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Policy Name	Whistleblowing Policy
Policy Author	Director
Approved by Sub Committee	N/A
Approved by Management Committee	May 2025
Latest date of Next Review	April 2028

West Whitlawburn Housing Co-operative will provide this policy on request at no cost, in larger print, in Braille, in audio or other non-written format, and in a variety of languages. Please contact the office.

Registered with the Scottish Housing Regulator No. 203
Registered Charity No. SCO38737, VAT Registration No. 180223636
Registered society under the Co-operative and Community Benefit Societies Act 2014



1. Introduction

- 1.1 West Whitlawburn Housing Co-operative (WWHC) 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, WWHC expects those who have serious concerns about any aspect of WWHC's work to come forward and speak up without fear of reprisal.

We therefore recognise that it is an important aspect of accountability and transparency to provide a mechanism to ensure that no employee, committee member or stakeholder of WWHC 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. WWHC will take all reasonable steps to protect workers from being victimised.
- 1.4 All employees, Committee Members and Stakeholders working for or acting on behalf of WWHC are covered by this policy. The policy also applies to suppliers and those providing services under a contract within WWHC.
- 1.5 If you are a customer, member of the public or other service user, you should raise any concerns regarding "Whistleblowing" directly with the Director, verbally or in writing marked 'Private and Confidential' or to the Chairperson of the Management Committee.

2. Scope of Policy

- 2.1 This policy is designed to enable employees, Committee Members and other stakeholders of WWHC to raise concerns internally and at a high level, to disclose information that the individual believes shows malpractice or impropriety.
- 2.2 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
- Dangers to health and safety or the environment
- Criminal activity involving WWHC, its staff, committee members 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

This list is not exhaustive but does indicate behaviours that would be considered unacceptable and where action may be taken.

2.3 This policy aims:

- To ensure an open and transparent process where the rights of whistle-blowers are protected; and
- To create a robust framework for handling whistleblowing.

This policy will be made freely available to staff and Committee Members as well as other agents and contractors appointed by the Co-operative.

3. Legal and Regulatory Framework

- Public Interest Disclosure Act 1998
- Enterprise & Regulatory Act 2013
- Bribery Act 2010
- General Data Protection Regulations:
- Standards of Governance and Financial Management Standard 5: The RSL conducts its affairs with honesty and integrity.
- Guidance: 5.6 There are clear procedures for employees and governing body members to raise concerns or whistleblow if they believe there has been fraud, corruption or other wrongdoing within the RSL.

4. Safeguards

4.1 Protection

This policy offers protection to those employees of WWHC 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.

WWHC 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.

4.2 Confidentiality

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.

4.3 Anonymous Allegations

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

4.4 Untrue Allegations

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. Scottish Housing Regulator

- 5.1 The Scottish Housing Regulator's role is to safeguard and promote the interests of tenants and service users and is interested in any conduct which puts this at risk and could threaten the viability or reputation of a regulated body, or the wider sector.

Where a whistleblowing allegation is made directly to WWHC the disclosure will be reported in line with Notifiable Event guidance issued by the Regulator if required by that guidance.

6. Raising a Concern

6.1 First Step

- 6.1.1 The individual should raise concerns with their immediate line manager, or other senior staff member. This information will be passed on as soon possible to the Director.
- 6.1.2 Any complaints will be investigated by the Director unless the complaint is against the Director or is in any way related to their actions.
- 6.1.3 Where the complaint is related to the Director, it should be addressed to the Chairperson of the Management Committee who will take prompt, independent and professional advice and will appoint an independent person to investigate the allegations. The Chairperson and Management Committee will ensure that Scottish Housing Regulator Notifiable Events guidance is followed.
- 6.1.4 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.
- 6.1.5 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, WWHC will seek further information from the individual concerned. 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.

6.2 Process

- 6.2.1 On receipt of a disclosure, the appropriate person will launch an investigation.
- 6.2.2 Reference will be made to the Scottish Housing Regulator's Guidance on Notifiable Events to determine if the Whistleblowing complaint should be notified to the Regulator, whether or not the complaint is dealt with internally or externally.
- 6.2.3 Depending on the circumstances surrounding the investigation appropriate action will be taken in accordance with WWHC's existing policies and procedures which may include disciplinary action.

6.3 Timescales

- 6.3.1 The person dealing with the disclosure will write to the whistle-blower within five working days of a disclosure being made. They will:
- acknowledge the disclosure has been received
 - indicate how the matter will be dealt with, whether further investigations will take place and if not, why not
 - give an estimate of how long it will take to provide a final response
 - supply the individual with information on staff support mechanisms
- 6.3.2 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 possible with the outcome.
- 6.3.3 It may not always be possible to advise the whistle-blower of the full details of the action taken. This will be advised to the employee if this is the case.
- 6.3.4 The amount of contact between the person dealing with the disclosure and the whistle-blower will vary on a case by case basis depending on the nature of the matter(s) raised, the potential difficulties involved and the clarity of the information provided.

6.4 Outcome of Investigation

- 6.4.1 Once the investigation has been completed and the report is received by the Director or Chairperson (as appropriate), 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.
- 6.4.2 WWHC accepts that an individual need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, they will be informed of the outcome of any investigation
- 6.4.3 Where an individual feels that their concern has not been dealt with appropriately, they can appeal the decision to the Management Committee.
- 6.4.4 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 below in Appendix 1.

7. Distribution and Communication

- 7.1 This policy will be provided to every employee and Committee member of WWHC and will be discussed at staff and Committee induction, staff meetings, publicised on our staff notice boards, WWHC's website and wherever else appropriate.

8. Equalities

We are committed to ensuring equal opportunities and fair treatment for all people in our work. In implementing this Policy, we will provide a fair and equal service to all people, irrespective of factors such as gender, race, disability, age, sexual orientation, language or social origin, or other personal attributes.

9. Review

This policy will be reviewed every 3 years or as and when changes in legislation or other factors make this necessary.

Appendix 1 - List of Prescribed Persons (relevant organisations)

Scottish Housing Regulator	Tel 0141 242 5642 Email: shr@shr.gov.uk
Office of the Scottish Charity Regulator (OSCR)	Tel 01382 220 446 https://www.oscr.org.uk/about-oscr/contact-us/
The Health and Safety Executive	Tel 0300 003 1647 https://services.hse.gov.uk/concernform/
The Scottish Environment Protection Agency	https://www.sepa.org.uk/contact/contact-us-by-email/
South Lanarkshire Council Environmental Services	Tel 0303 123 1015 https://www.southlanarkshire.gov.uk/xfp/form/484

Further Sources of Information

Financial Auditor	CT 0131 558 5800
Internal Auditor	wbg 0141 566 7000
Solicitor	TC Young 0141 221 5562
ACAS	Tel 0300 123 1100 https://www.acas.org.uk/
Public Concern at Work	https://protect-advice.org.uk/
Unite the Union	Tel 0141 404 5424

Scottish Housing Regulator Factsheets

Whistleblowing about a regulated body Information for potential whistle blowers - <https://www.housingregulator.gov.scot/for-landlords/advisory-guidance/how-we-work/information-about-whistleblowing>

Whistleblowing about a regulated body - Information for regulated bodies about how the Scottish Housing Regulator deals with whistleblowing - <https://www.housingregulator.gov.scot/for-landlords/advisory-guidance/how-we-work/how-we-will-deal-with-whistleblowing-concerns-about-your-organisation>

Equalities Impact Assessment

Policy/Project/Service Information			
Lead Officer	Corporate Services Officer		
Policy / Project / Service	Whistleblowing Policy	New Policy / Project / Service or revision of existing?	Revision of existing
Is this a reassessment following amendments being required at a previous assessment?	No		
Briefly describe the aims, objectives and purpose of the policy / project / service.	To ensure an open and transparent process where the rights of whistle-blowers are protected and to create a robust framework for handling whistleblowing.		
Who is intended to benefit from the policy / project / service? (E.g. applicants, tenants, staff, contractors)	All stakeholders		
What outcomes are wanted from this policy / project / service? (E.g. the measurable changes or benefits to members/ tenants / staff)	To ensure ongoing compliance with regulatory standards and legislation. To ensure that WWHC's resources are well-managed and misuse is limited. To provide a mechanism to ensure that no employee, committee member or stakeholder of WWHC feel at a disadvantage in raising legitimate concerns.		

Consultation

Who have you engaged and consulted with as part of your assessment?

N/A

Equalities Impact Assessment

Which protected characteristics could be affected by the policy, practice, or service?	Identify any positive impact/s that could result for each of the protected characteristic groups.	Identify any negative impact/s that could result for each of the protected characteristic groups.
Age		
Disability		
Gender Reassignment		
Marriage & Civil Partnership		
Race		
Religion/Belief		
Pregnancy/Maternity		
Sex		
Sexual Orientation		

Action Plan To Mitigate Negative Impact

What action/s are required to address the impacts arising from this assessment?

Protected characteristics	Action	Implementation Date
Age		
Disability		
Gender Reassignment		
Marriage & Civil		

Partnership		
Race		
Religion/Belief		
Pregnancy/Maternity		
Sex		
Sexual Orientation		
Human Rights		

Final Decision	Tick relevant box	Include explanation where appropriate
Approved for implementation without change	x	
Amend or change the Policy/Project/Service		
Continue the Policy/Project/Service without change (despite impact)		
Stop the Policy/Project/Service		
Lead Officer Signature	R.Hosie	
Date	30/04/2025	
Date approved by Management Committee/ Sub Committee	27/05/2025	