

Disclosure of Information by Employees

WHISTLEBLOWING

Supporting Guidance for Managers

What matters should be dealt with under this policy?

This policy should be used to report acts or omissions that give an employee serious cause for concern and are in the public interest. The following list provides examples of such acts or omissions:

- a criminal offence
- 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
- damage to the environment
- the deliberate concealment of information relating to any of the above categories.

What type of concerns should not be raised under this policy?

A whistleblowing concern is about a risk, malpractice or wrongdoing that affects others. Complaints relating to an individual's employment should not be raised under this policy, but are best addressed using the Council's Grievance Procedure or Procedure for Dealing with Complaints of Bullying & Harassment.

What are my responsibilities under this policy?

Raising Awareness

Service managers must ensure that all employees under their supervision are aware of the whistleblowing policy and know how to raise a concern if they become aware of malpractice or wrongdoing.

Regular reminders of the whistleblowing policy should be provided at team meetings. Regular one-to-one meetings for the purposes of work planning and personal development will also provide employees with the opportunity to raise concerns confidentially if necessary.

Responding to Concerns

When an employee raises a concern you should:

- consider whether the concern is actually a public interest disclosure or whether it is best dealt with under another procedure and advise the employee accordingly
- gather as much information from the employee as possible and record on a Whistleblowing Complaints Record Form as appended.
- report the matter to the Audit, Risk and Counter Fraud Unit.
- await further instruction regarding any investigation
- keep the employee informed

Confidentiality and Anonymity

Council policy assures individuals raising a concern under this procedure that their report will be treated confidentially. You should assure the individual that their complaint will be dealt with in the strictest confidence and initially only discussed with other relevant persons for the purposes of seeking advice and that their anonymity will be maintained where possible.

You should advise the individual however, that should the matter for example become the subject of a disciplinary case or police investigation it may not be possible to guarantee anonymity.

Ensuring Protection from Victimisation, Bullying & Harassment

Council policy assures individuals raising a concern under this procedure that they will be protected from unfair dismissal, victimisation and harassment as a result of making a public interest disclosure that they reasonably believe to be true.

As line manager you have a responsibility to ensure that victimisation, bullying and harassment are not tolerated within your team and to immediately address any reports of such behaviour.

What should I do if I receive an anonymous complaint?

If you receive an anonymous complaint you should consider whether the allegations fall into one of the whistleblowing categories as detailed on the whistleblowing complaint record form.

Where you consider the allegations to constitute a whistleblowing complaint you should follow the whistleblowing procedure and report the matter to the Audit and Risk Management team.

Whether a concern expressed anonymously will be investigated under this policy will be at the discretion of the council. In exercising this discretion, the factors to be taken into account will include:

- the seriousness of the issue raised;
- whether the allegation/concern is worthy of belief; and
- the likelihood of confirming the allegation from attributable sources.

Human Resources
January 2021

WEST LOTHIAN COUNCIL
WHISTLEBLOWING COMPLAINT RECORD

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

Complaint received anonymously	<input type="checkbox"/>
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COMPLAINT CATEGORY	
• a criminal offence such as theft, fraud, bribery or corruption	<input type="checkbox"/>
• a failure to comply with a legal obligation or a council policy	<input type="checkbox"/>
• negligence or abuse of customers or clients	<input type="checkbox"/>
• a miscarriage of justice	<input type="checkbox"/>
• a hazard that may be a danger to the health and safety of an individual	<input type="checkbox"/>
• damage to the environment	<input type="checkbox"/>
• the deliberate concealment of information relating to any of the above	<input type="checkbox"/>
• other	<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 and Risk Management Team:

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