



## **Whistleblowing policy**

**Date approved by Management Committee:**  
**Latest review date:**

December 2025  
December 2030

## **1. Introduction**

- 1.1 Cernach Housing Association 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, Cernach would encourage and expect employees who have serious concerns about any aspect of the Association to come forward and speak up without fear of reprisal. Therefore, Cernach recognises that it is an important aspect of accountability and transparency to provide a mechanism to ensure that no employee, of Cernach feels at a disadvantage in raising legitimate concerns.
- 1.2 The Public Interest Disclosure Act, 1998, gives legal protection to employees against being dismissed or penalised by their employers as a result of making a protected disclosure (whistleblowing). Concerns which are raised through whistleblowing must be made in the 'public interest' which means that the concerns must affect others such as the public or other stakeholders.
- 1.3 Concerns which are not in the public interest will normally be dealt with through the grievance policy. If you are unsure which policy is appropriate to raise your concerns, please contact your line manager to discuss.
- 1.4 All employees and workers are covered by this policy, which has been adopted from the model EVH whistleblowing policy.

## **2. Scope of Policy**

- 2.1 This policy is designed to enable employees to raise concerns internally at a senior level to disclose information that the individual believes shows malpractice or impropriety. 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
  - Dangers to health and safety or the environment
  - Criminal activity involving Cernach its staff, governing body member or stakeholders
  - Professional malpractice
  - Improper conduct or unethical behaviour
  - Failure to meet legal obligations
  - Abuse of power or status
  - Sexual harassment
  - Deliberate attempts to conceal any of the above

## 2.2 Legal Framework

- Public Interest Disclosure Act 1998
- Enterprise & Regulatory Act 2013

2.3 The Scottish Housing Regulator makes it a requirement to have clear procedures for employees and governing body members to raise concerns or whistleblowing if they believe there has been fraud, corruption or other wrongdoing with the RSL. The Scottish Housing Regulator has produced its own guidance *Whistleblowing About A Regulated Body*, which is attached at appendix 2.

## 3. Safeguards

3.1 This policy is designed to offer protection to employees who disclose serious concerns, provided the disclosure is made:

- In the public interest.
- To an appropriate person/body.
- That the individual has reasonable belief in the validity of the concerns being raised.

3.2 Cernach will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect the individual when they raise a concern which complies with the above points.

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, at the appropriate time the individual may need to come forward as a witness. If we need to disclose your identity to anyone, we will ensure that you are notified of this in advance.

3.4 This policy encourages individuals to put their names to any disclosures they make. Concerns expressed anonymously are more difficult to investigate, however may be considered at the discretion of Cernach.

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

## 4. Raising a Concern

4.1 The individual should raise concerns with their immediate line manager. This information will be passed on as soon possible to the Director, unless it is about the individual line manager.

- 4.2 Any complaints will be investigated by the Director unless the complaint is against the Director or is in any way related to their actions. Where the complaint is related to the Director, it should be addressed to the Chair of the Management Committee who will in turn appoint an independent person to investigate the allegations.
- 4.3 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.
- 4.4 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, Cernach will seek further information from the individual concerned.
- 4.5 Where any meeting is arranged with the individual that raised the concerns, they can be accompanied by a trade union representative, and the meeting can be held off-site if they so wish.

## **5. Process**

- 5.1 On receipt of a disclosure the following process will be followed:
- The disclosure will be considered, and, if appropriate, a meeting will be arranged with the individual who raised the concerns to gather initial information. Further to this meeting, if appropriate, an independent investigator will be appointed to take forward an investigation into the concerns raised.
  - The individual who raised the concerns will be provided with an update and a likely timescale on when they will receive a final response.
  - Once the investigation is complete a report will be provided to the individual who instructed the investigation.
  - The report will be considered, and appropriate actions will be taken.
  - A final outcome will be provided to the individual who raised the concerns.
- 5.2. Depending on the outcome of the investigation appropriate action will be considered in accordance with Cernach's existing policies and procedures.
- 5.3 Outcome of Investigation  
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.

#### 5.4 **Right of Appeal**

Where an individual feels that their concern has not been dealt with appropriately, they can appeal the decision internally to the Assurance sub-Committee. If, after appealing internally, the individual is still not satisfied with the outcome, they can raise the issue with the appropriate external body as outlined in Appendix 2.

### 6. **General Data Protection Regulations**

The organisation will treat your personal data in line with our obligations under our current data protection regulations. Information regarding how your data will be used and the basis for processing your data is provided in Cernach's employee privacy notice.

### 7. **Equality and Human Rights**

- 7.1 The Association's Equality and Human Rights policy, which was approved by the Committee in April 2025, outlines the Association's commitment to promote a zero tolerance to unfair treatment or discrimination to any person or group of persons, particularly on the basis of any of the protected characteristics. This includes ensuring that everyone has equal access to information and services, and, to this end, the Association can make available a copy of this document in a range of alternative formats including large print, translated into another language or by data transferred to voice.
- 7.2 In line with the Equality and Human Rights Policy, the Association carried out an Equality Impact Assessment on this policy, and no remedial action was identified as necessary. The full assessment is appended at the end of this policy.

## Appendix 1

### List of Prescribed Persons/bodies

- **The Scottish Housing Regulator**  
[0141 242 5642](tel:01412425642) or [shr@shr.gov.scot](mailto:shr@shr.gov.scot)
- **Office of the Scottish Charity Regulator (OSCR)**  
[info@oscr.org.uk](mailto:info@oscr.org.uk) or 01382 220446
- **Glasgow City Council Environmental Health**  
0141 287 1059
- **Health and Safety Executive**  
online form at [www.hse.gov.uk](http://www.hse.gov.uk)
- **Internal Auditor- Quinn Internal Audit and Business Support**  
(managing partner is Alex Cameron)  
07957117 913
- **External Auditor- Alexander Sloan & Co**  
0141 204 8989
- **ACAS**  
0300 123 1100
- **Public Concern at Work**  
020 7404 6609
- **Citizen's Advice**  
0141 552 5556



# Advisory Guidance **Whistleblowing about a regulated body**

Information for potential  
whistleblowers

## Introduction

This factsheet is for staff and governing body members of regulated bodies if they suspect wrongdoing in their organisation. It explains what whistleblowing is, how the law protects whistleblowers who blow the whistle to us and what we will do if concerns are reported to us.

In this factsheet, we use the term '**staff**' to include current and former employees, agents and contractors.

By '**regulated body**', we mean a social landlord that we regulate, including;

- » housing associations, co-operatives, housing partnerships and housing companies that are registered with us (registered social landlords or RSLs); and
- » local authorities that provide landlord, homeless and factoring services.

By '**governing body**' we mean the governing body or management committee of an RSL and the Housing Committee within a local authority.

## What is whistleblowing?

Whistleblowing is where a member of staff raises concern about improper conduct, wrongdoing, risk or malpractice with someone in authority either internally or externally e.g. a regulator. Officially, this is known as making a 'protected disclosure'.

## What's the difference between a grievance and whistleblowing?

- » **Whistleblowing** is about conduct that affects others: for example, fraud or a failure to comply with health and safety requirements.
- » A **grievance** is where a member of staff has a personal complaint about their own employment situation.

If you have a grievance about your employer, you should follow your employer's Grievance Procedure. We will not intervene where the concerns are about a personal grievance against an employer. But if they are reported to us, we may have an interest if the matter leading to the grievance is of wider significance and we consider it may threaten the interests of tenants or other

service users, or pose a risk to the viability of the regulated body.

## Why is whistleblowing important?

Problems can arise in any organisation and the best people to identify them are often the people who work in the organisation.

### If you have concerns about your organisation, then reporting them an early stage can help to ensure that:

- they do not become worse and so take more time, effort and resources to fix;
- the interests of tenants and other service users and staff are protected; and,
- tenants and other service users, staff, lenders, other stakeholders, and the public, continue to have confidence in the organisation.

## Why would the Scottish Housing Regulator be interested in my concerns?

Our role is to safeguard and promote the interests of tenants and service users. We are interested in any conduct which puts this at risk and could threaten the viability or reputation of a regulated body, or the wider sector.

The Scottish Housing Regulator is the prescribed person you can make a disclosure to about social landlords' performance of housing activities; the registration of registered social landlords; and social landlords' financial well-being and standards of governance.

## What protection is there for whistleblowers who report concerns to the Scottish Housing Regulator?

The Scottish Housing Regulator is a prescribed person under the Public Interest Disclosure Act 1998 (PIDA). PIDA provides protection to employees, agents and contractors (and in some cases to former employees) who make a qualifying disclosure to a prescribed person if they make the disclosure in good faith and that they reasonably believe the information is true. If you make a protected disclosure, you have a right not to suffer any detriment. This means you should

not be treated less favourably for making the disclosure and a claim may be brought to the Employment Tribunal if you are treated less favourably and you suffer a loss as a consequence. It will be for the Employment Tribunal to determine if any whistleblowing claim is a protected disclosure.

Disclosures that are malicious or knowingly untrue are not protected under PIDA. An employer may take disciplinary action against a member of staff who knowingly provides information that they know is untrue.

You may wish to seek legal advice on whether you will be protected.

**To qualify for protection a qualifying disclosure must be a disclosure made in the public interest about a possible:**

- criminal offence
- failure to comply with a legal obligation
- miscarriage of justice
- threats to an individual's health and safety
- danger to the environment, or
- a deliberate attempt to conceal any of the above.

Governing body members are not covered by PIDA. However, we will handle concerns reported by governing body members in the same way as qualifying disclosures from staff.

## Our Regulatory Framework

Our [Regulatory Framework](#) requires an RSL to conduct its affairs with honesty and integrity. We expect all RSLs to have a whistleblowing policy in place which tells both staff and governing body members how they can safely raise concerns and without fear of reprisal. We also expect RSLs to take any concerns raised seriously and look properly into the matter.

## How do I report concerns about a regulated body?

You should be able to report your concerns to someone in the organisation who is in a position to deal with them. Your organisation's whistleblowing policy will tell you how to go about

this. Reporting the matter internally gives the organisation a chance to put things right. Sometimes staff or governing body members may be reluctant to report concerns internally because they are worried about repercussions or they have no confidence in the organisation's ability or willingness to deal with the matter. In some cases, they may have reported their concerns but feel that the organisation failed to deal with it appropriately. If you tell us about a qualifying disclosure, you may be protected whether or not you have raised your concerns internally. Local authority staff can also make a disclosure to Audit Scotland.

## Do I need to give my name?

We will consider seriously all concerns reported to us, even where the person does not want to give us their name and contact details. However, this could sometimes make it more difficult for us to take forward the concerns, as we would not be able to ask for more information if we needed it and we would not be able to give feedback on any action we take.

If you do not wish to be identified, we will respect your confidentiality as far as we can during any subsequent action that we take. There is a chance that some of the information you provide might reveal your identity because of the nature of it.

If we have concerns that a criminal offence may have been committed then we will need to pass the information to the police.

## What will the Scottish Housing Regulator do?

We will ask you some questions to help us understand the nature and extent of your concerns and whether you have reported them internally or to someone else. We will ask for any evidence you can provide to support your concerns. We will consider carefully what you tell us along with any information we already have about the organisation. Where the concern is about a local authority we will agree an appropriate response with Audit Scotland.

## Every case is different but there are a number of things that could happen:

- we might take no further action. There could be a number of reasons for this. For example, there might not be enough evidence for us to proceed upon; or we may have been assured that the governing body has dealt with the matter appropriately;
- we might ask the governing body to investigate the matter (normally by the governing body engaging someone independent and so fully objective);
- we might ask the governing body to get independent advice or support to help them to deal with the situation; we might carry out an investigation (planned or unannounced);
- we might refer the matter to another regulator, for example, the Care Inspectorate or Audit Scotland, because the matter falls within their regulatory remit; or
- we might report the matter to the police because we think that a criminal offence may have been committed.

If we need to engage with a regulated body then we will do so in confidence. We will tell it about the concerns but will not reveal any details which could identify a whistleblower. We will continue to maintain the confidentiality of the whistleblower after the whistleblowing case has been concluded.

## Will I be told about the outcome?

We may not be able to tell you everything about what we intend to do but, if you give us your name and contact details, we will tell you as much as we can.



## Contact us



0141 242 5642



[shr@shr.gov.scot](mailto:shr@shr.gov.scot)



### Scottish Housing Regulator

5th floor  
220 High Street  
Glasgow  
G4 0QW

## More advice and support?

You can get advice on whistleblowing from a solicitor, trade union or the Citizens Advice Bureau. You can also contact:

### Protect

Protect is an independent charity which gives confidential advice to people who witness wrongdoing at work but are not sure whether or how to raise their concern.



020 3117 2520

(Open Monday to Friday)



Website: [www.protect-advice.org.uk](http://www.protect-advice.org.uk)

### Audit Scotland

Audit Scotland, the Accounts Commission and the Auditor General are prescribed persons under PIDA. Staff of local authority housing and homelessness services can report concerns to:



0131 625 1854



Website: [www.audit-scotland.gov.uk](http://www.audit-scotland.gov.uk)

## Cernach Housing Association Equality Impact Assessment Tool

Name of the <b>policy / proposal</b> to be assessed	Whistleblowing Policy	Is this a <b>new policy / proposal or a revision?</b>	Revision
Person(s) responsible for the assessment	Lindsay Crawford, Corporate Services Officer		
1. Briefly describe the <b>aims, objectives and purpose</b> of the policy / proposal	To define the Association's approach to whistleblowing.		
2. <b>Who is intended to benefit</b> from the policy / proposal? (e.g. <i>applicants, tenants, staff, contractors</i> )	Staff, contactors tenants, owners, stakeholders and anyone engaging with the Association.		
3. What <b>outcomes</b> are <b>wanted</b> from this policy / proposal ? (e.g. <i>the benefits to customers</i> )	This policy is designed to set out how employees can raise concerns internally at a senior level to disclose information that the individual believes shows malpractice or impropriety and the process associated with it. This is a standard EVH policy.		

4. Which **protected characteristics** could be **affected** by the proposal? (*tick all that apply*)

- Age       Disability       Marriage & Civil Partnership       Pregnancy/Maternity       Race  
 Religion or Belief       Gender       Gender Reassignment       Sexual Orientation

5. If the policy / proposal is not relevant to any of the **protected characteristics** listed in part 4, state why and end the process here.

All groups are impacted by the policy in the same way and there is no obvious effects of the policy on any group more than another.

6. Describe the <b>likely positive or negative impact(s)</b> the policy / proposal could have on the groups identified in part 4	<b>Positive impact(s)</b>	<b>Negative impact(s)</b>
7. What <b>actions</b> are <b>required</b> to address the impacts arising from this assessment? ( <i>This might include; collecting additional data, putting monitoring in place, specific actions to mitigate negative impacts</i> ).		

Signed: *L Crawford* (Job title): Corporate Services Officer  
Date the Equality Impact Assessment was completed: 9/10/25