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.</p>
4. Policy	
4.1	<p>This policy is designed to offer protection to staff who disclose such concerns provided the disclosure is made:</p> <ul style="list-style-type: none">○ 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.
4.2	<p>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.</p>

- 4.3 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 within RCH Group's Disciplinary and Dismissal policy and procedure. Where it is therefore appropriate for the individual to come forward as a witness, this will be fully discussed beforehand with that person.
- 4.4 Whistleblowing concerns can be raised in writing to Whistleblowing, River Clyde Homes, Roxburgh House, 102–112 Roxburgh Street, Greenock, PA15 4JT or by e-mail to public.interest@riverclydehomes.org.uk.
- 4.5 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.
- 4.6 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.

5. Roles and Responsibilities

5.1 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.

5.2 The Chief Executive

The Chief Executive is ultimately responsible for ensuring that all information from disclosures are 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 Discipline and Dismissal Policy and Procedure;
- Refer the matter to an external organisation for example external audit or police; and
- Call for an independent inquiry

5.3 Executive Directors and Heads of Service (Senior Management Team)

The Executive Directors and Heads of Service, known as the Senior Management Team will:

- Ensure that the recognised Trade Unions are given SMT sponsorship for the members to feel confident to report any whistleblowing concerns; the trade union representatives from the RCH Professional and Administrative Staffs Forum (PASF) and the RCH Trades, Manual and Warden Staffs Forum (TMWSF), collectively known as the Joint Consultation Forum (JCF);
- 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

5.4 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

5.5 HR Staff

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

5.6 Employees

- Familiarise themselves with this Policy and whistleblowing 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
- Staff should report any whistleblowing concerns if they become aware that any are happening (or have happened, or are likely to happen)

5.7 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, Roxburgh House, 102–112 Roxburgh Street, Greenock, PA15 4JT;
- By e-mail to public.interest@riverclydehomes.org.uk; and
- By telephone on 01475 788867

6. Related Documents

- RCH Group Disciplinary and Dismissal Policy and Procedure
- RCH Group Grievance and Dignity at Work Policy and Procedure
- RCH Group Code of Conduct

7 Responsibility for Implementation

- Chair of the Board and other Board members

- Chief Executive and other Executive Management Team members
- Heads of Service
- All Line Managers
- All Employees

8 Policy Reviews / Consultation

The Policy will be reviewed on an annual basis or an earlier date if required to respond to new legislation, regulations or best practice. Any review will take account of the views of the trade union partners and staff that use this Policy and its Procedures on a regular basis.

9. Related Legislative and Statutory Framework

The Public Interest Disclosure Act 1998

10. Equalities Impact Assessment

The Equalities Impact Assessment for this policy is attached as Appendix 1

11. Key Stakeholders

- All RCH and RCPM Board members
- All RCH and RCPM employees
- All customers, contractors and other stakeholder partners

EQUALITY IMPACT ASSESSMENT (EIA) SCREENING PROCESS

RCH's equality impact screening process is used to ensure that our policies and practices:

- eliminate any unlawful or unfair forms of discrimination in respect of the protected characteristics and other grounds; and
- promote our equality charter.

The EIA screening process involves two main elements: firstly, an initial policy audit against a range of key standards and, secondly, an assessment of the effects of policy documentation on the relevant issues.

It is critical to note that, although the Equality Act 2010 focusses on a range of protected characteristics, individual people should not be defined by these characteristics. Indeed, individual people will “have” a range of protected characteristics at any one point in time; and needs vary through time. For example, a non-disabled person can become a disabled person at any time; while younger people move into older age groups naturally.

EIA: Staff template

The staff template covers five procedural sections: background; the public sector equality duty; the internal EIA; the external EIA; and consultation issues.

Section 1: Background

Name of policy under assessment:	Whistleblowing Policy 2018
New or existing policy (please specify):	Existing policy – review of current Whistleblowing Policy
Key aims of the policy under assessment:	The aim of this policy and associated procedures is to: Have the highest standards of openness, probity and accountability. RCH 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.
Service or department:	The Corporate Services Department
Person(s) responsible for the assessment:	Nicola Campbell, Senior HR Adviser
Date of assessment:	13 October 2018
Internal sources to RCH	Board, SMT, EMT, Managers, all RCH Group employees, trade union partners and other employee representatives
External sources to RCH	All RCH Group customers, customer groups and other stakeholders, including potential future employees

Section 2: The Public Sector Equality Duty

This decision is based on the following rationale (briefly explain why any of the three issues are relevant for this policy):

General Duty	Is the Policy Likely to have Equality Impacts?	
Elimination of unlawful discrimination, victimisation, or harassment	Yes	
Briefly explain why: <ul style="list-style-type: none"> It ensures that there is a fair and consistent process for anyone who wishes to blow the whistle on any wrongdoing within RCH Group. They will be treated equally regardless of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation, including social class or personal characteristics 		
Advancement of equality of opportunity between people with and those without protected characteristic	Yes	
Briefly explain why: <ul style="list-style-type: none"> It ensures that there is a fair and consistent process for anyone who wishes to blow the whistle on any wrongdoing within RCH Group. They will be treated equally regardless of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation, including social class or personal characteristics 		
Fostering good relations between people with and those without protected characteristic	Yes	
Briefly explain why: <ul style="list-style-type: none"> It ensures that there is a fair and consistent process for anyone who wishes to blow the whistle on any wrongdoing within RCH Group. They will be treated equally regardless of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation, including social class or personal characteristics 		

Section 3: Internal EIA of the policy

The internal EIA is vital as this examines if the policy attains specific standards essential to meeting equality standards.

1 Does the document state, at the front of the document, that it can be made available, on request, in other formats such as in larger print, audio-format, Braille and in other languages, as appropriate?		
Yes		
2 Does the document use Arial font and minimum twelve type size?		
Yes		
3 Is the document accurate in terms of content, for example, are statements within the document accurate when evaluated against law, regulatory standards and related good practice guidance?		
Yes		
4 Are there any rules specified within the policy?		
Yes		
<p>If yes (or unsure), assess if such rules could be discriminatory in terms of equality law and other law (for example, could rules constitute indirect discrimination?)</p> <p>The Policy covers anyone who wants to blow the whistle on any wrongdoing within RCH Group and aims to treat everyone fairly, regardless of protected characteristics. It seeks to ensure that there are no barriers to anyone accessing and making use of the policy and related procedures.</p>		
5 Is language appropriate throughout the document, for example, does it promote positive views about - and respect for other people?		
Yes		
6 Is the document written in clear and plain language?		
Yes		
7 Does the document, if relevant, explain how service users can appeal and/or make a complaint?		
Yes		
8 Does the document, if relevant, explain what positive action measures are in place?		
Not required		
9 Does the document, if relevant, explain what performance monitoring equality measures are in place?		
Yes		

Section 4: External EIA of the policy

Now that section one to three has been completed, is there any negative or positive effect on people.

Protected Characteristic	Negative Effect Yes/No	Positive Effect Yes/No	Explanation
Age	No	Yes	It is not considered that the Policy will have potential for impact on this protected group(s)
Disability	No	Yes	As above
Gender reassignment	No	Yes	As above
Marriage and civil partnership	No	Yes	As above
Pregnancy	No	Yes	As above
Race	No	Yes	As above
Religion/belief	No	Yes	As above
Sex/gender	No	Yes	As above
Sexual orientation	No	Yes	As above
Social class	No	Yes	As above
Personal characteristics	No	Yes	As above

Section 5: Consultation issues

Summarise what types of consultation have been carried out, if any, and with whom:
Regular consultation is carried out with the Trade Unions; the Staff Forum and Senior Management Team meetings
Is consultation required in law and/or due to RCH's policy? Yes
Please explain: It is our policy that we consult with the recognised Trade Unions or employee representatives on issues related to organisational structure changes or changes to terms and conditions of service related issues

Signed off by Responsible Person: Maureen Gimby, Head of Corporate Services

Date: 14 October 2018

Next policy review date: October 2021