



Wheatley Housing Group Whistleblowing Policy

Contents	Page
1. Introduction	3
2. Aims and Objectives	3
3. Safeguards	4
4. Raising a Concern	5
5. How the Concern Will be Dealt With	6
6. Alternative Methods of Taking Forward a Concern	7
7. Responsible Officer	8
8. Equal Opportunities Statement	8
9. Legal and Regulatory Framework	8
10. Policy Review	8

Audit Committee Approved: 18 May 2016

1. Introduction

- 1.1 The Wheatley Housing Group Whistleblowing Policy is intended to benefit the Wheatley Housing Group and all subsidiaries ('the Group') and its staff and to encourage and enable staff to raise serious concerns within the Group rather than overlooking the problem or contacting the media or other external bodies.

2. Aims and Objectives

- 2.1 Employees are often the first to realise that there may be something seriously wrong within the Group. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Group. They may also feel harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may be a suspicion of malpractice.
- 2.2 We are committed to the highest possible standards of openness, probity, good practice and accountability and conduct our affairs with honesty and integrity. In line with that commitment, we expect employees and others with serious concerns about any aspect of our work to come forward and voice those concerns. It is recognised that certain cases will have to proceed on a confidential basis. This document makes it clear that staff can raise concerns without fear of reprisals.
- 2.3 This Policy aims to:-
- Provide avenues for staff to raise concerns and receive feedback on any action taken;
 - Inform staff on how to take the matter further if they are dissatisfied with the response;
 - Reassure staff that they will be protected from reprisals or victimisation for whistleblowing where they hold a reasonable belief that the concern is within the public interest; and
 - Comply with the Regulatory Standards of Governance and Financial Management set by the Scottish Housing Regulator and the National Care Standards as regulated and inspected by the Care Inspectorate.
- 2.4 This Whistleblowing Policy is intended to cover concerns that fall outside the scope of other procedures. These concerns may be about something that:-
- is unlawful; or
 - is against our Standing Orders or policies; or
 - falls below established standards or practices; or
 - amounts to improper conduct.

Guidance on how to raise concerns relating to a staff members employment or the conduct/behaviour of employees is provided in Section 4 of this Policy.

3. Safeguards

3.1 Harassment or Victimisation

- 3.1.1 We recognise that the decision to report a concern can be a difficult one to make, not at least because of the fear of reprisal from those responsible for the malpractice. We will not tolerate harassment or victimisation and will take action to protect staff when they raise a concern which they believe to be true.
- 3.1.2 The whistleblower's employment status will not be affected and the whistleblower will not be disadvantaged if acting in the public interest, even if the concern is unfounded. This does not mean that if a member of staff is already the subject of disciplinary or redundancy procedures, that those procedures will be halted as a result of their whistleblowing.
- 3.1.3 If staff report a concern but it is not confirmed by the investigation, no action will be taken against them. If, however, individuals make malicious allegations, or raise concerns for their own personal gain, disciplinary action will be considered.

3.2 Confidentiality

- 3.2.1 We will do our best to protect an individual's identity when s/he raises a concern and does not want their name to be disclosed. It must be appreciated, however, that the investigation process may reveal the source of the information and a statement by the individual may be required as part of the evidence. Where identity must be made public (e.g. for an investigation to continue, for legal proceedings) we will notify the whistleblower.

3.3 Public Interest Disclosure Act 1998

- 3.3.1 The Public Interest Disclosure Act 1998 provides protection for employees who raise genuine concerns about or within the organisation for which they work (including serious issues of wrongdoing, malpractice or unlawful matters). These protections apply to all employees (including full-time and part-time employees, home workers, trainees and agency staff) and it applies whether or not the concerns relate to confidential matters.
- 3.3.2 The 1998 Act does not apply to volunteers. Accordingly, our governing body members fall outside the statutory arrangements relating to Whistleblowing. As matter of policy and good practice, we will encourage governing body members with any concerns about malpractice or wrongdoing to raise these under the terms of this Whistleblowing Policy.

3.4 Anonymous Concerns

- 3.4.1 This Policy encourages staff to put their names to concerns. Concerns expressed anonymously are much less powerful, but they will be considered at our discretion. In exercising this discretion, the factors to be taken into account would include:
- the seriousness of the issue raised;
 - the credibility of the concern; and
 - the likelihood of confirming the concern from attributable sources.

4. Raising a Concern

- 4.1 Advice and guidance on how matters of concern may be pursued can be obtained from the Group Assurance Team. All staff can contact the Director of Assurance (0141 274 6528) to discuss any concerns.
- 4.2 For some minor issues staff should normally raise concerns with their immediate line manager; unless s/he is not deemed as being an appropriate first contact or is the subject of the concern, in which case a more Senior Manager or the Director of Assurance, as the Group Whistleblowing Officer, should be contacted.
- 4.3 For issues relating to an organisational review, concerns should normally be raised as part of the staff consultation.
- 4.4 Issues relating to the conduct and/or behaviour of employees in the Group that fall out with those matters outlined in section 2.4 will be dealt with under the relevant Disciplinary Policy and concerns of this nature should, in the first instance, be raised with your immediate line manager.
- 4.5 If staff wish to raise concerns that relates to their own employment then they should raise this via the relevant Grievance Policy.
- 4.6 In general, however, this Whistleblowing Policy is expected to be used for potentially more serious and sensitive issues (e.g. corruption, bribery, fraud) and the first step will be to approach the relevant Senior Manager; unless s/he is not deemed as being an appropriate first contact or is the subject of the concern, in which case a more Senior Manager or the Director of Assurance should be contacted.
- 4.7 Should the concern be found to be substantiated, the Senior Manager or the Director of Assurance will consult with the relevant Head of Department, Executive Director or Group Chief Executive and refer it to the appropriate body (e.g. the Group Audit Committee, the Subsidiary Board, the Group Board, the Scottish Housing Regulator, the Health and Safety Executive or Care Inspectorate). If the concern refers to the Group Chief Executive, staff should raise the matter with the Chair of the Group Board.
- 4.8 All staff can raise concerns directly with the Scottish Housing Regulator, the Health and Safety Executive or Care Inspectorate.
- 4.9 Concerns are better raised in writing. The background and history of the concern, giving names, dates and places where possible, should be set out and the reason why the individual is particularly concerned about the situation. Those who do not feel able to put their concern in writing can telephone or meet the appropriate officer.
- 4.10 The earlier the concern is expressed, the easier it is to take action.
- 4.11 Although staff are not expected to prove the truth of a concern and it is not necessary to have absolute proof of improper conduct, they will need to demonstrate that they reasonably believe that the disclosure they are making is in the public interest.
- 4.12 Individuals may invite their Trade Union to raise a matter on their behalf.

5. How the Concern Will be Dealt With

- 5.1 The action taken will depend on the nature of the concern. The matters raised may:-
- be investigated internally;
 - be referred to the police;
 - be referred to the External Auditor; or
 - be referred to the Scottish Housing Regulator, Health and Safety Executive or the Care Inspectorate.
- 5.2 In order to protect individuals and us, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns which fall within the scope of other, existing, procedures (e.g. discrimination issues) will normally be referred for consideration under those procedures.
- 5.3 Some concerns will be resolved by agreed action without the need for investigation.
- 5.4 Within five working days of a concern being received, we will write to the person reporting concerns, where the concern has not been raised anonymously:-
- acknowledging that the concern has been received;
 - indicating how it proposes to deal with the matter giving an estimate of how long it will take to provide a final response; and
 - telling them whether any initial enquiries have been made; and if not why not.
- 5.5 The amount of contact between the body considering the issues and the person reporting the concern, will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought.
- 5.6 When any meeting is arranged, staff have the right, if they so wish, to be accompanied by an existing member of staff or a certificated Trade Union representative.
- 5.7 We will take steps to minimise any difficulties which staff may experience as a result of raising a concern. For instance, if staff are required to give evidence in criminal or disciplinary proceedings, we will advise them about the procedure.
- 5.8 We accept that staff need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, staff will receive information about the outcomes of any investigations.
- 5.9 In order to support staff, and to protect the organisation, it is important that a full audit trail, including proper records, is maintained for all whistleblowing cases. The Director of Assurance is responsible for ensuring that all whistleblowing cases are fully recorded and reported in line with this Policy.
- 5.10 In addition to the case record noted at previous paragraph, a Group Whistleblowing Register will be retained by the Director of Assurance. In conjunction with the Director of Assurance, the register should be completed by the relevant manager responsible for overseeing each specific case. The Director of Assurance will be responsible for reviewing the register as part of their

independent assessment of the organisation's control framework and s/he will ensure that appropriate follow up and resolution of all cases has been completed.

6. Alternative Methods of Taking Forward a Concern

6.1 This Policy is intended to provide staff with an avenue to raise concerns. If an individual feels it is appropriate to take the matter outside this process, the following are possible contact points:-

- the External Auditor;
- the Scottish Housing Regulator, the Health and Safety Executive or Care Inspectorate;
- Trade Unions;
- the individuals' solicitor; or
- the police.

6.2 If staff do take the matter outside the Group, they must ensure that they do not disclose confidential information or that disclosure would be privileged.

6.3 Professional Advisers

6.3.1 Our auditors (internal and external) and solicitors are aware of this Policy and our wish to be open and accountable for our actions. They can also be contacted in confidence for advice and as a contact for raising concerns or starting investigations. Contact details are as below

Professional Advisers	
Name of Organisation	Contact Details
External Auditors, Lindsey Paterson, Director PricewaterhouseCoopers LLP	141 Bothwell Street, Glasgow, G2 7EQ Tel: 0141 355 4256
Assurance, Ranald Brown, Director of Assurance	Wheatley House, 25 Cochrane Street, Glasgow G1 1HL Tel: 0141 274 6528
Company Secretary, Kirsten Craig Governance Team	Wheatley House, 25 Cochrane Street, Glasgow G1 1HL Tel: 0141 274 6314

6.4 We will notify the Scottish Housing Regulator, Health and Safety Executive or Care Inspectorate about all whistleblowing concerns that result in a notifiable event and how we are responding to them. The notification should be made by the Company Secretary. S/he should also ensure that each case is recorded and monitored and that regular updates are provided on the status of each case.

6.5 Contacting the Media

6.5.1 Staff are expected to work within the guidance of this Policy. Contacting the media is not permitted and could result in formal disciplinary action up to and including dismissal.

6.5.2 In line with the Employee Code of Conduct, all contact with the media should be directed through the Communications Department.

7. Responsible Officer

- 7.1 The Group Chief Executive has overall responsibility for the maintenance and operation of this Policy. S/he will ensure that a record is maintained of concerns raised and the outcomes (but in a form which does not endanger confidentiality) and will report as necessary to the Group Board.

8. Equal Opportunities Statement

- 8.1 This Policy complies fully with the Group's Equal Opportunities Policy. We recognise our proactive role in valuing and promoting diversity, fairness, social justice and equality of opportunity by adopting and promoting fair policies and procedures.
- 8.2 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. Indeed we will positively endeavour to achieve fair outcomes for all.
- 8.3 We carry out Equality Impact Assessments when we review our policies. We check policies and associated procedures regularly for their equal opportunity implications. We take appropriate action to address inequalities likely to result or resulting from the implementation of the policy and procedures.

9. Legal and Regulatory Framework

- 9.1 This Policy takes account of legal and regulatory requirements. Legislation and regulatory standards relevant to this Policy include:
- Enterprise and Regulatory Reform Act 2013
 - Public Interest Disclosure Act 1998; and
 - Scottish Housing Regulator – Regulatory Standards of Governance and Financial Management.
 - National Care Standards

10. Policy Review

- 10.1 We will review this Policy every 3 years. More regular reviews will be considered where, for example, there is a need to respond to new legislation, regulation and policy guidance. Reviews will consider legislative, performance standard and good practice changes.
- 10.2 We will publish this Policy on our website. A hard copy is available on request. Customers can also get a copy of the policy on tape, in Braille, in large print or in translation on request.