

Whistleblowing Policy



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Whistleblowing Policy

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Approvals:

Name/Title	Date	Version
Chief Executive		
Audit Committee		

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1. Introduction

What is whistleblowing and what does it mean for me?

- 1.1 Whistleblowing is when an employee passes on information to their employer concerning something that seems to be wrongdoing. This would be something that you have witnessed and feel that Loch Lomond and the Trossachs National Park Authority (the Park Authority) should know about so that we can take action.
- 1.2 This policy explains more about whistleblowing and how you can report genuine concerns about any serious wrongdoing within the Park Authority such as ignoring health and safety risks, unlawful conduct or financial malpractice, maladministration, fraud, corruption or unethical conduct. This policy is in line with the Public Interest Disclosure Act 1998 (PIDA) which provides protection for workers who make certain disclosures of information about maladministration or malpractice in the public sector.
- 1.3 We are committed to achieving the highest possible standards of openness, probity and accountability in public life and whistleblowing can help us to maintain those standards, protect staff and the public and to protect our reputation.
- 1.4 Whistleblowing is passing on information about something that affects others in the public interest. If the matter only affects you, it could be that it would be more appropriate to raise a grievance.
- 1.5 If you raise a genuine concern under this policy, you will not be at risk of losing your job or suffering any form of retribution as a result. Provided you act in good faith, it does not matter if you are mistaken once all the facts are known. However if you maliciously raise a matter you know is untrue and where this is proven then you may lose the protection of PIDA. The Park Authority will not tolerate the harassment or victimisation of anyone raising a concern under this policy.
- 1.6 This Policy is based on the following principles:
 - The right to fair and reasonable treatment at work
 - The right to report concerns in the public interest without fear of sanction
 - The encouragement of openness and accountability
 - The importance of honesty and integrity
- 1.7 This Policy applies to all employees and temporary staff working for the Park Authority (any person on the payroll). It does not apply to Board members who are covered by different procedures.
- 1.8 Throughout this Whistleblowing process you can be accompanied by a trade union representative or a colleague at any stage.

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- 1.9 This policy should be read in conjunction with Park Authority's Employee Code of Conduct.

2. Reporting Concerns Internally

- 2.1 The public rightly has an expectation of high standards of service from us. As a result, there may be times when it will be necessary for you alone or with your colleagues to bring concerns to the attention of an Operational Manager or Executive Team member responsible for the business area, the Chief Executive or where this is not appropriate (such as a matter relating to them), the Convener of the Park Authority. However you should first raise the matter with your line manager or with Human Resources if you feel you can do so.
- 2.2 Using this procedure, you can report a matter openly, confidentially or anonymously if it seems to be covered by the list below. The matter could be:
- A criminal offence has been, is being or is likely to be committed;
 - A person has failed, is failing or is likely to fail to comply with any legal obligation;
 - A miscarriage of justice has occurred, is occurring or is likely to occur;
 - The health or safety of any individual has been, is being or is likely to be endangered;
 - The environment has been, is being or is likely to be damaged, or;
 - That information which indicates that any matter falling within any one of the other categories has been, is being, or is likely to be, deliberately concealed.
- 2.3 If you are in doubt as to whether the matter comes under this policy or if another policy (e.g. Disciplinary, Grievance, Complaints etc.) is more relevant, you can get advice from Human Resources or your trade union. Remember, if it affects others then it is likely to be considered whistleblowing, if it affects you then it is likely to be considered a grievance.
- 2.4 If your concern relates to a Board member then you should report the matter to the Chief Executive, who will raise it with the Convener and agree what should be done. If your concern relates to the Convener or Deputy Convener you should report the matter to the Chief Executive, who will raise it with the Scottish Government. If you have any concerns that you would like to discuss about crises of conscience or about the procedures you should contact the Human Resources or Governance and Legal Manager.

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3. Confidentiality/Anonymity

- 3.1 If you ask us to protect your identity, we will not disclose it without your consent as far as is reasonably practicable and we will try to make sure that your colleagues stay unaware that you have made a whistleblowing concern.
- 3.2 If the situation arises where we are not able to resolve the concern without revealing your identity (for instance because an investigation would make this necessary, or you are required to give evidence in court), we will discuss with you what action is required before your identity is disclosed.
- 3.3 While the purpose of this policy is to enable the Authority to investigate possible malpractice and take appropriate steps to deal with it, as much feedback will be given as is appropriate or proper in the circumstances to you after raising the concern. If requested a response can be given in writing, however you should be aware that the Park Authority may not be able to disclose what action has been taken if that would affect a duty of confidence owed to someone else.
- 3.4 You can make a whistleblowing concern anonymously as you are not required to give your name, however if you wish to remain anonymous then you need to realise that you will not be able to receive feedback on your concern. The investigation could be limited as we will not be able to ask you for additional information and you may not qualify for protections under the law if you choose to remain anonymous as we would not be able to connect you with the whistleblowing.

4. Reporting Procedures

Step 1 Who to Contact

- 4.1 If you wish to report a matter which falls into one of the categories outlined in paragraph 2.2, you should contact the appropriate person from the list in Appendix 1. You can make initial contact either in writing or in person. To ensure matters are dealt with effectively, the issue will be copied to the Chief Executive (for information and response monitoring), unless this is inappropriate.
- 4.2 As a rule, all matters should be raised through the organisation internally via one of the senior people listed. However, where necessary you can also contact the National Park Authority's Internal Auditor.

Audit Risk Manager
West Dunbartonshire Council

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Step 2 Action Taken on Receipt of Report

- 4.3 You will be advised of the name of the nominated officer who will conduct the investigation into the information received – the Investigating Officer.
- 4.4 Unless an anonymous concern has been raised, the Investigating Officer will arrange to meet you for an initial interview to make an assessment of the issues within 10 days of when you raise the concern. The interview will be confidential. You can be accompanied by a trade union representative or colleague at this meeting if you wish.
- 4.5 At this stage, if you request it, we will let you know what we will do to protect confidentiality. In the event that confidentiality cannot be guaranteed, you will be given assurances about protection from victimisation or harassment as a result of having made this disclosure. Support will be available at all times from the Human Resources Manager.
- 4.6 If there is evidence of criminal activity then the Investigating Officer will inform the Police. The Park Authority will ensure that any internal investigation does not hinder a formal police investigation.
- 4.7 Following the initial interview and within a time period to be agreed with you (a minimum of 15 working days), the Investigating Officer will submit a report in confidence to the appropriate authority (e.g. Chief Executive /Member of the Executive Team/Convener/ Internal Audit). You will be notified in writing of what, if any, further actions will be taken and the reasons for this decision.
- 4.8 If a more detailed investigation is required, the Investigating Officer will discuss with the appropriate authority how this would best be handled and a report of the findings of this investigation will be presented to the appropriate Senior Authority: i.e. Chief Executive, Convener and/or Internal Audit.
- 4.9 Human Resources will be available to provide support and advice to you and to the Investigating Officer throughout the investigation. They will also ensure that due process is followed.
- 4.10 The Investigating Officer will contact you and advise you in writing of the outcome of the investigation (as far as is possible or legally appropriate). Should you have concerns at these findings, you may submit these concerns to the appropriate higher authority (in the order as laid out in Appendix 1). There is no obligation to review the outcome of the investigation; however we will wish to ensure that all concerns are considered.
- 4.11 You may request an update from the Investigating Officer during the investigation.

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5. False Reporting

- 5.1 In the event that no conclusion can be drawn, and you made the report acting in good faith and not maliciously, the Investigating Officer will advise you of the discrepancy between what was reported and the findings.
- 5.2 Where it is proved that false allegations are made deliberately or maliciously, this will be viewed seriously (including considering whether the action may constitute a case of gross misconduct) and you may be liable to action being taken under the Park Authority's Disciplinary Procedures.

6. Safeguards

If you make a disclosure in good faith you will be protected against being subjected to any detriment such as dismissal, harassment, victimisation (including informal pressures) or any other form of sanction as a result of making the disclosure.

7. Contact with Other Appropriate Bodies

- 7.1 This procedure has been developed to provide a means by which you can make a confidential disclosure within the Park Authority; however you can also raise your concerns externally to other appropriate bodies.
- 7.2 There are conditions which must be met for a disclosure made to a third party to be considered as a qualifying disclosure and be protected under PIDA. One of these conditions is that it is reasonable in all circumstances for you to make the disclosure. In deciding whether it is reasonable to make a disclosure, a number of factors need to be assessed including the identity of the person to whom the disclosure is made. Third parties can include an external legal adviser (anything said to a legal adviser in order to obtain advice is automatically protected), a Minister of the Crown or a prescribed person amongst others. A qualifying disclosure might also be made to the person responsible for the area of concern therefore you might raise concerns about health & safety to a safety representative.
- 7.3 Before taking this step you are strongly advised to seek advice from your trade union if you are a member, a legal adviser or a professional advice centre. Any disclosures which have not followed the procedure outlined in this Policy, or are not protected by PIDA, may result in disciplinary action being taken.

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8. Independent Advice

8.1 If you are unsure about making a disclosure or need independent advice at any stage, you may contact:

- A Union representative (if applicable); or
- The independent charity Public Concern at Work (0141 550 7572). Lawyers can give free confidential advice at any stage about how to raise a concern about serious malpractice at work; or
- Advisory, Conciliation and Arbitration Service (ACAS)

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Appendix 1

Whistleblowing contacts available to staff

Any individual wishing to raise a concern under this whistleblowing policy, should contact the most appropriate person from the list below, depending on the subject of the complaint.

Concern/s re member/s of Park Authority staff

Your Operational Manager or a member of the Executive Team responsible for the relevant area

Concern/s re a manager/Director

Chief Executive

Concern/s re Chief Executive
Chair of Audit Committee

Concern/s re Board Member
Convener

Concern/s re Convener
Internal Audit
Or
External Audit
Or
Scottish Government Sponsor Team

Flowchart in Appendix 2 to be amended once revised policy agreed