



West Granton Housing Co-operative Limited

Policy Document

Governance Policy

This policy was approved by the Committee of Management on 14th December 2016.

The policy should be reviewed again no later than 2020

WGHC aims to comply with all relevant legislation. The following legislative requirements have been considered in relation to this policy:

The Housing (Scotland) Acts 1987, 2001, 2010 and 2014.

The Co-operative and Community Benefit Societies Act 2014

The Equality Act 2010

WGHC aims to comply with all relevant best practice. The following have been considered in relation to this policy:

The Scottish Social Housing Charter 2012

WGHC has a suite of policies and procedures covering all aspects of our operations. The policies most closely linked with this policy are:

- WGHC Registered Rules
- WGHC Financial Regulations
- WGHC Complaints Handling Policy
- WGHC Information Policy

All policies and procedures are on the WGHC internal web site.

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1. Introduction

Governance has been defined as the arrangements for leadership, direction and control of an organisation. It is also about ensuring that the Co-operative promotes the right kind of values and that we work in the best interests of our members and other stakeholders.

The constitution of West Granton Housing Co-operative is set out in our registered Rules. The Rules are registered with the Financial Conduct Authority (FCA).

The Rules can only be changed with the agreement of the members at a Special General Meeting and the consent of the Scottish Housing Regulator (SHR) and the FCA. The Rules provide a broad outline of what the Co-operative does and the procedures it should follow.

This policy document builds on the framework provided by the Rules. It includes standing orders relating to the way committees conduct business and the role of officers. It also sets out our policy and procedures in relation to appeals against decisions; equality; and tenant participation.

The Co-operative must also act within the law and must comply with the requirements of the regulatory body, the SHR. Where relevant and practical, the Co-operative also seeks to implement good practice including the recommendations of the Scottish Federation of Housing Associations and Employers in Voluntary Housing.

WGHC has tried to incorporate all relevant regulatory requirements and best practice into this policy.

2. Committee Standing Orders

2.1 Membership of the Committee

The Committee of Management is responsible for the leadership, strategic direction and control of WGHC.

Detailed rules on elections and eligibility for the Committee are in WGHC's Registered Rules 35 to 40. This section is a summary only.

Members of the Co-operative can stand for election to the Committee. They must be nominated by another member of the Co-operative. Elections are annual, at the AGM.

Some people are ineligible for the Committee for various reasons including bankruptcy and past offences.

The Committee may in certain circumstances appoint or co-opt additional members.

A committee member ceases to be a member if they miss four consecutive meetings unless they have previously been granted a leave of absence.

Committee may in certain circumstances remove a member from the Committee.

The maximum number of members is 15, the minimum is 7.

2.2 The Conduct of Committee Members

Committee members must always act in the best interest of the Co-operative. Members must ensure that personal interest does not influence any decision. If they have an interest, either directly or through family or friends, in any decision to be taken by the Co-operative they will declare the interest and leave the meeting for the duration of that item (Rule 34.2).

Committee members must sign and abide by the **WGHC Code of Conduct for Committee Members**. Failure to do so may result in removal from the Committee.

If a member behaves improperly during a meeting a vote may be taken to exclude them from the meeting. Members may also convene a special meeting to decide if a member should be permanently removed (Rule 40.5).

Members will also annually complete a declaration of interest form in which their interest in any organisation or company which has or may have dealings with WGHC will be declared. WGHC annually approves list of consultants, contractors and suppliers which will be used for most WGHC supplies and services. Committee members may not have a financial interest in any company trading for profit with the Co-operative.

Members will comply with the Co-operative's policy and procedures in relation to payments and benefits, including gifts and hospitality, as set out in WGHC's Financial Regulations. These are designed to safeguard the assets and reputation of the Co-operative and its members and to fulfil our obligations in relation to good practice and current legislation, including the Bribery Act.

Members should not use the services of consultants and contractors on the approved lists and must declare any dealings with them. The consultants and contractors are in turn discouraged from carrying out work for WGHC tenants.

2.3 Committee Performance Reviews

In accordance with Rule 33.6, the Chairperson, with the assistance of the CEO, will annually review the performance of the Committee and its members. A report will be made to the last Committee meeting prior to the AGM. In accordance with Rules 33.6 and 39.10, the Committee must satisfy itself that any Committee Member seeking re-election to the Committee after service as a Committee Member for a continuous period of more than 9 years has demonstrated his/her continued effectiveness as a Committee Member.

Committee will be asked to resolve to permit any such member to stand again or otherwise be nominated for re-election.

In complying with Rules 33.6 and 39.10, the Chairperson, CEO and Committee will consider that WGHC's committee members are tenants, elected by their fellow tenants. There should be no expectation that committee members must have or acquire professional qualifications or specialist knowledge or skills. A willingness to serve and a constructive attitude are what is valuable. Rules 33.6 and 39.10 will therefore be applied with a light touch.

2.4 The Role of the Committee of Management

Some decisions must be taken at general meetings, including changing the rules, appointing auditors, and electing the Committee of Management. The function and format of general meetings including the Annual General Meeting are set out in the Rules 16 to 32.

The Committee of Management is responsible for directing the affairs and business of the Co-operative. Its powers are set out in Rules 41 to 43. The main responsibilities are:

- **Taking major decisions.** These include acquisition or disposal of land and property; setting rents and approving budgets.
- **Strategic planning.** Each year Committee will agree long term goals as well as priorities and performance targets for the year ahead. These shall be incorporated in a Business Plan.
- **Monitoring performance.** Committee will receive regular reports on the performance of the Co-operative in relation to performance indicators, targets, priorities and objectives.
- **Preparing financial statements.**
- **Putting in place a system of controls.** This includes approving policies, delegating authority and establishing internal financial controls.

The Committee is not involved in the day to day operational management of WGHC. The Committee delegates authority to staff, agents, subcommittees or officers to ensure that the Co-operative's affairs are conducted properly and efficiently. This is summarised in the Statement of Delegated Authority later in this policy.

2.5 Officers

The roles and responsibilities of the Secretary and Chair of WGHC are set out in Rule 55.

- a) The CEO will be the Secretary and will call meetings of the Committee; issue agendas, minutes and reports; and fulfil the responsibilities set out in Rule 55.3.
- b) The first Committee meeting after the AGM will appoint a Chairperson, Vice-Chairperson and a Treasurer.
- c) The Chairperson will chair committee and general meetings; and fulfil the responsibilities set out in Rule 55.5.
- d) If the Chairperson is absent the Vice Chairperson will chair the Committee of Management. In the absence of both the members will appoint one of their number to chair the meeting.
- e) The Treasurer will take particular interest in financial matters and carry out any responsibilities delegated by Committee and/or set out in WGHC's policies.

2.6 Subcommittees and Working Groups

- a) A quorum for a subcommittee shall consist of three.
- b) Subcommittees will operate in accordance with the relevant rules in the Registered Rules of the Co-operative, especially Rule 54.
- c) Subcommittees will have only such authority as is specifically delegated to them by the Committee of Management either in approved policies or by resolution.
- d) Subcommittees will appoint a Chair from among their members at their first meeting.
- e) Subcommittees will be serviced by an appropriate senior staff member.
- f) Any decisions taken by the subcommittees shall be reported to the Committee of Management.
- g) Working groups of committee members, staff and others may be set up by Committee to look at specific issues in detail. They will not have delegated authority but will make recommendations to Committee. They are informal and there is no quorum.

2.7 Committee Meetings

The primary rules covering the operation of the Committees are Rules 44 to 53. The standing orders below are based on those Rules.

- a) Agendas should be issued to all committee/subcommittee members at least seven days before the date of the Committee.
- b) Any member who wishes to have an item placed on the agenda should inform the Secretary no later than ten days before the meeting.
- c) Meetings shall be held in private. No one other than committee members and staff may attend unless invited by the Committee or the Secretary. The invitation may be for part of the meeting only.
- d) A quorum for the Committee of Management shall consist of four.
- e) The chair will begin the meeting at the appointed time unless members agree to a delay. No meeting shall continue for more than two hours beyond the time for which the meeting is called unless with the approval of at least two thirds of the members present.
- f) Minutes of every meeting shall be kept and issued to members prior to the next meeting and shall therefore be taken as read. Minutes shall be approved (with any amendments of fact) at the next meeting and signed by the chair.
- g) Speakers should direct their words to the chairperson and all members shall observe order. The chair shall decide who can speak and for how long.
- h) Wherever possible staff reports should be in writing and included with the agenda for the appropriate committee meeting. If necessary, short verbal reports may be given.
- i) Staff should not speak at committee meetings unless invited by the Chair and should confine themselves to the specific point on which they are invited to comment.
- j) Items not on the agenda may be raised under Any Other Competent Business (AOCB). The Chair will decide whether the item is competent. If it is, the chair will decide whether it can be dealt with immediately or put on the agenda for the next meeting.
- k) Proposals will be decided by a show of hands unless a ballot is proposed and seconded when it will automatically be agreed.
- l) In the event of a tie the Chairperson/Convener will have a second and deciding vote.

2.8 Notifiable Events

WGHC is required to tell the Scottish Housing Regulator (SHR) about any significant or exceptional issue, event, or change within its organisation and how it intends to deal with it.

Notifiable events are defined by the SHR as “*serious events*”:

- *that may seriously affect tenant safety or service delivery arrangements;*
- *that may significantly threaten the stability, efficient running or viability of an organisation;*
- *that would potentially bring the RSL into disrepute or raise public or stakeholder concern about the RSL or the social rented sector.”*

Principle among these are:

- If membership of the Committee falls to seven or below;
- If a Committee member is removed from the Committee;
- If a Committee Member resigns for non-personal reasons;
- If the CEO resigns, is dismissed or is absent for an extended period;
- If a serious complaint is made about the CEO or a Committee member;
- Serious legal action taken against the Co-operative;
- If there is a serious threat to tenant safety;
- If the RSL has financial difficulties.

The SHR has issued detailed guidance on Notifiable Events which can be found on its web site. WGHC will act in accordance with current guidance by informing the SHR of any notifiable events and taking appropriate action.

2.9 Significant Performance Failures

Tenants may report a Significant Performance Failure or “SPF” to the Scottish Housing Regulator.

An SPF is where a landlord fails to achieve Charter outcomes, or has not reported performance to tenants, or has materially failed to meet regulatory standards, or has put tenant’s interests at risk.

The SHR gives as examples failing to carry out gas safety checks, not maintaining homes or not having appropriate governance or financial procedures in place.

More details, including details on how to report a suspected SPF, are on the SHR website.

3. Delegated Authority

3.1 Definition of delegated authority

The rules state that Committee can delegate its powers to sub-committees or to staff or Office Bearers (Rule 54.1). The roles of the Chairperson and Secretary are set out in the Rules. The points below summarise or clarify aspects of the roles.

The role of the other officers (Vice Chair and Treasurer), standing subcommittees and CEO are also set out below. These have been established in accordance with the Committee's power to delegate authority.

Financial authority is set out in detail in WGHC's Financial Regulations. Other approved policies set out how WGHC should conduct various aspects of its affairs.

Committee will determine the overall staff structure. The Co-operative is a member of Employers in Voluntary Housing and will use their terms and conditions of employment, grading guidelines and salary scales. Committee will appoint the Chief Executive Officer (CEO) and be involved in the appointment of second tier staff. Recruitment procedures and other relevant staffing matters will be set out in a Staff Policy.

3.2 Chairperson

- is appointed annually by the Committee of Management at the first meeting after the AGM;
- shall chair meetings of the Committee of Management and General Meetings of members;
- shall make an annual report to members;
- shall be a member of the staffing subcommittee;
- shall, with the assistance of the Secretary and the other officers, fulfil the responsibilities set out in Rule 55.5 in relation to meetings, decision making, and appraisals.

3.3 Vice Chairperson

- is appointed annually by the Committee of Management at the first meeting after the AGM;
- shall chair meetings of the Committee of Management and General Meetings of members in the absence of the Chairperson;
- shall deputise for the Chairperson as necessary if the Chairperson is temporarily absent or indisposed;
- shall be a member of the staffing subcommittee.

3.4 Treasurer

- is appointed annually by the Committee of Management at the first meeting after the AGM;
- shall carry out any responsibilities delegated by the Financial Regulations or other WGHC policies.
- shall be a member of the staffing subcommittee.

3.5 The Staffing Subcommittee

- is made up of the Chairperson, Vice Chairperson and Treasurer.
- has full delegated powers to administer appropriate stages of staff disciplinary, attendance and grievance procedures.
- may seek advice and support from EVH or other agencies in carrying out its role.
- shall carry out the annual performance review of the CEO;
- as an alternative to the full subcommittee, the Committee of Management may select representatives from the Committee to attend to individual matters relating to discipline, grievances or other staffing issues.

3.6 Chief Executive Officer (CEO) and other staff:

- The CEO shall be the Secretary of the Co-operative with the duties and responsibilities defined in the registered rules (55.5) including: calling meetings; making annual reports to regulatory authorities; keeping registers and books of accounts.
- The CEO shall direct and manage all the financial and operational activities of the Co-operative in accordance with approved policies.
- The CEO shall have the financial responsibilities and authority delegated by the *WGHC Financial Regulations*.
- shall be responsible for advising the Scottish Housing Regulator of any “notifiable events” as defined by the SHR.
- In the absence of the CEO and where a decision cannot reasonably wait for his/her return the Housing Manager may deputise.
- The further responsibilities and authority of the Housing Manager and of other staff will be as set out in approved WGHC policies, especially the *WGHC Financial Regulations*.

4. Policy and Planning

4.1 Business Plan

Among the Committee's responsibilities are strategic planning and setting priorities, performance targets and budgets.

One way in which Committee will address this is to annually approve a Business Plan. The Business Plan will include annual budgets and medium and long term financial projections. The Business Plan will also include performance targets, priorities and will summarise WGHC's approach to risk management.

Since the Business Plan contains some sensitive financial and business information it will normally only be issued to Committee Members, Staff and the Auditor. The CEO is authorised to issue parts or all of the Business Plan to other agencies (e.g. Scottish Housing Regulator, Bankers or Lenders) if he/she judges it to be necessary and/or in the interest of WGHC to do so.

4.2 Policies

Committee must also put in place a system of financial and other controls designed to try to ensure that the day to day business of the Co-operative is conducted in accordance with the law and good practice. They are also intended to help protect WGHC's assets including land and buildings, other fixed assets (e.g. office equipment) and cash and investments.

These controls will be set out in a series of policies. These policies will build on the WGHC Registered Rules and on legal and regulatory requirements. They provide detailed guidance on how things should be done.

The Committee of Management will approve policies. Policies will be reviewed and revised in accordance with agreed cycles which shall be set out in the Business Plan.

Policies will set out general principles. They may also include procedures setting out how particular areas of work will be carried out.

Additional detailed procedures may be included as appendices to the policies or as separate procedure documents.

The main body of a policy may be amended by the CEO to correct typographical errors or to update references. Appendices to policies may be amended by the CEO to incorporate changes in best practice, the law or the working environment. Any changes will accord with the principles set out in the main body of the policy.

Additional procedural documents may be approved by the CEO to assist staff in day to day tasks. These documents will also accord with the principles set out in the main body of the relevant policy.

A set of policies and procedures will be available to staff on the WGHC internal web site. WGHC will endeavour to make key policies accessible to all via the WGHC external web site. Copies of policies will be available to tenants and other customers on request.

5. Membership of the Co-operative

5.1 Introduction

WGHC is a fully mutual co-operative housing association. We are registered as a society with the Financial Conduct Authority. In relation to membership we will act in accordance with our registered rules.

Since WGHC is a fully mutual co-operative housing association, all WGHC members must be tenants and all WGHC tenants should be members. Applicants for membership must be actively seeking to become tenants of WGHC (Rule 7.2).

The Committee has absolute discretion in deciding on membership (Rule 7.2) and may refuse if the Committee considers that accepting the application:

- where membership would be contrary to WGHC's rules or policies or
- where a conflict of interest may exist which would adversely affect the work of WGHC or
- where membership would not be in the best interests of the Co-operative.

Refusal of membership would in turn mean that a tenancy would not be offered to an applicant.

The rules on membership are set out in rules 6 through 10 of the registered rules. This policy explains how we will administer applications for membership.

5.2 Applying for Membership

Applications for sole membership will only be accepted from prospective tenants. Prospective tenants are applicants for housing, of 16 or over who are being actively considered for the tenancy of a specific WGHC property.

Applications for joint membership will only be accepted from current tenants and/or prospective tenants. The application will be on behalf of the applicant and a second named person. Both persons must also apply to become joint tenants (Rules 7.5 and 7.6)

A copy of the registered rules is issued along with the membership application form. Applicants must submit a completed application for membership, signed by the applicant, along with a £1 payment. If the application is not approved the £1 will be returned.

The prospective member(s) will be asked to declare any convictions which are not spent under the Rehabilitation of Offenders Act.

The prospective member(s) will be asked to declare whether they, or any close friend or relative, has or has had a business relationship with WGHC.

The prospective member(s) will be asked to declare whether they are related to, or a personal friend of, or have a business relationship with a committee member or member of staff. If a relationship is declared, or is otherwise established, then that person will take no part in any stage of the membership process.

5.3 Consideration of Applications

All elected (not co-opted) members of the Committee of Management will be notified of applications for membership. Should a Committee Member have any concerns about the application they should contact the Housing Manager immediately.

Such concerns should be relevant and be verifiable. Examples may include a history of anti-social behaviour or criminal activity.

Where the applicant has declared past offences, or where past offences or other concerns have been reported by Committee members or third parties, the Housing Manager will seek confirmation or clarification where possible and practical.

If there is reasonable concern about an application for membership, then the application will be referred to the Committee of Management for a decision.

Should information come to light relevant to a housing application during the process of applying for membership, the Housing Manager may reconsider the housing application.

5.4 Membership Meeting

Assuming the application has not been referred to the Committee of Management then applications for membership will be categorised in 1 of 3 ways as follows:

- (a) applicants for membership or joint membership in the process of being housed by WGHC for the first time (or where WGHC is considering transferring or agreeing to the assignation of a tenancy);
- (b) an existing member applies to become a joint member along with a second person who is a member of their household;
- (c) an existing resident who has been living as part of a sole member's household and following the death of the sole member, with the right of succession, applies to become a member.

The way in which the applications for membership from the above will be considered will vary depending on the category of membership.

Membership applicants falling into category (a) and (b) must attend a short informal meeting with at least two members of the Committee of Management to talk about the Co-operative and matters relating to the application for membership of the Co-operative.

A member of staff may sit in on the meeting to ensure that any matters relating to the application for a tenancy are not discussed and that any such questions raised can be addressed privately with the applicant after the meeting.

Membership applicants falling into category (c) may alternatively, at the discretion of senior staff, have an informal meeting with WGHC staff. This would normally be in cases where the applicant might be distressed by the normal procedure. (Committee members will be notified of the application and that this procedure is being followed.)

5.5 Approval of Membership Applications

Following a membership meeting, the Housing Manager or CEO will have delegated authority to approve the application for membership. The Housing Manager will have regard to the recommendation of the Committee Members who met with the applicant(s).

If there is concern about approving an application for membership it should be referred to Committee. It may also be appropriate to take legal advice.

If an application is referred to the Committee of Management (whether or not a membership meeting has been held) then the Committee will consider the application at its next meeting or as soon as possible after that.

If an applicant has previously been expelled from membership of the Co-operative, any application for membership would have to be approved by two thirds of the members voting at a general meeting (Rule10.2).

5.6 Refusal of Membership Applications

WGHC wishes to encourage a wide and open membership but realises that, in exceptional circumstances, an application for membership may be refused if it is believed that accepting the application would not be in the best interest of the Co-operative.

A decision to refuse an application for membership may only be taken by the Committee of Management.

If an applicant wishes to dispute the decision, they may raise an action on the matter in any court with competent jurisdiction (Rule 78). WGHC will not delay the letting of any house pending court action.

5.7 Beginning of Membership

If an application is approved the applicant becomes a member of WGHC on the date when they become a tenant (Rule 7.4). The name is entered in the Register of Members and a £1 share certificate issued.

In the case of a joint application for membership (where neither applicant is already a member), if an application is approved the applicants become joint members of WGHC on the date when they become joint tenants (Rule 7.6). The names are entered in the Register of Members and a £1 share certificate issued. The first name on the application name is entered first. Only the member whose name appears first is entitled to exercise the rights of membership including voting at an AGM or standing for Committee (Rule 7.6).

In the case of a joint application for membership where one applicant is already a member and tenant of WGHC, the applicants will become joint members on the date when they become joint tenants. The sole applicant's share is converted to a joint share and the Register amended accordingly. The share number will remain the same and there will be no payment required. The existing member's name will be entered first. Only the member whose name appears first is entitled to exercise the rights of membership including voting at an AGM or standing for Committee (Rule 7.5).

5.8 End of Membership

Membership will cease upon the death of the member; the end of the tenancy or if a special general meeting decides to end the membership. These and other provisions are set out in Rule 10.

If a joint member ceases to occupy the house or dies the remaining joint member will become an individual member and the Register will be amended accordingly. The share number will remain the same and there will be no payment required.

When a membership ends WGHC will retain the £1 paid for the share.

5.9 Reporting on Membership

Each meeting of the Committee of Management shall receive a report on membership. The report will include:

- Memberships ending;
- Membership applications approved.

WGHC will hold a paper copy and a second (electronic) copy of the register of members. A member may inspect their own entry on the second copy on request. They may only see other names on the register of members if the members have given their express consent for this purpose. WGHC will not require members to give consent.

6. Equality

6.1 The Equality Act

The Equality Act 2010 (the Act) provides a legal framework to protect the rights of individuals and advance equality of opportunity for all.

West Granton Housing Co-operative aims to combat the following types of discrimination (which are referred to as the 'protected characteristics' in the Act), to foster a culture of equality, and to recognise the positive contribution that each individual can make irrespective of their:

- age
- disability
- gender reassignment
- marital or civil partnership status
- pregnancy or maternity
- race (which includes colour, nationality and ethnic or national origins)
- religion or belief
- sex
- sexual orientation.

6.2 Values and Purpose

The Co-operative will strive to be inclusive in the performance of our functions. We aim to be responsive to the needs of all members of society, and to avoid creating barriers for anyone who wishes to work with us, or for tenants and other people who contact us in relation to our housing services.

All the Co-operative's staff are entitled to be treated with respect and dignity and the Co-operative will not tolerate any less favourable treatment of any person on the grounds of the Protected Characteristics.

Staff have a personal responsibility for the implementation of this policy to ensure that they treat others with the respect and dignity that they expect to be treated with themselves.

In accordance with the Scottish Social Housing Charter, the Co-operative will seek to ensure that every tenant and other customer has their individual needs recognised, is treated fairly and with respect, and receives fair access to housing and housing services

6.3 Types of Unlawful Discrimination

Discrimination may be direct or indirect and it may occur intentionally or unintentionally.

- Direct discrimination occurs where someone is treated less favourably because of one or more of the protected characteristics set out above. (An example of direct discrimination would be refusing to employ a woman because she is pregnant.)
- Indirect discrimination occurs where someone is disadvantaged by an unjustified provision, criterion or practice that also puts other people with the same protected characteristic at a particular disadvantage.
- Associative discrimination is where someone is directly discriminated against or harassed for association with another person who has a protected characteristic.
- Perceptive discrimination is where someone is directly discriminated against or harassed based on a perception that they have a particular protected characteristic when he/she does not, in fact, have that protected characteristic.
- Harassment related to any of the protected characteristics is prohibited. Harassment is unwanted conduct that has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.
- Third party harassment related to gender, sexual orientation, gender reassignment, race, religion or belief, age or disability is also unacceptable.
- Victimisation is also prohibited under this policy. This is less favourable treatment of someone who has raised or supported a complaint or raised a grievance under the Act for discrimination or harassment, or because they are suspected of doing so.

6.4 Application of this Policy

This policy applies to the advertisement of jobs, recruitment and appointment, promotion, training and development, terms and conditions of work, performance management, pay, termination of employment, any references issued and to every other aspect of employment by the Co-operative. All terms and conditions of employment and related benefits shall be non-discriminatory.

This policy also applies to the treatment of our tenants, applicants for housing, service users, suppliers, job applicants and former members of staff.

6.5 Remedies

The CEO will take responsibility for monitoring the implementation of this policy. However, if any member of staff believes that he or she has been discriminated against, harassed or victimised on any of the grounds referred to above, he or she may raise the matter informally with his or her immediate line manager.

If the member of staff (including a former member of staff) wishes to raise the matter further, and the issue relates to harassment, bullying or victimisation he or she should invoke the WGHC grievance procedure set out in their Terms and Conditions of Employment.

If a member of staff is found to have discriminated against, harassed, bullied or victimised another member of staff they will be subject to disciplinary proceedings and depending on the seriousness of the incident, may be dismissed for gross misconduct. In exceptionally serious cases the police may also be involved.

If stakeholders including our tenants, service users and suppliers, or unsuccessful job applicants believe that they have been discriminated against, harassed or victimised on any of the grounds referred to above, they may raise the matter through the Co-operative's Complaints Handling Policy.

6.6 Equality Monitoring

WGHC will record the gender, racial origin, & disability of applicants applying for housing, applicants nominated for housing by the Local Authority, current tenants, applicants applying for jobs with WGHC, employees and committee members.

The Housing Manager will be responsible for monitoring and analysing the above on a quarterly basis and will carry out comparisons with past performance, census information and locally available information.

Performance will be reported to the Committee of Management on an annual basis and will be included in the annual report and newsletters.

Where there is a clearly identifiable under-representation, WGHC will consider implementing Positive Action measures to ensure that these are addressed as appropriate.

7. Information and Tenant Participation

7.1 Tenant Participation Strategy

The Housing (Scotland) Act 2001 introduced the Scottish Secure Tenancy (SST) which forms the core of all West Granton Housing Co-operative tenancy agreements. The SST introduced a number of statutory rights, including the right to tenant participation, information and consultation in decision making.

This has been re-enforced by the Scottish Social Housing Charter which requires social landlords to manage their businesses so that tenants and other customers find it easy to participate in and influence their landlord's decisions at a level they feel comfortable with.

Tenant Participation is not new for WGHC, it has always been at the core of our activities. As a fully mutual co-operative housing association, all of WGHC's members are tenants and only tenants can be members. We are committed to involving tenants in the decisions made about their homes, surrounding environment and service provision.

The forms of tenant participation, including informing tenants and obtaining their views, reflect the preferences expressed by them. The Co-operative will commit adequate and appropriate resources to tenant participation. Tenant participation will form a core part of the annual performance review and reporting cycle to Committee.

In accordance with the guidance of the Scottish Housing Regulator, WGHC will seek out the needs, priorities, views and aspirations of tenants, service users and stakeholders. The Committee of Management will take account of this information in its strategies, plans and decisions.

7.2 Proposals Subject To Consultation

Under Section 54 of the Housing (Scotland) Act 2001 WGHC has a duty to notify and consult tenants about the following issues:

- Changes to Housing Management & Maintenance where the proposal will "significantly affect the tenant";
- Standards of service in Housing Management & Maintenance;
- Tenant Participation Strategy;
- Disposal of the Tenant's home;
- Rent and Service charge increases.

7.3 Consulting Tenants & Taking Account of Their Views

The highest decision making body in the Co-operative is the Annual General Meeting (AGM) of all members. Members also have the option of convening a special general meeting to decide on specific proposals. Competent motions passed by such meetings are binding on the Co-operative.

At the AGM the members of the Committee of Management are elected. Again, the elected committee members are all tenants. The Committee takes the major strategic decisions of the Co-operative including setting policy, rents and budgets. The co-operative's Committee is therefore the most advanced form of tenant participation there can be.

The Co-operative recognises however that not all tenants are able to commit themselves to committee membership and that special general meetings are rarely appropriate. WGHC will therefore seek to encourage tenants to participate in and inform decision making in a variety of other ways.

Nevertheless, clearly by its members accepting the responsibilities of governance and giving their time and energies on a voluntary basis, the elected Committee of Management is viewed as the most important and influential form of tenant participation undertaken by the Co-operative. We will therefore encourage any tenant who wishes to be fully involved in decision making to seek to join the Committee.

7.4 How We Obtain & Take Account of Views & Keep Tenants Informed

WGHC endeavours to keep tenants up to date with information which affects them as Co-operative members, tenants and service users as set out in our Information Policy.

In accordance with the Scottish Social Housing Charter the Co-operative will commission an independent tenant satisfaction survey every two or three years. In addition to questions required by the Charter we will use the surveys to consult tenants on proposals or to gauge preferences in relation to aspects of services.

Otherwise, the principal methods for consulting individual tenants will be by seeking a response to personal letters or via the quarterly Newsletter.

Formal General Meetings will remain the main kind of tenants' meetings but we may convene focus groups to discuss single issues especially if they relate to a small area or a particular group of tenants. We will try to make the Annual General Meeting more appealing by increasing the informal, social element.

On request, we will also be happy to talk through proposals on a one to one basis. We will try to maintain a record of tenants who prefer the latter. This may also be used to target the views of groups such as older people, disabled people and ethnic minorities.

The elected representatives of tenants on the Committee of Management will continue to receive detailed reports of proposals in written reports sent to them and in verbal reports at Committee meetings.

7.5 Tenants Groups

As a fully mutual co-operative all tenants are members of the co-operative and eligible to attend general meetings and to stand for election to the Committee of Management. We would encourage and support tenants to join the Committee.

Given the nature of WGHC as a tenant controlled organisation, we would not expect any other organisations to be set up purporting to represent our tenants nor we would we expect to fund any such group.

However, we will be sympathetic to any approaches from groups of tenants or organisations representing groups of tenants.

7.6 Assessing and Reporting on Tenant Satisfaction

Measuring tenant satisfaction is an important way of measuring performance and of bringing to light any problems. WGHC includes key measures of tenant satisfaction in its performance indicators.

WGHC will seek to meet the recommendations and requirements of the Social Housing Regulator in relation to assessing tenant satisfaction. A full-scale survey of tenant satisfaction will be carried out every two or three years. Surveys may cover all aspects of WGHC's activities or be focused on particular services.

Results and problems raised will be fed back to the Committee of Management and will inform their decision making. In addition, our Website, Newsletters and the Annual Charter Report will publicise the results of tenant satisfaction surveys.

8. Appeals, Complaints, and Whistleblowing

8.1 Principles

WGHC is committed to delivering high quality services to its customers and to that end expects high standards from its employees, contractors and Committee members. We try to ensure that our operations are conducted honestly, fairly and without discrimination.

In order to maintain those high standards a culture of openness and accountability is vitally important. We therefore try to ensure that there are clear avenues for anyone who suspects malpractice to report their suspicions and seek advice in confidence without fear of being penalised or victimised.

8.2 Definitions

An appeal is a request to reconsider the decision or any conditions attached to a decision by a member of staff or other person acting on behalf of West Granton Housing Co-operative.

A complaint is an expression of dissatisfaction by one or more members of the public about West Granton Housing Co-operative's action or lack of action, or about the standard of service provided by or on behalf of West Granton Housing Co-operative.

A grievance is when a member of staff feels they have been poorly treated and are entitled to seek redress for themselves. It may involve a breach of their employment rights.

Whistleblowing occurs when a concern is raised about malpractice or illegality within an organisation. Usually the concern does not directly affect the whistle-blower, but it is in the public interest that it be stopped.

8.3 Appeals

Appeals and complaints are often confused. For WGHC, if someone wants us to change our decision about something that affects them it's an Appeal. Detailed procedures for Appeals are set out in Appendix 1.

8.4 Complaints and Grievances

WGHC has adopted a Complaints Handling Policy based on the model issued by the Scottish Public Service Ombudsman. This sets out how tenants and others directly affected by our activities may complain and how complaints are processed.

Any Committee member who has a complaint about their individual situation and the way they have been treated by or affected by WGHC should also use the procedures in the Complaints Handling Policy.

Any employee who has a grievance about their personal position should use the provisions set out in their terms and conditions of employment.

As noted in section 2.9 of this policy, tenants also have the right to report significant performance failures directly to the Scottish Housing Regulator.

8.5 Whistleblowing

Whistleblowing relates to WGHC employees, consultants or contractors who have evidence of malpractice or who honestly and reasonably suspect there has been malpractice.

WGHC's Committee members fall outside the statutory arrangements relating to whistleblowing because they are considered volunteers. However, as a matter of good practice, WGHC will encourage members with any concerns about malpractice or wrongdoing to also raise these under the terms of WGHC's whistleblowing procedures.

Detailed procedures for Whistleblowing are set out in Appendix 2 Whistleblowing.

APPENDIX 1 - Appeals

a) Definition of an appeal

An appeal is a request to reconsider the decision or any conditions attached to a decision by a member of staff or other person acting on behalf of West Granton Housing Co-operative.

Tenants and other customers of the Co-operative may appeal against these decisions. An appeal against a decision is not the same as a complaint and the provisions of WGHC's Complaints Handling Policy do not apply.

Examples of decisions include:

- a decision on a request made by a tenant under the Tenancy Agreement (e.g. a request to assign a tenancy);
- a decision in relation to arrears action (Tenancy Management Policy);
- the outcome of an assessment of housing need (Allocations Policy);
- a decision on a request for a repair or adaptation (Maintenance Policy);
- a decision to recharge a tenant for a repair.

Relevant WGHC policies will set out further examples of decisions which may be appealed. These lists will be illustrative, not definitive.

Generally, where a tenant questions the quality or extent of maintenance or services works carried out this will be a complaint not an appeal against a decision.

Where there is doubt as to whether an issue is a complaint or an appeal against a decision the CEO may determine which it is.

In some complex cases the questions raised by a customer may include both an appeal and a complaint.

b) Informal Procedure

If a customer expresses dissatisfaction with a decision whether verbally or in writing staff may first take the opportunity to review the decision or action and resolve the matter informally. If they are unsure they should refer the matter to a senior member of staff.

If the matter cannot be resolved informally and the customer still wishes to appeal the decision, then the formal procedure will apply.

c) Formal Appeal

Appeals must be in writing and should say:

- what the decision was;
- the reasons for the appeal;
- what the desired outcome is.

If requested WGHC staff will either assist the appellant to put their appeal in writing or refer them to a relevant agency for advice and assistance.

d) Reasons to disallow appeals

Appeals should be submitted within a reasonable time. WGHC will only consider appeals made more than 3 months after a decision is made in exceptional circumstances and with the assent of the CEO.

The CEO may refuse to allow appeals which are vexatious, malicious or persistent. This includes:

- repeated appeals about the same decision or type of decision;
- where the appellant's demands or expectations are unlawful or entirely unreasonable;
- where the appeal is accompanied by threats, violence or intimidation including verbal abuse.

e) Appeal hearings

Appeals will be heard either by the Committee of Management or by a subcommittee with delegated authority. The identity of the appellant will not be reported. Appellants will not have the right to attend or be represented at the meeting which will base its decision on the written submissions only.

The committee or subcommittee will receive a report including:

- the written appeal from the appellant
- a report including the reason the member of staff took the decision;
- the advice of the CEO with regard to any relevant legal, policy or regulatory issues;
- if appropriate, legal opinion.

The committee or subcommittee should apply common sense in deciding whether to uphold or reject the appeal. However they must also be careful to ensure their decision is within the law and in accordance with WGHC policy and best practice.

f) Appeal decisions

The appeal decision will be communicated to the appellant in writing by the CEO.

The committee or subcommittee's decision on an appeal is final. There is no further right of appeal either within WGHC or to any external body unless the Tenancy Agreement gives a right to apply to a Sheriff (e.g. in the refusal of a request to assign a tenancy).

However, if the appellant is unhappy about the way their appeal was dealt with or believes the appeal decision is unlawful or not in line with WGHC policy they may submit a complaint which will be processed in accordance with the [WGHC's Complaints Handling Policy](#).

Investigation of such a complaint will focus on whether the appeal decision was one which could be taken in relation to the law and to WGHC policy. The investigation will not consider the rights and wrongs of the individual case.

If, following investigation, the appeal decision is found not to have been justifiable in term of the law or WGHC policy it will be referred to the Committee of Management for review.

APPENDIX 2 – Whistleblowing

a) Introduction

WGHC is committed to delivering high quality services to its customers and to that end expects high standards from its employees, contractors and Committee members. In particular, we seek to ensure that our operations are conducted honestly, fairly and without discrimination.

In order to maintain those high standards a culture of openness and accountability is vitally important. We therefore try to ensure that there are clear avenues for anyone who suspects malpractice to report their suspicions and seek advice in confidence without fear of being penalised or victimised.

b) Scope and Relevance

Whistleblowing is different from a complaint or grievance.

This procedure provides guidance for WGHC employees, consultants and contractors who have evidence of malpractice or who honestly and reasonably suspect there has been malpractice.

WGHC's Committee members fall outside the statutory arrangements relating to whistleblowing because they are considered volunteers. However, as a matter of policy and good practice, WGHC will encourage members with any concerns about malpractice or wrongdoing to raise these under the terms of this policy.

c) What is Whistleblowing?

Whistleblowing occurs when a concern is raised about malpractice or illegality within an organisation. Usually the concern does not directly affect the whistleblower, but it is in the public interest that it be stopped. Malpractice covers a wide range of concerns. The types of activity that should be disclosed include but are not limited to the following:

- a criminal offence
- a breach of the law or the organisation's contractual duties
- dangers to health and safety, including risks to the public as well as individual employees
- fraud or corruption
- financial maladministration
- abuse of vulnerable people
- unethical conduct
- discrimination
- attempts to cover up any of the events or practices described above
- deliberate concealment of information relating to any of the above

Employees and Committee members have obligations not to disclose confidential information. The forms of disclosure set out in Section d below allow concerns to be raised internally or externally without compromising those obligations.

d) How to raise a concern

There must be an honest and reasonable suspicion that malpractice has occurred, is occurring or is likely to occur. In addition, the whistleblower must honestly believe that any allegation and the information on which it is based is substantially true.

(i) Raising Concerns Internally

Any employee who has a concern should first raise it with their immediate supervisor or the Chief Executive Officer (CEO). Any employee who feels it is not reasonable to raise the concern with either their supervisor or the CEO may raise it with the Chairperson of the Committee of Management.

Any committee member who has a concern should raise it first with either the Chairperson or the CEO. The CEO and Chairperson may seek advice from Employers In Voluntary Housing, the external or internal auditor, or from the Scottish Housing Regulator. Contact details are in section k.

(ii) Raising Concerns Externally

In very exceptional circumstances it may be appropriate for the whistleblower to take an allegation to an external agency.

This might be reasonable, for example, if they felt that all those with whom they might raise the concern internally were implicated in the malpractice or if internal disclosure had not eliminated the malpractice.

As noted in Section 2.9 of the Governance Policy a primary avenue for whistleblowing is the Scottish Housing Regulator (SHR) either in the case of notifiable events or performance failure.

If a committee member feels it inappropriate to raise the matter with the CEO or Chairperson they should contact Employers in Voluntary Housing for advice. Alternatively they may raise their concerns in confidence with either the internal or external auditor.

If an employee is concerned about possible malpractice or wrongdoing within WGHC, they are advised to discuss their concerns first with a legal advisor, trade union representative or Public Concern at Work before reporting them outside the organisation. Alternatively they could seek advice from the Scottish Housing Regulator.

Given the number of avenues for advice and whistleblowing it is highly unlikely that it would be considered reasonable for the first recourse to be a newspaper, other media, MSP or other politician.

e) WGHC's Response

The person with whom the concern is raised, if not the CEO, should normally seek the advice of the CEO as to how to proceed.

Should the allegation be about the conduct of the CEO or should the person feel it unreasonable to go to the CEO in the first instance, they should seek the advice of Employers in Voluntary Housing or the External Auditor. On receipt of a report of alleged malpractice WGHC promises to:

- respect confidentiality
- investigate thoroughly
- provide support and protection if necessary
- take appropriate action
- report back on the outcome of the investigation and on any resultant action

f) Protection for the Whistleblower

All concerns raised under this procedure will be treated seriously and a decision will be made about whether or not an investigation is appropriate.

The person to whom the matter has been reported will be responsible for keeping the individual informed about the progress of the investigation and the action that has been taken, although it may not be appropriate to inform them of the final outcome.

In some cases the investigation may result in criminal or disciplinary proceedings. The individual may be invited to give a written statement or give evidence at a hearing. WGHC will do all that they reasonably can to support the individual throughout this process.

WGHC will not tolerate harassment or victimisation. Any employee or Committee member who is found to have victimised or harassed an individual who has raised a concern leaves themselves open to face disciplinary action or removal from the Committee.

g) 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. At the appropriate time, however, they may need to come forward as a witness or provide a statement as part of the evidence.

WGHC will seek to comply with its obligations in relation to the Data Protection Act and best practice as set out in its Information Policy.

h) Malicious Allegations

Concerns that are raised frivolously, maliciously, for personal gain or where they are known to be untrue will be referred to the CEO. In the case of employees this may result in disciplinary action. In the case of consultants and contractors this may result in termination of contracts. In the case of committee members this could result in removal from the committee.

If an individual chooses to report the matter to the media without first attempting to raise concerns internally or to one of the parties described in section d, then WGHC will wish to be satisfied that it was reasonable to do so.

i) Anonymous Allegations

This policy encourages individuals to put their name to their allegation whenever possible. Concerns expressed anonymously are less powerful but will be considered at the discretion of the CEO or the person to whom the allegation is referred. In exercising this discretion the factors to be taken into account would include:

- the seriousness of the issues raised
- the credibility of the concern
- the likelihood of confirming the allegation from verifiable sources

j) Contacts referred to in the policy and sources of advice.

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