



WHISTLEBLOWING PROCEDURE

Approved by PP&R Committee
21 June 2000

Last Revised March 2026

DOCUMENT CONTROL

Policy

Title:	Whistleblowing Procedure
Owner:	Human Resources

History

Version	Revision Date	Summary of Changes	Future Review Date
1.1	January 2021	Routine review.	January 2026
1.2	March 2026	Routine review and legislative requirement – change title to Whistleblowing Procedure and use of term Whistleblower throughout, formatting. Introduction of sexual harassment as a protected disclosure.	March 2031

Committee Approval

Version	Committee	Committee Date
1.0	PP&R Committee	June 2000

WHISTLEBLOWING PROCEDURE

(Covers ALL employees, Agency Workers, Trainees, Self Employed Workers)

1. PURPOSE

- 1.1 The Whistleblowing Policy encourages workers to raise concerns about wrongdoing or malpractice if they should arise. This procedure helps a worker to know how to raise a concern responsibly.

2. LEGAL CONTEXT

- 2.1 The Public Interest Disclosure Act 1998 (as amended) is the key legal instrument that underpins the whistleblowing legislation.
- 2.2 Employees raising concerns of wrongdoing or malpractice are afforded protection under law from unfair dismissal, victimisation and harassment. However, protection is conditional on disclosures being made to the appropriate person and the employee honestly and reasonably believing that the allegation and the information on which it is based, are true and *'in the public interest'*.
- 2.3 The phrase *'in the public interest'* is not defined in statute and is interpreted by developing case law. Concerns raised in the public interest however, will typically be characterised by one or more of the acts or omissions listed in Paragraph 3.1 below.

3. REPORTING CONCERNS - GENERAL

- 3.1 The disclosure of information in the public interest involves the reporting of certain acts or omissions committed by a single individual, a number of individuals in the council or external contractors working for the council. Acts or omissions which give cause for serious concern broadly fall into two categories i.e. wrongdoing in terms of a breach of the criminal or civil law, or maladministration which may amount to a breach of the civil or criminal law.

Examples of such acts or omissions:

- a criminal offence such as the theft of money, materials and equipment or fraud (false or inflated expenses claims/bills for goods not delivered etc);
- a failure to comply with a legal obligation;
- corruption or bribery;
- negligence or abuse of customers or clients;
- a miscarriage of justice;
- a hazard that may be a danger to the health and safety of an individual;
- sexual harassment;
- damage to the environment; and
- the deliberate concealment of information relating to any of the above categories.

These examples are not mutually exclusive (i.e. an employee may be aware of a health and safety failure that is also a criminal offence).

- 3.2 Under the terms of this procedure an employee can report such matters on a confidential basis to the council. If an employee is unsure whether a particular concern falls into one of the above categories, they should contact their line manager, other appropriate manager, or the council's Monitoring Officer. The Head of Corporate Services acts as the council's Monitoring Officer.

4. REPORTING PROCEDURE

- 4.1 Employees are encouraged wherever possible to raise concerns within the council in the first instance (Internal Disclosures) following the process outline at Appendix 1.

Internal Disclosures

- 4.2 Internal disclosures are protected provided the disclosure is made in the public interest and it relates to at least one of the acts or omissions detailed in Paragraph 3.1 above.

Reporting Options

- 4.3 A whistleblowing complaint can be made by contacting the Whistleblowing Hotline by:
- using the [online form](#);
 - calling 01506 282002; or
 - emailing whistleblowing@westlothian.gov.uk

The Whistleblowing Hotline is operated by officers of the Audit, Risk & Counter Fraud Unit who will log incoming disclosures.

- 4.4 Alternatively employees can notify their line manager either in person or in writing. An employee, who feels unable to approach their immediate line manager, should report the matter to a more senior manager at the next level in the management structure. Managers should gather as much information from the employee as possible and record on a Whistleblowing Complaints Record Form (Appendix 2).
- 4.5 An employee who feels unable to make the disclosure to any person within their own service area and who does not wish to use the Hotline, should raise their concerns with the council's Monitoring Officer – Lesley Montague, Tel: 01506 281613 or Email: lesley.montague@westlothian.gov.uk

Logging & Recording

- 4.6 Irrespective of the method of reporting, the Audit, Risk & Counter Fraud Unit **must be notified of all internal disclosures within 2 working days of receipt** so that they can be logged and recorded on a central database.
- 4.7 On receipt of a verbal or written disclosure, the Whistleblower will be advised of the next steps and will be given indicative timescales for the matter to be progressed.

Confidentiality and Anonymity

- 4.8 All whistleblowing complaints are confidential and will be treated with confidence throughout the process, so far as is possible. It is important that confidentiality is maintained by all parties to ensure that the matter can be dealt with appropriately to avoid prejudice and to protect individual rights. However, depending on the nature of the allegation, it may not be possible to effectively investigate a whistleblowing disclosure and fully preserve anonymity.

Assessment of Disclosure

- 4.9 The Audit, Risk & Counter Fraud Unit will conduct a preliminary assessment of the disclosure and any supporting evidence provided. The purpose of the assessment will be to determine the nature and seriousness of the matter reported, for example does the matter involve;
- a) fraud, corruption or other financial irregularities;
 - b) child or vulnerable adult protection issues; or
 - c) a grievance or complaint of bullying and harassment that has been raised through the wrong procedure
- 4.10 The assessment process will be conducted with input from specialist advisory officers as appropriate who will assist in determining the most appropriate procedure and investigatory process to be followed. In this regard, the HR Services Manager should be consulted where the complaint involves a breach of employment policies. The assessment stage should **take no longer than 3 working days**.

Outcome of the Assessment

- 4.11 The Audit Risk and Counter Fraud Unit will report the outcome of the assessment to the relevant Depute Chief Executive, following which the matter will be progressed in line with the appropriate procedure as follows:
- **Child / Adult Protection Issues** - Where the assessment indicates that the matter involves child or adult protection issues, the Depute Chief Executive must inform the council's Child/Adult Protection Officer as appropriate to initiate child/adult protection procedures before embarking on any further investigation.
 - **Fraud, Corruption and other Financial Irregularities** - Where the assessment indicates that the matter involves Fraud, Corruption or other Financial Irregularities, the Depute Chief Executive will refer the matter back to the Audit, Risk and Counter Fraud Unit for investigation under the Procedures for the Investigation of Suspected Fraud and Irregularities.
 - **Other Disciplinary Matters** - Where appropriate, the Depute Chief Executive will appoint a Nominated Officer who will instruct an investigation under the council's Disciplinary Procedures.
 - **Grievances or Complaints of Bullying and Harassment** - Where the assessment determines that the matter has been incorrectly raised as a Whistleblowing disclosure, the Depute Chief Executive will refer the matter to the relevant Head of Service to be progressed under the correct employment policy and procedure.

4.12 Following assessment of the matter, the relevant Depute Chief Executive will notify the Whistleblower that either:

- no action is to be taken and giving the reason(s) for that decision; or
- the matter is to be investigated under appropriate procedures and they may be required to provide a witness statement.

5. OTHER DISCLOSURES

5.1 Although Whistleblowers are encouraged wherever possible to raise concerns within the council in the first instance, there may be good reasons why they feel that concerns of malpractice cannot be raised and addressed internally.

Disclosures to Prescribed Persons and Regulatory Bodies

5.2 A regulatory body is an organisation that sets standards of professional conduct, safety, law etc. and has powers to investigate and take appropriate disciplinary or other regulatory action (e.g. Health and Safety Executive, Revenue Scotland and the Financial Conduct Authority).

5.3 Disclosures to regulatory bodies will be protected if the disclosure is made in the public interest and the Whistleblower honestly and reasonably believes that the information and any allegation within it are true.

5.4 A disclosure to a regulatory body, which fulfils all the above conditions, will be protected whether or not the disclosure was first made to the council. A list of prescribed people and bodies can be found [here](#).

Disclosures to Police, Media, MSPs and Non-Prescribed Regulators

5.5 External disclosures are disclosures made to an external body such as the Police, media or MSP's and non-prescribed regulators.

5.6 Where an employee makes an external disclosure without first having made the disclosure to the council or to a regulatory body, the employee will be protected provided the disclosure meets the necessary requirements set out in 5.7 below.

5.7 Disclosures to external bodies will be protected only if the employee satisfies the following conditions:

- the disclosure is made in the public interest;
- the employee reasonably believes that the information disclosed, and any allegation contained in it, are substantially true;
- the employee has not made the disclosure for the purposes of personal gain;
- in all circumstances of the case it is reasonable to make the disclosure; and

In addition, at least one of the following further conditions must also apply:

- that at the time of the disclosure, the employee reasonably believed that they would be subjected to a detriment by raising the concern with their employer or a prescribed person;

- that where there is no prescribed person in relation to the relevant failure, the employee believed it likely that the evidence would be concealed or destroyed if the disclosure was made to their employer;
- that the employee had previously made a disclosure of substantially the same information to their employer or to a prescribed person.

Exceptionally Serious Failures

- 5.8 Exceptionally serious failures apply to very rare cases that are of extreme public concern.
- 5.9 Disclosure of an exceptionally serious failure made out with the council will be protected if it meets the test for disclosures to Prescribed Persons and Regulatory Bodies and is not made for personal gain. The disclosure must also be reasonable having particular regard to the identity of the person to whom it was made as specified within the Public Interest Disclosure Act 1998.
- 5.10 Further information on what may be defined as exceptionally serious can be obtained from the council's Monitoring Officer - Lesley Montague, Tel: 01506 281613 or Email: lesley.montague@westlothian.gov.uk.

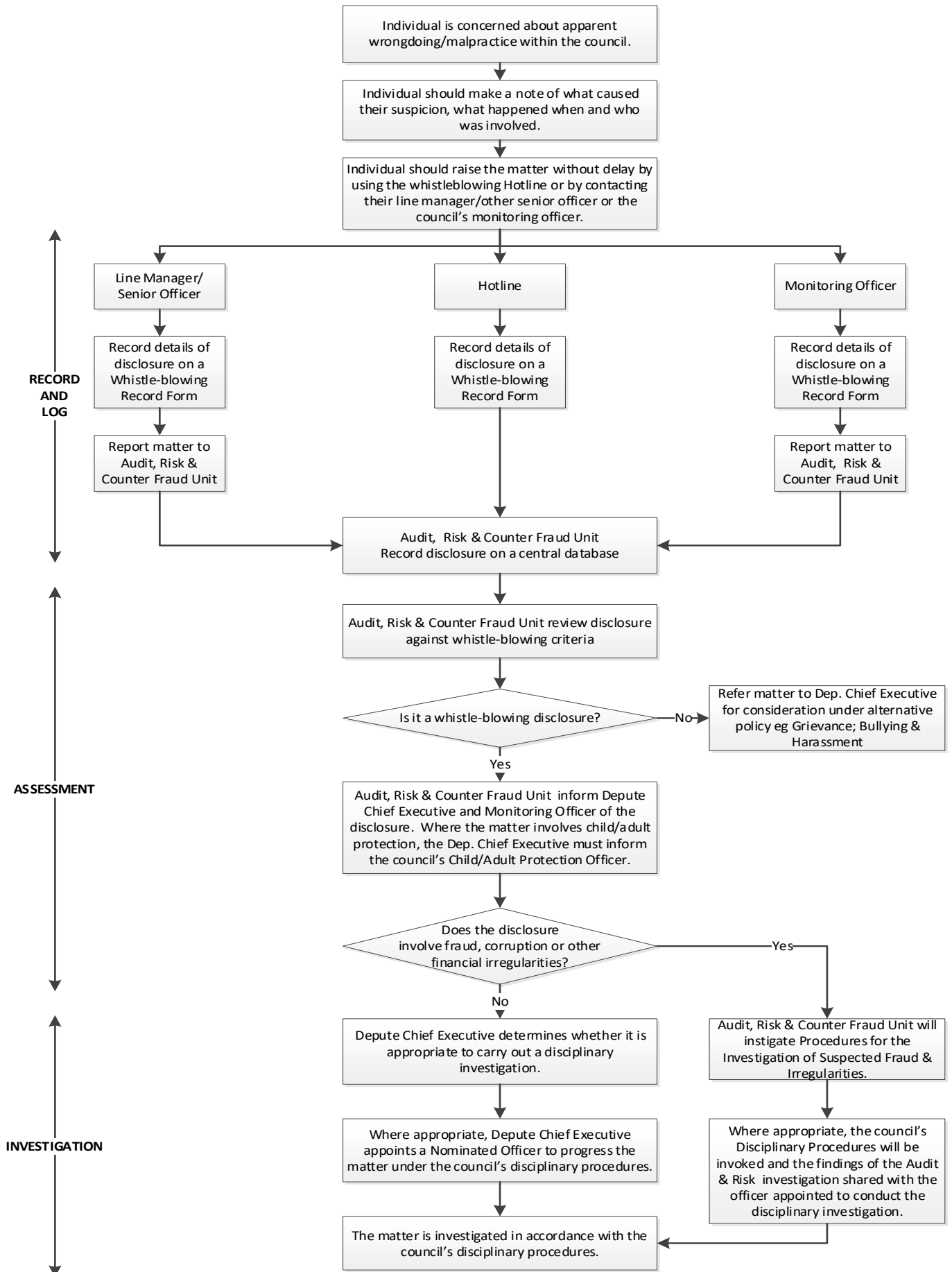
6. FALSE REPORTING

- 6.1 Where someone makes a disclosure based on a genuine belief that something is wrong at a particular time, and it is subsequently demonstrated to be false or inaccurate, the Whistleblower will be informed of the discrepancy between their disclosure and the facts at hand. No further action will be taken, provided the council is satisfied that the Whistleblower had a genuine belief that such a situation should be disclosed.
- 6.2 Where someone has deliberately and maliciously made a disclosure they know to be untrue or unfounded, they may be subject to the council's disciplinary action. A decision to invoke disciplinary procedures in such circumstances will be taken by the relevant Depute Chief Executive.

7. FURTHER INFORMATION

- 7.1 Further information on the application of this procedure may be obtained from Human Resources or from the council's Monitoring Officer - Lesley Montague, Tel: 01506 281613 or Email: lesley.montague@westlothian.gov.uk

WHISTLEBLOWING DISCLOSURE PROCESS



WEST LoTHIAN COUNCIL

WHISTLEBLOWING COMPLAINT RECORD

CONTACT INFORMATION	
Name of worker making the complaint:	
Service:	
Line Manager:	
Contact Telephone Number:	

Complaint received anonymously	<input type="checkbox"/>
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COMPLAINT CATEGORY	
<ul style="list-style-type: none"> • a criminal offence such as theft, fraud, bribery or corruption • a failure to comply with a legal obligation or a council policy • negligence or abuse of customers or clients • a miscarriage of justice • a hazard that may be a danger to the health and safety of an individual • damage to the environment • the deliberate concealment of information relating to any of the above • other 	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

EMPLOYEE(S) INVOLVED	
Name:	
Post Title:	
Service Area:	

Name:	
Post Title:	
Service Area:	

Name:	
Post Title:	
Service Area:	

DESCRIPTION OF COMPLAINT**RECORD DETAILS**

Name of Officer recording the complaint:

Date complaint recorded:

Date matter reported to Audit, Risk and Counter Fraud Unit:

OUTCOME

- matter to be investigated under the disciplinary procedures
- matter closed due to lack of information
- matter referred to an alternative procedure
- anonymous complaint not substantiated