

ANGUS COUNCIL
PERSONNEL & PROPERTY SERVICES COMMITTEE
2 MAY 2000
WHISTLEBLOWING POLICY
REPORT BY DIRECTOR OF PERSONNEL

ABSTRACT

This report incorporates a suggested Whistleblowing Policy for adoption by Angus Council.

1. RECOMMENDATION(S)

The Committee:

1. Approve the terms of this report
2. Approve adoption of the attached Whistleblowing Policy

2. INTRODUCTION

The Public Interest Disclosure Act came into force in July 1999. The Act was created after many public enquiries following upon major disasters discovered that employees had either been too scared to raise their concerns or had raised them with the wrong person or in the wrong way. It was the first legislative attempt in the UK to protect employees from victimisation at work for disclosing information or 'blowing the whistle' about an alleged wrongdoing in certain circumstances.

Dubbed by some the 'Whistleblowers Act', the legislation protects employees raising concerns about an aspect of an individual's behaviour or a corporate practice which has resulted in or is likely to result in:

- a criminal offence
- a failure to comply with a legal obligation
- a danger to the health or safety of an individual
- miscarriage of justice
- actual or potential damage to the environment

or, an attempt to cover up any of these.

3. PROPOSAL

While there is no legal obligation on an employer to have a Whistleblowing Policy the Act does seek to encourage employers to set up effective reporting procedures for employees raising such concerns to enable issues to be identified and resolved quickly within the organisation.

The attached Whistleblowing Policy, which it is proposed be adopted, has been drafted on the grounds that it will:

- encourage employees to disclose any concerns
- allow sensitive issues to be dealt with within the Council
- enable concerns to be investigated and dealt with promptly and properly
- allow action to be taken against employees who go public when it is unreasonable for them to do so

- be able to be relied upon in Court should it be considered an employee acted unreasonably in making a public disclosure

Subject to Committee approval it would be proposed to publish the policy in a leaflet format for distribution to employees.

4. FINANCIAL IMPLICATIONS

The only financial implications associated with the terms of this report relate to the costs of printing leaflets for distribution to employees. Such costs will be met from existing budgetary resources.

5. CONSULTATION

The Chief Executive, Director of Finance and Director of Law & Administration have been consulted in the terms of this report. The Chief Officers' Management Team and the Trade Unions have been consulted on the terms of the Policy.

JANICE TORBET
Director of Personnel

NOTE No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

WHISTLEBLOWING POLICY

Angus Council is committed to operating in an open and transparent manner. The Council aims to act with honesty and integrity and to be fully accountable to the public.

The Council views malpractice of any description as serious and encourages you to bring to our attention anything happening within the Council that might be illegal or improper or unethical.

We know that it is never easy to report a concern and so we have designed this policy to assure you that you can raise a concern in the knowledge that it will be treated seriously, be dealt with at a senior level within the Council, that confidentiality will be maintained and that you will be protected from reprisals or victimisation.

What should be Reported

If you are concerned about an aspect of an individual's behaviour or a corporate practice which has resulted in or is likely to result in:

- a criminal offence, for example theft or fraud
- a failure to comply with a legal obligation
- a danger to the health or safety of an individual
- a miscarriage of justice
- actual or potential damage to the environment

or, if you are concerned about an attempt to cover up any of the above - then we urge you to come forward and report your concern.

Reporting a Concern

If you have a concern that you are happy to report to a manager within your Department then you should do so.

If however you feel that you cannot raise the matter within your Department then you should write to the Chief Executive or telephone the Council's Access Line, 0845 2777778 or, for fraud matters, the Council's Fraud Hotline, 0800 0277373.

Access Line and Fraud Hotline staff are trained to deal discreetly with all manner of complaints and queries and they will assist you to progress your concern in confidence.

Whoever your concern is subsequently referred to will of course depend upon the nature of the concern but it will be to a senior manager within the Council.

If the matter merely affects you personally that manager might advise you to pursue the matter via another of the Council's procedures, for example the grievance or harassment at work procedure.

If it is not appropriate to pursue the matter through another procedure further investigation of your concern will be required. This may be done internally but depending on the nature of the concern it may need to be investigated by an external party eg Police.

In any event you are entitled, should you wish it:

- to know of the action to be taken including likely timescale
- to know if it is decided to take no action

and, subject to the need to maintain confidentiality and avoid prejudicing any investigation:

- to seek a progress update regarding your concern
- to be told of the outcome once the matter is concluded and appropriate action taken.

You may choose to report your concern anonymously. If you do it will still be treated seriously but any investigation may be more difficult and we will not be able to give you any feedback.

Confidentiality

We will endeavour to maintain your confidentiality wherever possible. It may not always be possible to guarantee this confidence however particularly if the matter reported is serious enough to involve, for example, agencies such as the Police or the Health and Safety Executive.

Safeguards

We will treat any threat, or attempt, to try to stop you raising a legitimate concern as serious and will deal with it accordingly.

If we find that any action is taken against you or that there is any attempt to take action against you because you raised a concern we will regard it as serious and take the necessary steps to redress it.

If a concern is found to be false or inaccurate we will not take action against you provided we are satisfied that you raised the concern in good faith.

However, should we believe that you deliberately raised an allegation that you knew to be not true or unfounded, or should you be found to be directly involved in any malpractice or wrongdoing, then we will regard this as serious misconduct and will take disciplinary action against you.

Legal Rights

This policy allows you to raise concerns on the basis that it is in the public interest to make such matters known to a senior manager within the Council and allows you to do so in the knowledge that it will be treated seriously.

In the public interest does not mean that concerns should be made available for public consumption through the media, and we will regard unauthorised contact with the media as serious misconduct and will take disciplinary action against you.

This policy does not however prohibit your legal rights under the Public Interest Disclosure Act 1998 which enables you to contact a specified external agency or the media under specific circumstances. We hope that this never proves necessary but should you feel that you need further advice on this you can approach Public Concern at Work, an independent national charity which provides free confidential legal advice, telephone 0171 4046609.