

### Whistleblowing Policy

<b>Version Number</b>	1.0
<b>Revision Date</b>	November 2025
<b>Department</b>	Human Resources
<b>Author</b>	HR Business Partner
<b>Reason for Policy Creation/Revision</b>	Cyclical Review/Modernisation
<b>Date Approved</b>	22 April 2026
<b>Approved By</b>	Board of Management
<b>Next Review Due</b>	April 2029
<b>Audience – Training and Awareness Approach</b>	All teams will be made aware of the new policy
<b>Effective Date</b>	22 April 2026
<b>Internal References – Policies &amp; Procedures</b>	<ul style="list-style-type: none"> <li>• SBHA Employee Code of Conduct</li> <li>• Grievance Policy and Procedure</li> <li>• Governance Arrangement Framework</li> </ul>

### 1.0 INTRODUCTION

- 1.1 Scottish Borders Housing Association (SBHA) is committed to the highest possible standards of openness, probity and accountability. SBHA expects employees and others that the Association deals with to come forward and voice any serious concerns they may have about any aspect of SBHA's work.
- 1.2 Individuals working with SBHA are likely to be the first to be aware of something going seriously wrong within SBHA. However, they might not express their concern if they feel that speaking up would be disloyal to their colleagues or to SBHA. They might also be worried about harassment or victimisation. In these circumstances, these individuals may think it is easier to ignore their concern rather than report what may just be a suspicion of malpractice.
- 1.3 This Whistleblowing Policy makes it clear that individuals can voice their concerns ('blow the whistle') in a responsible and effective manner without fear of victimisation, subsequent discrimination or disadvantage. It is intended to encourage and enable employees to raise serious concerns within SBHA rather than overlooking a problem or 'blowing the whistle' outside.
- 1.4 The Whistleblowing Procedure for employees and the Guidance Note for governing members contained within the Governance Arrangement Framework set out how to raise a whistleblowing concern under this Policy and the process, support and protection to expect when having done so.

### 2.0 SCOPE OF POLICY

- 2.1 The Policy applies to all employees, agency workers, Board/Sub-Committee members and stakeholders working for or acting on behalf of SBHA. It also applies to suppliers and those providing services under a contract with SBHA.
- 2.2 Customers, members of the public, or other service users should raise any concerns or complaints directly or in writing to the Director of Customer Services; and it will be dealt with in line with SBHA's Complaints Handling Policy.
- 2.3 SBHA has a separate Grievance Policy and Procedure that employees can use to make a complaint about their own employment situation. Personal grievances are not covered by whistleblowing legislation as they are not in the public interest. This Whistleblowing Policy covers major concerns about conduct that affect others and fall outside the scope of other Policies and Procedures.

### 3.0 AIMS OF THE POLICY

3.1 This Policy aims to:

- encourage individuals to feel confident about raising serious concerns and to question and act upon concerns about practices where these fall below what might be reasonably expected;
- provide avenues for individuals to raise those concerns and receive feedback on any action taken;
- ensure that individuals receive a response to their concerns, respecting any confidentiality requirements, and know how to proceed further if not satisfied; and
- reassure individuals that they will be protected from possible reprisals or victimisation if they have a reasonable belief that they have made any disclosure in good faith.

3.2 This Whistleblowing Policy covers the disclosure of suspected wrongdoings where the individual reasonably believes:

- it is in the public interest and affects others; and
- that one or more of the following is either happening, has taken place, or is likely to happen in the future. For instance:
  - A criminal offence
  - Failure to comply with a legal obligation;
  - A miscarriage of justice;
  - Threats to or endangering an individual's health and safety;
  - Improper / unethical behaviour;
  - Damage to the environment;
  - Financial malpractice, impropriety or fraud;
  - Mishandling or risks to data and/or information;
  - A deliberate attempt to conceal any of the above.

This list is not exhaustive.

3.3 Individuals should follow this Policy and related Procedures (and, for governing members, the relevant Guidance Note) to report serious concerns which:

- Make the individual feel uncomfortable in terms of known standards, their experience or the standards individuals believe SBHA subscribes to, or
- Is against SBHA's Code of Conduct, Standing Orders and policies or procedures, or
- Falls below established standards of practice, or
- Amount to improper conduct.

## **4.0 THE LAW**

- 4.1 This Policy takes into account the Public Interest Disclosure Act 1998, which protects employees making disclosures in certain circumstances, where those disclosures are made in good faith and in accordance with the Act's provisions and which meet a 'public interest test'. (Further details can be found within Section 5.0 of SBHA's Whistleblowing Procedure).
- 4.2 Governing body members are not covered by this Act for disclosures, however, SBHA applies similar principles to that afforded to employees when handling concerns reported by governing body members.
- 4.3 The Act is incorporated into the Employment Rights Act 1996, which protects employees who take action over, or raise concerns about, Health and Safety at Work.
- 4.4 All registered social landlords are required by the Scottish Housing Regulator to conduct their affairs with honesty and integrity (Regulatory Standard 5) and to have a Whistleblowing Policy in place on how they can safely raise concerns and without fear of reprisal.

## **5.0 HOW TO RAISE A CONCERN**

- 5.1 Advice and guidance on how matters of concern may be pursued can be obtained from the HR Team and in the Whistleblowing Procedure which accompany this Policy (link to [SBHA's Whistleblowing Procedure](#)).
- 5.2 Employees should normally raise concerns with their immediate line manager or the HR Team. However, if the matter is particularly sensitive or serious, or employees suspect their Manager could be involved, employees should approach their Head of Department, the Head of People, the Chief Operating Officer, or the Chief Executive. If a concern involves the Chief Executive, the matter should be referred to the Chair of SBHA's Board of Management, (or Vice Chair if the Chair is not available).
- 5.3 Employees are encouraged to raise concerns about improper conduct within the organisation, but the Public Interest Disclosure Act (1998) also protects those who report concerns to a prescribed person, such as the Scottish Housing Regulator (SHR), even if they have not raised the issue internally. Employees should not face any detriment for doing so. Although Governing Board Members are not covered by the Act, the SHR treats their concerns in the same way as qualifying disclosures from employees. Guidance on how the SHR handles such concerns is available in its publication [Whistleblowing about a regulated body](#). Employees may also seek confidential advice from their trade union.

## **6.0 SAFEGUARDS**

- 6.1 SBHA is committed to good practice and high standards and wants to be supportive of its people. The Association recognises that the decision to report a concern can be difficult. If individuals raise their concern in good faith, they are doing their duty to SBHA, tenants and other service users and should not face any detriment

- 6.2 This Policy is designed to offer protection to individuals who disclose such concerns provided the disclosure is made:
- in the public interest and affects others;
  - to an appropriate person/body; and
  - that the individual has reasonable belief in the validity of the concerns being raised and not raised them in a malicious or vexatious manner.
- 6.3 SBHA will not tolerate any kind of harassment or victimisation and will take appropriate action to protect individuals when those individuals raise a concern in good faith. An individual's employment status will not be affected and the whistleblower will not be disadvantaged if acting in the public interest, including when a concern is unfounded.
- 6.4 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect employees.

## **7.0 CONFIDENTIALITY**

- 7.1 All concerns will be treated in confidence and every effort will be made not to reveal the individual's identity if they so wish. At the appropriate time, however, and dependent on the nature of the issue involved, the individual may be asked to provide a statement of concern as part of the evidence or may be needed as a witness in disciplinary or criminal proceedings if these prove to be necessary. Where identity must be made public (e.g. for an investigation to continue, for legal proceedings) the whistleblower will be notified.
- 7.2 SBHA will treat personal data in line with its obligations under the General Data Protection Regulations (GDPR); its Data Security Policy; and Privacy Policy. Information regarding how personal data will be used and the basis for processing this data is provided in SBHA's relevant Privacy Notices.

## **8.0 ANONYMOUS ALLEGATIONS**

- 8.1 Individuals are encouraged to put their names to their concerns, as it will allow for a full and proper investigation to take place and enable feedback to be provided on the action taken.
- 7.2 SBHA will use its discretion in deciding whether to consider an anonymous allegation, taking into account the seriousness and credibility of the allegation, and the likelihood of confirming it with attributable sources.

## **9.0 UNTRUE FRIVOLOUS OR MALICIOUS ALLEGATIONS**

- 9.1 If an individual makes an allegation in good faith, and it is not confirmed by the investigation, no action will be taken against them. If, however, an individual makes an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against them.

## **10.0 EQUAL OPPORTUNITIES STATEMENT**

SBHA recognises its pro-active role in valuing and promoting diversity, fairness, social justice and equality of opportunity by adopting and promoting fair policies and procedures. We are committed to providing fair and equal treatment for all our stakeholders including tenants and will not discriminate against anyone on the grounds of race, colour, ethnic or national origin, language, religion, belief, age, sex, sexual orientation, gender re-alignment, disability, marital status, pregnancy or maternity. SBHA will positively endeavour to achieve fair outcomes for all.

## **11.0 NOTIFIABLE EVENTS**

- 11.1 Whistleblowing allegations will be notified to the Scottish Housing Regulator in accordance with regulatory guidance regarding Notifiable Events.
- 11.2 Dependent on the nature of the whistleblowing allegation, SBHA may also inform another regulator or appropriate body (e.g. auditors, insurers etc.) and/or seek professional or impartial advice, for instance, legal, financial, or employment advice. If SBHA has concerns that a criminal offence may have been committed, SBHA will need to pass the information to Police Scotland.

## **12.0 MONITORING**

- 12.1 The Chief Executive has overall responsibility for the maintenance and operation of this Policy.
- 12.2 The HR Team maintains a record of concerns raised and outcomes (in a form which does not compromise confidentiality) and will report as necessary to SBHA's Board of Management.
- 12.3 The Board of Management has responsibility for monitoring compliance with this Policy.

## **13.0 REVIEW**

- 13.1 This Policy will be reviewed every 3 years or earlier if legislative or other changes necessitate this.