

1.0 AIMS

- 1.1 Glasgow West Housing Association (GWHHA) 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, GWHHA expects those who have serious concerns about any aspect of GWHHA work to come forward and speak up without fear of reprisal. Thus, GWHHA recognises that it is an important aspect of accountability and transparency to provide a mechanism to ensure that no employee, management committee (MC) /board member or stakeholder of GWHHA feel 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 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.
- 1.3 Employers may also be held vicariously liable for workers who victimise colleagues for making a disclosure. GWHHA will take all reasonable steps to protect workers from being victimised.
- 1.4 All employees, MC/Board and Stakeholders working for or acting on behalf of GWHHA are covered by this policy. The policy also applies to suppliers and those providing services under a contract within GWHHA.
- 1.5 Customers, member of the public or other service user should raise any concerns regarding "Whistle Blowing" directly with the Chief Executive, or in writing marked "Private & Confidential" FAO Chief Executive.
- 1.6 In line with GWHHA values and culture of continuous improvement, following any investigation GWHHA will ensure lessons learned are shared to the appropriate teams and/or wider organisation.

2.0 CONTEXT

- 2.1 This policy is designed to enable GWHHA employees to raise concerns internally and at a high level to disclose information that the individual believes shows malpractice or impropriety. A number of policies and procedures are already in place, including grievance, dignity at work, and discipline.
- 2.2 This policy is intended to cover concerns that are in the public interest and may (at least initially) be investigated separately, but might then lead to the commencement of other procedures.
- 2.3 These concerns might include:
 1. Financial malpractice, impropriety or fraud
 2. Falsifying records
 3. Actions taken or planned that may seriously affect tenants
 4. Failure to comply with a legal obligation or statutes
 5. Dangers to health and safety or the environment
 6. Criminal activity involving GWHHA, its employees, MCMs or stakeholders
 7. Professional malpractice
 8. Improper conduct or unethical behaviour
 9. Failure to meet legal obligations
 10. Abuse of power or status
 11. Breaches of confidentiality, including non-compliance with GDPR
 12. Harassment, bullying and/or violence of any kind in the work place – it relates to public interest¹
 13. Attempts to conceal any of the above
- 2.4 The above list is not exhaustive but is intended to indicate types of behaviour and action that would be deemed unacceptable and relating to 'public interest'

3.0 POLICY STATEMENT

- 3.1 GWHHA is committed to the highest standards of openness, probity and accountability and will not tolerate breaches to its Code of Conduct, Rules, etc.
- 3.2 GWHHA is committed to fully investigating and treating seriously any disclosure made.
- 3.3 Should an individual make 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.
- 3.4 GWHHA shall provide a mechanism to ensure that no employee feel at a disadvantage in raising legitimate concerns of malpractice or impropriety.

¹ Personal grievances are covered by the Grievance Policy

- 3.5 GWhA is committed to protecting employees who raise a concern from harassment, bullying or victimisation
- 3.6 The policy applies to all employees directly employed by GWhA as well as MCMs, temporary agency staff, contractors, staff from other organisations and any other person who has access to GWhA's premises.

4.0 SAFEGUARDS

4.1 Protection

- 4.1.1 This policy is designed to offer protection to those employees of GWhA who disclose such concerns provided the disclosure is made:
 - (a) in the public interest;
 - (b) to an appropriate person/body; and
 - (c) that the individual has reasonable belief in the validity of the concerns being raised.
- 4.1.2 GWhA 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.
- 4.1.3 Throughout any investigation, the whistleblower will still be expected to continue their duties/role as normal unless it is deemed inappropriate or it may have a detrimental impact to the individual, other staff or the investigation. In such circumstances, advice will be sought from HR and/or formal legal advice.

4.2 Confidentiality

- 4.2.1 All concerns will be treated in confidence and every effort will be made not to reveal the individual's identity if they so wish. However, at the appropriate time the individual may need to come forward as a witness.
- 4.2.2 It may not be possible to protect identity where:
 - 1. there is evidence of malice in raising a complaint
 - 2. there is a legal obligation on GWhA to identify the whistleblower
 - 3. the information is already in the public domain
 - 4. it is necessary for the matter to be dealt with properly or fairly
 - 5. it is required for the purpose of obtaining legal advice from a professionally qualified solicitor
 - 6. the whistleblower has given permission

4.3 Anonymous Allegations

- 4.3.1 This policy encourages individuals to put their names to any disclosures they make. Concerns expressed anonymously are much less robust, but may never the less be considered at the discretion of GWhA.

4.4 Untrue Allegations

- 4.4.1 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. It should also be noted that under the provisions of the Enterprise and Regulatory Act 2013, 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.

5.0 General Data Protection Regulations

- 5.1 The organisation will treat personal data in line with our obligations under the current data protection regulations and our own Data Protection Policy. Information regarding how data will be used and the basis for processing data is provided in GWhA's employee privacy notice.

6.0 DELEGATED AUTHORITY

- 6.1 Delegated Authority is granted by the MC to the Staffing Sub Committee (SSC) to monitor and review this Policy.
- 6.2 Delegated Authority is granted by the SSC to the Chief Executive and staff to implement this Policy and associated guidance.

1.0 RAISING A CONCERN

- 1.1. The individual should raise concerns with their immediate line manager. This information will be passed on as soon possible to a Director / Chief Executive who may wish to speak directly to the whistleblower about their concerns.
- 1.2. Any complaints will be investigated by a Director / Chief Executive unless the complaint is against the Chief Executive or is in any way related to their actions. Where the complaint is related to the Chief Executive, it should be addressed to the Chairperson² of the Management Committee (MC) who will in turn appoint an independent person to investigate the allegations.
- 1.3. If the complaint is about the Chairperson of the MC, the Chief Executive will inform the Office Bearers who will appoint an independent person to investigate allegations.
- 1.4. 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.
- 1.5. 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, GWHHA will seek further information from the individual concerned.
- 1.6. Where any meeting is arranged, the individual can be accompanied by a trade union representative and the meeting can also be held off-site if they so wish.
- 1.7. On receipt of a disclosure the appropriate person will launch an investigation and alert the Scottish Housing Regulator to the notifiable event if applicable.
- 1.8. If after meeting with the individual, the investigating officer does not consider the concern falls under the Whistleblowing Policy, this will be explained in writing.
- 1.9. If the concern does fall under the Whistleblowing Policy, depending on the circumstances surrounding the investigation appropriate action will be taken in accordance with GWHHA existing policies and procedures, which may include Grievance or Disciplinary. It may also be decided that the matter be referred to the Police, an external auditor or investigator or there may be no further action required.

2.0 COMMUNICATING TIMESCALES

- 2.1 GWHHA will write to the person who has raised a concern within 3 working days to acknowledge the concern has been received.
- 2.2 Within 10 working days, GWHHA will write to the person who raised the concern to:
 1. Indicate how the matter will be dealt with;
 2. Give an estimate of how long it will take to provide a final response;
 3. Supply the individual with information on staff support mechanisms;
 4. Tell the individual whether further investigations will take place and if not, explain why.

3.0 OUTCOME OF INVESTIGATION

- 3.1 Once the investigation has been completed and the report is received by the Director / Chief Executive/ 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.
- 3.2 The person who raised the concerns will receive a response within 28 working days which will aim so far as reasonable practical to set out GWHHA findings, conclusions and any action that has or will be taken to ensure learning and avoid any similar situations arising again.
- 3.3 In the event of Police involvement or external agencies, the person who has raised the concerns will receive sufficient information about the findings to inform them that the concern is being appropriately dealt with.
- 3.4 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 Committee (who should not be an office bearer). 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 List of Prescribed Persons:

² Marked Private and Confidential, sent to GWHHA, 5 Royal Crescent, Glasgow, G3 7SL

LIST OF PRESCRIBED PERSONS

- i. **Scottish Housing Regulator**
Tel: 0141 242 5642.
- ii. **Glasgow City Council Environmental Health**
Tel: 0141 287 1059
- iii. **Health and Safety Executive**
Tel: 0141 275 3000
- iv. **Rowan Counselling Service**
Tel: 01738 562005

b. FURTHER SOURCES OF INFORMATION

- i. **ACAS**
Helpline: 0300 123 1150
- ii. **Protect**
Tel (general): 020 3117 2520
- iii. **Unite**
Tel: 0141 404 5424
- iv. **External Auditors (Alexander Sloan)**
0141 204 8989