

Whistleblowing Policy

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1. Introduction

- 1.1. CVG 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, CVG expects those who have serious concerns about any aspect of CVG's work to come forward and speak up without fear of reprisal. Therefore, CVG recognises that it is an important aspect of accountability and transparency to provide a mechanism to ensure that no employee, committee/board member or stakeholder of CVG feel at a disadvantage in raising legitimate concerns.
- 1.2. All employees, committee/board and stakeholders working for or acting on behalf of CVG are covered by this policy. The policy also applies to suppliers and those providing services under a contract within CVG.
- 1.3. If you are a customer, member of the public or other service user, you should raise any concerns regarding "Whistleblowing" directly with the People Director, or in writing marked 'Private and Confidential' FAO Lisa Beresford.

2. Scope of Policy

- 2.1 This policy is designed to enable employees of CVG 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
 - Breach of any legal or professional obligation, including those in relation to bribery and corruption and tax evasion facilitation
 - Dangers to health and safety or the environment
 - Criminal activity involving CVG, 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

3. Legal Framework

- 3.1. 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.
- 3.2. Employers may also be held vicariously liable for workers who victimise colleagues for making a disclosure. CVG will take all reasonable steps to protect workers from being victimised.

3.3. In certain circumstances individual workers can also be personally sued for victimising a colleague for making a disclosure (by that colleague). If personally sued, and a claim is upheld, the worker can be ordered to meet the liability and have to make personal payment of any such order. Therefore, it is extremely important that all colleagues refrain from any form of victimisation.

4. Safeguards

4.1 This policy is designed to offer protection to those employees of CVG 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.

4.2 CVG 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. Confidentiality

5.1 All concerns will be treated in confidence and every effort will be made not to reveal the individual's identity if they so wish.

5.2 It is possible that at the appropriate time the individual may need to be named as a witness in any subsequent process. If confidentiality cannot be maintained we will discuss why with the individual and seek to apply all possible safeguards to protect the interests of the individual named as a witness.

6. Anonymous Allegations

6.1 This policy encourages individuals to put their names to any disclosures they make.

6.2 Concerns expressed anonymously may never the less be considered at the discretion of CVG, however:-

- (a) there may be difficulties in ingathering information or following up on the content of the complaint;
- (b) there may be difficulties in providing feedback on the complaint as in general, we will not be obliged to publicise the receipt of an anonymous complaint or the outcome to any investigation.

7. Untrue Allegations

7.1 If an individual makes an allegation that is not confirmed by the subsequent investigation, it is most 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.

7.2 Any allegation made that is not true and known to be not true when made will be regarded as a very serious matter and disciplinary action may be taken against the maker of the allegation and this may be up to and including dismissal.

8. When to use this policy

8.1 There is a difference between whistleblowing and raising a grievance:

8.1.1 whistleblowing is where an individual has a concern about a danger or illegality that has a public interest aspect to it, for example because it threatens customers, third parties or the public generally; but

8.1.2 a grievance is a complaint that generally relates to an individual's own employment position or personal circumstances at work.

8.2 This policy does not set out the procedure that applies to general grievances. If an employee has a complaint about their own personal circumstances, then they should use CVG's grievance procedure instead.

9. Raising a Concern

9.1 The individual should raise concerns with their immediate line manager. If you feel you cannot raise your concern with your immediate line manager you should instead direct your concern to the People Director. This information will be passed on as soon possible to the Director/Chief Executive. It is preferable if it is made in writing. You are at liberty to make your concerns known directly to the Director/Chief Executive but in doing so you would be best to also copy your immediate line manager on any such communication.

9.2 Any complaints will be investigated by the Director/Chief Executive or their nominee unless the complaint is against the Director/Chief Executive or is in any way related to their actions. Where the complaint is related to the Director/Chief Executive, it should be addressed to the Chairperson of the Management Committee/Board who will in turn appoint an independent person to investigate the allegations. Independent for these purposes means someone who has not been involved in the matter complained of and does not mean an external person, although we reserve the right to appoint an external investigator where we deem appropriate.

9.3 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 and where possible provide or point to evidence that they believe substantiates their concerns.

9.4 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, CVG will seek further information from the individual concerned.

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

10. Procedure

10.1 On receipt of a disclosure the appropriate person will launch an investigation. (Appendix 2)

10.2 Depending on the circumstances surrounding the investigation appropriate action will be taken in accordance with CVG's existing policies and procedures.

11. Timescales

11.1 We will endeavour to keep you informed of the progress of the investigation carried out and when it is completed and give you an indication of timings for any actions or next steps that we will take, but there may be occasions where we cannot do so. We cannot inform you of any matters which would infringe any duty of confidentiality owed to others.

11.2 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 practicable with an update and this may include:

- Acknowledging that the concern has been received;
- Indicating how the matter will be dealt with;
- Giving an estimate of how long it will take to provide a final response;
- Supplying the individual with information on staff support mechanisms; and informing the individual whether further investigations will take place and if not, explain why.

12. Outcome of Investigation

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

12.2 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 & Risk 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 1.

13. Raising your concern externally (exceptional cases)

13.1 The main purpose of this policy is to give all our staff the opportunity and protection that they need to raise concerns internally. CVG would expect that in almost all foreseeable cases raising concerns internally would be the most appropriate course of action.

13.2 If an individual feels that they cannot raise their concerns internally and they reasonably believe the information and any allegations are substantially true, the law recognises that it may be appropriate for them to raise the matter with another prescribed person, such as a regulator or professional body or an MP. A list of the relevant prescribed people and bodies for this purpose and the areas for which they are responsible is available on the GOV.UK website at:
<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>.

13.3 CVG strongly encourages any individual to seek appropriate professional advice before reporting a concern to anyone external.

13.4 Protect (formerly known as Public Concern at Work) is the UK's whistleblowing charity and aims to stop harm by encouraging safe whistleblowing. It is a source of further information and advice. See Appendix 1 for further information on how to contact them.

14. General Data Protection Regulations

14.1 The organisation will treat your personal data in line with our obligations under the current data protection regulations and our own privacy policy. Information regarding how your data will be used and the basis for processing your data is provided in CVG's Employee Privacy Notice.

15. Protection and support for those raising concerns

15.1 CVG is committed to good practice and high standards and to being supportive to staff who raise genuine concerns under this policy, even if they turn out to be mistaken.

15.2 Any individual raising a genuine concern must not suffer any detriment as a result of doing so. If an individual believes that they have suffered such treatment, they should inform the People Director immediately. If the matter is not dealt with to the individual's satisfaction, the individual should raise it formally using the CVG's Grievance Policy.

15.3 No member of staff must threaten or retaliate against an individual who has raised a concern and CVG will not tolerate any such harassment or victimisation. Any person involved in such conduct may be subject to disciplinary action [and in some cases will be liable to a claim for compensation brought against them personally].

15.4 However, to ensure the protection of all of our staff, those who raise a concern frivolously, maliciously and/or for personal gain and/or make an allegation that they do not reasonably believe to be true and/or to be made in the public interest, will also potentially be liable to disciplinary action.

15.5 CVG offers mentoring, advice or counselling to those who have reported a concern, where appropriate. Further information is available from the People Director.

Appendix 1 - Further Information and Contacts

1.1 If you have any queries about the application of this policy, please contact the People Director in the first instance at lisa.beresford@cvha.org.uk.

1.2 Relevant prescribed persons may include:

Name	Contact details
Scottish Housing Regulator	Tel: 0141 271 3810
Environmental Health	Tel: 01698 403110
Health and Safety Executive	Tel: 0141 275 3000
OSCR (Office of the Scottish Charity Regulator)	Tel: 01382 220 446

1.3 Protect (formerly known as Public Concern at Work) is a source of further information and advice at protect-advice.org.uk. Protect provides free, confidential whistleblowing advice, and can be contacted online via its website: protect-advice.org.uk/contact-protect-advice-line or by telephone on 020 3117 2520.

1.4 Further Sources of Information

Name	Contact details
ACAS	Helpline: 08457 474747 www.acas.org.uk
Public Concern at Work	Tel: 0207 404 6609
Unite (Trade Union)	Tel: 0141 332 7321
Employers In Voluntary Housing	0141 352 7435
Harper Macleod LLP	0141 221 8888

Appendix 2 - Whistleblowing Handling Procedure

Disclosure Received		
Relates to staff member	Relates to CEO or Board Member	Relates to Chairman
<p>Forward to Chief Executive to act as Responsible Person (RP). The Chief Executive will consider the information made available to them and decide on the form of investigation to be undertaken. This may be to:</p> <ul style="list-style-type: none"> - Investigate the matter by management, internal audit, or through the disciplinary process, or through existing policies and procedures. - Refer the matter externally to the external auditor or the Police. - Call for an independent inquiry. <p>Concerns may be resolved by agreed action without the need for investigation.</p>	<p>Forward to Chairman to act as Responsible Person (RP)</p>	<p>Forward to Audit and Risk Committee. Chairman of Committee to act as Responsible Person (RP)</p>
<p>RP advises Chairman of disclosure and arrangements for investigation, as soon as practically possible.</p>	<p>RP advises Board of disclosure and arrangements for investigation, as soon as practically possible</p>	
<p>RP considers notifications to other bodies, such as Scottish Housing Regulator under Notifiable Events Guidance (through online portal by CEO), or the Police etc.</p>	<p>RP appoints Investigation Panel, comprising 2 further Board members.</p>	
<p>RP acknowledges receipt of complaint, where possible within 10 working days of complaint being made and notifies Group's Employment Solicitors.</p>	<p>RP notifies Group's Employment Solicitors and arranges Investigation and Solicitor process and briefing session asap. Solicitors to provide pro-active support service, ensuring all Group policies are implemented and adhered to.</p>	
<p>Where required, RP appoints Investigation Officer (IO).</p>	<p>RP considers notifications to other bodies, such as Scottish Housing Regulator under Notifiable Events Guidance (though online portal by Chairman or Vice Chairman), and/or the Police etc.</p>	
<p>IO meets with individual raising complaint (if not anonymous complaint) to ensure complete understanding of the issues and to outline the action that will be taken in respect of the investigation.</p>	<p>RP and Investigation Panel appoint independent investigator. Brief to be drafted by Group's Employment Solicitors and issued to list of suitably qualified consultants, in line with Procurement Strategy limits. Administration support to be provided by elected staff member.</p>	

Relates to staff member	Relates to Chief Executive or Board Member	Relates to Chairman
<p>IO meets with individual(s) against whom the complaint is against to discuss the issues and receive their response. The IO should write to the individual(s) giving at least 5 working days' notice of the meeting and advising of right to representation.</p>	<p>RP acknowledges receipt of complaint, where possible within 10 working days of complaint being made and include details at 6.1 of Policy.</p>	
<p>IO meets with any witnesses as appropriate. The IO should write to the individual(s) giving at least 5 working days' notice of the meeting and advising them that their involvement as a witness is voluntary and they may wish to refuse to act as a witness. Also advise of right to representation.</p>	<p>Appointed Investigator (AI) carries out investigation.</p>	
<p>The IO reviews all evidence gathered and if there are further gaps or queries then arrange to meet with complainant, the individual(s) against whom the complaint is made, or the witnesses.</p>	<p>AI meets with individual raising complaint (if not anonymous complaint) to ensure complete understanding of the issues and to outline the action that will be taken in respect of the investigation.</p>	
<p>When the IO is satisfied that the evidence collected is sufficient, they will produce a final report of the findings and present this to the Chief Executive. The report will include the IO's conclusions and recommendations for consideration.</p>	<p>AI meets with individual(s) against whom the complaint is against to discuss the issues and receive their response. The AI should write to the individual(s) giving at least 5 working days' notice of the meeting and advising of right to representation.</p>	
<p>The Chief Executive will consider the recommendations and decide whether there is a case to answer and 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 the Scottish Housing Regulator.</p>	<p>AI meets with any witnesses as appropriate. The AI should write to the individual(s) giving at least 5 working days' notice of the meeting and advising them that their involvement as a witness is voluntary and they may wish to refuse to act as a witness. Also advise of right to representation</p>	
	<p>The AI reviews all evidence gathered and if there are further gaps or queries then arrange to meet with complainant, the individual(s) against whom the complaint is made, or the witnesses.</p>	
	<p>When the AI is satisfied that the evidence collected is sufficient, they will produce a final report of the findings. The report will include the AI's conclusions and recommendations for consideration.</p>	
	<p>The AI will then present their report and findings to the Investigation Panel. The Panel will consider the recommendations and decide</p>	

	whether there is a case to answer and what action should be taken.	
Relates to staff member	Relates to Chief Executive or Board Member	Relates to Chairman

Possible outcomes may include:

- No further action.
- Disciplinary Action (and therefore a transfer in the disciplinary process – for staff)
- Breach of Board Code of Conduct (and therefore a transfer to Breach Protocol within Code – for Board)
- Further investigation by an external investigation (e.g., Police etc.).

It should be noted that cases relating to suspect criminal activity may be referred to the Police or other agencies at any stage of the investigation process.

Policy Change History

Version No:	Substantive Change	Author of Change	Approval	Date	Website
1.0	New front cover & version history applied	Anne Cavinue	Board	27/03/23	Y