

Disclosure of Information by Employees

WHISTLEBLOWING

Supporting Guidance for Employees

Why does the council have a Whistleblowing Policy?

It is essential that Council employees/workers have a mechanism that allows them to confidently report their concerns to ensure that any wrongdoing and malpractice within the council is recognised and addressed appropriately.

Whistleblowing is the act of reporting suspected wrongdoing at work, otherwise known as making a public interest disclosure.

What are the benefits to me of reporting wrongdoing or malpractice?

Reporting of wrongdoing or malpractice in the council is in the public interest as it may affect, among other things, the services provided to the community, the allocation of finances in the community, or the allocation of resources to those who need them. You may be a member of the West Lothian Community and therefore is in your interest too to report any wrongdoing or malpractice which comes to your attention.

Knowing about unreported wrongdoing or malpractice could also affect the way you do your job, your job satisfaction and your confidence in the services you provide.

What type of concerns can I raise under this policy?

This policy should be used to report acts or omissions that give you serious cause for concern. When considering raising a concern under this policy, ask yourself:

- has a criminal offence been committed?
- has the council failed to comply with a legal obligation?
- is someone's health and safety at risk?
- has there been damage to the environment?
- has corruption or bribery occurred?
- have customers or clients been abused or neglected?
- has a miscarriage of justice occurred?
- has there been an attempt to deliberately conceal any of the above matters?

If you can answer yes to any of the above questions, then it is likely that your concern should be raised under this policy.

However, this list is not exhaustive. There may be other concerns that should be raised under this policy. Above all, concerns raised under this policy should be in the public interest.

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 your 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 should I do if I suspect wrongdoing or malpractice within the council?

You must NOT attempt to investigate the matter yourself. You should make a note of the key details such as:

- what caused your suspicion;
- when things happened; and
- who was involved.

Then raise the matter as soon as possible using the Whistleblowing Hotline on 01506 282002 or the dedicated Whistleblowing Inbox WhistleBlowing@westlothian.gov.uk or the online e-form which can be found here:

<https://intranet.westlothian.gov.uk/article/11264/Whistleblowing>

Alternatively, you can raise the matter with your line manager, other senior manager or the Head of Corporate Services who acts as the council's Monitoring Officer.

What assurances do I have that my employment will not be affected if I raise a concern under this policy?

The council are required by law to take appropriate action to ensure that you are protected from any form of victimisation, bullying or harassment as a result of making a public interest disclosure.

Victimisation, bullying or harassment of anyone making a public interest disclosure will be regarded as a serious disciplinary offence. It will also be regarded as a serious disciplinary offence to attempt to deter someone from making a disclosure.

Can I raise a concern anonymously?

If a disclosure is made anonymously, it could make it difficult for the council to deal with the disclosure effectively. You are therefore strongly encouraged to make yourself known when making a disclosure under this policy.

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.

Will any concerns raised be treated in confidence?

All whistleblowing complaints are confidential and will be treated with confidence throughout the process. 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, it may not be possible to preserve anonymity if the disclosure leads to an employee acting as a witness in the council's disciplinary procedure or in a criminal investigation.

What happens if concerns are investigated and considered to be unfounded?

Where a concern is raised based on a genuine belief that something is wrong, and subsequent investigation finds this to be false or inaccurate, the employee will be informed of the findings.

Provided the council is satisfied that the employee acted in good faith and genuinely believed that their concerns should be reported, no further action will be taken.

If an employee deliberately and maliciously makes a disclosure that they know to be untrue, they will be subject to the rules of the council's Disciplinary Procedure.

How do I raise a Whistleblowing complaint?

To raise a matter of concern as a whistleblowing complaint you should in the first instance call/email the Whistleblowing hotline on 01506 282002 or WhistleBlowing@westlothian.gov.uk or the online e-form which can be found here:

<https://intranet.westlothian.gov.uk/article/11264/Whistleblowing>

The hotline is manned by trained investigators who will record any complaint and additional information provided.

Alternatively, you can raise the matter with your line manager, other senior manager or the council's Monitoring Officer either verbally or in writing. The Head of Corporate Services acts as the council's Monitoring Officer.

Human Resources
January 2021