

HARBOUR

Whistleblowing Policy

Policy Owner	Director of Group Finance and Business Support
Document Author(s)	Group Business Support Manager
Approved By	Harbour Homes Board
Date approved	August 2023
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Review Cycle	3 years
Communication & Training Methods	Team Meetings DocTract
Is a mandatory read required?	NO
Does this policy require to go on the website?	YES
Who does this policy apply to eg GROUP or ENTITY NAME(S) NB if not all, check there is a separate policy in place	HARBOUR
The Policy has a direct link to the following Harbour policies and procedures If there are separate procedures which require to be attached to the policy in Doctract, please ensure these are reviewed at the same time and also provided.	Respect at Work Policy Fraud Policy and Procedures Grievance Policy & Procedures Disciplinary Policy & Procedures
This policy complies with the requirements of these legal and/or regulatory documents	SHR Regulatory Standards Public Interest Disclosure Act 1998 Employment Rights Act 2025 Advisory guidance Scottish Housing Regulator
Equality & Diversity Impact (EI) Assessment Status	This document was EDI Assessed by using the organisation's set procedure in and is considered to be free of anything which may lead to any unfair discrimination in its application. EI Assessment records are held by the Group Business Support team and can be accessed on request to the Group Business Support

	Manager
Data Protection Considerations	Our policies and procedures foster an approach of 'data protection by design and by default' In practice it means that our policies and procedures consider data protection issues, ie how to protect the data subject served by the policy or procedure; New systems, services, products and business practices involving personal data are designed and implemented to ensure personal data is protected by default; Data protection principles and safeguarding of individuals' rights are clear in the policy or procedure; And that if the policy or procedure aims to provide service to vulnerable groups (eg children) that the personal data is treated with extra protection.

1. Introduction

Harbour is committed to the highest standard of openness, probity and accountability. High standards of conduct are expected from everybody involved with the business of Harbour.

Harbour has a Grievance Policy and associated procedures in place where colleagues can raise concerns about their individual working situation.

However, sometimes serious problems may arise and we encourage individuals to raise any concerns they may have about the conduct of others in the organisation or the way in which the organisation is run, which they believe to be in the public interest.

This policy sets out the way in which concerns can be raised confidentially about improper conduct, wrongdoing, risk or malpractice with someone in authority within Harbour or externally eg the Scottish Housing Regulator.

2. Scope of Policy

This policy applies to:

- Harbour colleagues
- Former Harbour colleagues
- Harbour subsidiaries
- Harbour Board Members
- Other “associated persons” including temporary staff, agency workers, consultants and contractors working for or on behalf of Harbour

3. Legal Framework

Whistleblowing is the common term used to describe a disclosure made to someone in authority alleging corruption, malpractice or wrongdoing on the part of another person or organisation. Officially this is known as making a “protected disclosure”.

The Public Disclosure Act 1998 provides protection to colleagues and others who make a qualifying disclosure ensuring they are not treated less favourably including protection from dismissal or victimisation.

4. Principles of the Policy

Harbour will commit to the following principles:

- Any individual making a disclosure in good faith will be treated with respect and offered protection under the Public Interest Disclosure Act

- No individual raising a concern under this policy will be victimised for making a qualified disclosure
- Anyone who victimises a whistleblower will be subject to Harbour's disciplinary policy and procedure
- Any concerns raised under this policy will be taken seriously and investigated by a colleague at an appropriate senior level or in some cases by an independent external investigator appointed by Harbour
- The identity of anyone making a disclosure will be kept confidential and will not be divulged without consent
- Any colleague who knowingly makes false allegations against a colleague or Harbour will be subject to Harbour's disciplinary policy and procedure
- Any colleague who, in good faith makes a disclosure which after investigation is deemed to be unfounded, will not be penalised for being genuinely mistaken
- Following an investigation, feedback will be provided to the person who raised the concern
- If misconduct is discovered following an investigation under this policy, Harbour's disciplinary policy and procedure will be followed in addition to any appropriate external measures which may be required

5. Protected Disclosures

The Public Interest Disclosure Act 1998 provides protection to those who raise legitimate concerns about specified matters or protected disclosures.

For a disclosure to be protected by the Public Interest Disclosure Act 1998 it must relate to matters that "qualify" for protection under the Act. Qualifying disclosures are disclosures which the individual reasonably believes shows that one or more of the following is occurring, has occurred or is likely to occur in the future:

- 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
- Sexual harassment in the workplace or
- Deliberate concealment of any of the above

Harbour encourages colleagues and associated persons to raise any qualifying disclosures or concerns under this policy.

An individual making a disclosure does not need to have proof of wrongdoing but must be able to show they have a reasonable basis or grounding for believing wrongdoing has taken place and that the concern is in the public interest.

6. Raising Concerns Within Harbour Homes

Harbour encourages colleagues and associated persons to raise concerns internally using the procedures associated with the Whistleblowing Policy in the first instance.

Appendix 1 to this policy details the procedure to be followed when making a disclosure.

7. Prescribed Persons and Bodies

It is recognised that there may be circumstances where either an individual may wish to raise a concern externally or where an individual has raised a concern internally and does not believe the appropriate action has been taken and therefore wishes to escalate the matter to an appropriate external body.

Protected disclosures may be made to the relevant prescribed person or body. Prescribed persons and bodies are identified by the Public Interest Disclosure Act 1998.

These include but are not limited to:

- Scottish Housing Regulator
- HM Revenue and Customs
- Financial Services Authority
- Auditor General for Scotland
- Accounts Commission for Scotland
- Health and Safety Executive
- Scottish Information Commissioner
- Scottish Environment Protection Agency

Current prescribed persons and bodies and their contact details are available on the Government website:

[Whistleblowing: list of prescribed people and bodies - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/whistleblowing-list-of-prescribed-people-and-bodies)

8. Protection from Detriment

No colleague or associated person who raises a protected disclosure will be treated in a negative manner. Examples of this detrimental treatment may include but are not limited to:

- Personal retaliation
- Misuse of disciplinary processes
- Imposed changes to contract
- Prevention of career progress
- Post-employment detriment

Any complaints of detrimental treatment can be made to the Group Chief Executive and will be thoroughly investigated.

9. Independent Advice and Support

Advice on making disclosures can be found on the Protect website, an independent whistleblowing charity <https://protect-advice.org.uk/> or call 020 3117 2520

Disclosure Procedure - Raising a concern internally within Harbour Homes – Colleagues and associated persons

Harbour encourages colleagues and associated persons to raise concerns internally using the Whistleblowing Policy in the first instance.

Step 1 – Raising the Concern

In the first instance concerns can be raised verbally or in writing with the individual's line manager.

However, if the individual reasonably believes the line manager to be involved in the wrongdoing or for any reasons does not wish to contact the line manager they can raise the issue with:

- A member of the Business Support Management Team
- A member of the RSL Management Team
- A member of the Group Leadership Team
- Internal Auditor – contact details available from Group Business Support Manager
- External Auditor - contact details available from Group Business Support Manager

If the issue or concern is such that the individual does not feel it appropriate to raise the matter with any of the above, the individual can raise the concern with the Chair of the Finance and Risk Committee.

Step 2 - Investigation

The person with whom the concern has been raised will report the whistleblowing concern to the Group Chief Executive or Line Manager or Chair if appropriate, and an investigation will be instigated.

The investigation will be undertaken at an appropriately senior level (appropriate to the nature of the concern) and by a Harbour Homes colleague who is not directly involved.

In certain circumstances, due to the nature of the concern, it may be appropriate to engage the services of an independent consultant to carry out the investigation.

Any investigation will be carried out in line with the principles set out in section 4 of the Whistleblowing Policy.

The investigation may involve the person making the disclosure and other individuals involved giving a written statement. The individual's statement will be considered and they may be asked to comment on any additional information or evidence obtained during the investigation.

The Investigating Officer will report to the Group Chief Executive (or where previously agreed the Chair of the Finance and Risk Committee) who will take necessary internal and / or external action. This may involve reporting the concern to an appropriate regulatory body.

If the findings of the investigation result in disciplinary action, Harbour Homes Disciplinary Policy will be followed.

On conclusion of the investigation, the individual making the disclosure will receive feedback.

If no action is taken following conclusion of the investigation, the reason for this will be explained.

The outcome of any matter raised under the Whistleblowing Policy will be reported to the Harbour Homes Board.

Whistleblowing allegations will be reported to the Scottish Housing Regulator as a notifiable event.

Step 3 – Escalating the Concern to an External Body

If on conclusion of the process the individual remains concerned and reasonably believes appropriate action has not been taken, they can report the concern to the appropriate external body.

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Disclosure Procedure – Arrangements for Board Members

As far as possible, the same principles and arrangements will apply to Board Members as they do for colleagues and associated persons.

Step 1 – Raising the Concern

Board Members who wish to raise a concern internally under the Whistleblowing Policy may do so to the Chair of the Finance and Risk Committee or the Group Chief Executive depending on the circumstances of the case.

Where appropriate to do so and depending on the circumstances, the Chair may seek advice and support from the Group Chief Executive.

Consideration will be given as to whether the concern requires formal notification to a regulatory body and the Scottish Housing Regulator will be notified about all whistleblowing concerns in line with the Scottish Housing regulator guidance on Notifiable Events.

Step 2 - Investigation

The Chair of the Finance and Risk Committee will appoint an appropriate Investigating Officer and /or team following advice from the Group Chief Executive.

The investigation will be undertaken by appointed Board Member(s) and or senior officers or a combination of both.

In certain circumstances, due to the nature of the concern, it may be appropriate to engage the services of an independent consultant to carry out the investigation.

The management of the outcome and conclusion of an investigation into a Board Member's concerns will follow Step 2 of the procedure for colleagues and associated persons.

Step 3 – Escalating the Concern to an External Body

If on conclusion of the process the individual remains concerned and reasonably believes appropriate action has not been taken, they can report the concern to the appropriate external body.

Current prescribed persons and bodies and their contact details are available on the Government website:

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