

# HR & OD POLICIES

human resources and organisational development



## Disclosure of Information (Whistleblowing) Procedure

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## 1. DISCLOSURE OF INFORMATION (WHISTLEBLOWING)

Aberdeenshire Council recognises the importance of and is committed to ensuring that all concerns raised under the Disclosure of Information (Whistleblowing) Policy are fully investigated and appropriate action is taken. This Procedure explains how to raise concerns and how they will be dealt with.

Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. Examples of the type of concern that can be raised under this Policy include:

- Criminal activity
- Breaches of civil, criminal, regulatory or administrative law
- Miscarriages of justice
- Improper or unauthorised use of public or other funds
- Dangers to health and safety and the environment
- Financial irregularity
- Non-application or perhaps, inappropriate application of Service or Council policies and procedures, e.g. Health & Safety Policy
- Bribery, corruption or fraud including the receiving or giving of gifts or hospitality in breach of our procedures
- A person abusing their position for any unauthorised use or for personal gain
- Failure to comply with appropriate professional standards
- Misuse of assets (including stores, equipment, vehicles, buildings, computer hardware and software)
- Concerns or risks to service users, protected adults, children and employees
- Posting offensive, malicious or confidential information on social media websites which may be harmful to employees, pupils, clients or service users of Aberdeenshire Council. e.g. unauthorised disclosure of confidential information or conduct likely to damage the reputation of Aberdeenshire Council.

This Policy and Procedure is intended to ensure that all legitimate concerns are fully investigated and remedial action taken where appropriate. However, where an employee is found to have been willfully making erroneous and malicious claims, they may be subject to action under the Council's disciplinary procedure. Remedial action may be taken where appropriate.

## 2. STAGE 1 - HOW TO RAISE CONCERNS WITH A RESPONSIBLE PERSON WITHIN THE COUNCIL

Whenever it is possible, concerns should be raised in writing by the employee. However, if the employee does not feel able to put their concerns in writing they can telephone or arrange to meet with an appropriate officer.

There are specific officers or line managers who the employee can contact.

### Employee's Service

Where the concern relates to actions or activities within the employee's own or another Service, employees should raise the issue directly with their line manager.

Where the line manager is the source of the problem or the employee does not wish to approach his or her line manager, the employee may contact any of the following:

- Their own Head of Service or Director
- The Director of the specific Service concerned
- The Area Manager of the area within which they are based
- The Chief Executive of the Council

A recognised Trade Union will provide advice, help and support. If you are unsure whether to use the Council's Policy and Procedure or want independent advice at any stage, you can contact the independent charity **Public Concern at Work** on **020 7404 6609**. Their advisers can give you free confidential advice on how to raise a concern about serious malpractice at work.

### Financial Affairs

Where the concern specifically relates to the financial affairs of the Council (such as financial irregularity) the employee should contact the Head of Finance or the Chief Internal Auditor.

## General Employment or Health & Safety

Where the concern specifically relates to general employment issues, the employee may contact a HR Adviser.

Where the concern specifically relates to the health and safety of employees, general public or others in the workplace, the employee may consider an approach to a Health and Safety Adviser.

## Civil, Criminal, Regulatory or Administrative Law

Where the concern specifically relates to breaches of civil, criminal, regulatory or administrative law the employee should, in addition to the above, contact the Head of Legal & Governance as Monitoring Officer. Employees who feel they have a legitimate concern about an issue should raise the matter either verbally or in writing with an appropriate person as indicated above.

Concerns should be expressed timeously, i.e. at the time when the matters giving rise to the concern are ongoing or as soon as the employee becomes aware of the issue. It would be unreasonable to raise a concern which relates to a matter that may have occurred some months previously (unless this was an unlawful act) and the employee was aware of it at the time. The likelihood of a satisfactory outcome to any investigation is lessened by the passage of time.

Although employees will not be expected to prove the truth of the allegations which are being put forward, the employee must have a reasonable belief so there are sufficient grounds of concern to warrant an investigation.

## 3. STAGE 2 - NOTIFYING THE HEAD OF LEGAL & GOVERNANCE

The line manager or officer who has received the concern/ complaint must immediately report to the Head of Legal & Governance as Monitoring Officer. Unless the complaint is considered to be frivolous, vexatious or otherwise inappropriate, the Head of Legal & Governance will appoint an Investigating Officer. Where in exceptional circumstances it is not appropriate to contact the Head of Legal & Governance, the Chief Executive should be notified.

## 4. STAGE 3 - INVESTIGATION INTO THE COMPLAINT

The Investigating Officer will carry out an investigation into the complaint and report back to the Head of Legal and Governance. Employees may be accompanied by a trade union representative or colleague at any meeting with the Investigating Officer. The employee will receive a letter confirming that their complaint has been received and advising whether an investigation will take place. The employee will be notified once an outcome has been agreed, although the need for confidentiality may prevent disclosure of the specific details of the investigation.

The Disclosure of Information (Whistleblowing) Procedure is designed to provide a robust procedure for raising genuine concerns about all aspects of malpractice at work.

The Officer who receives a complaint should take the following steps:

- Complete the [DI1 form](#) outlining the complaint.
- Decide whether the concern raised is one which can only be dealt with under this policy. If not, another Council policy (e.g. Handling Allegations Against Teaching Staff, Disciplinary, Grievance policies) should be used.
- All complaints raised under this policy must be reported to the Head of Service (Legal & Governance) as Monitoring Officer. The Head of Service (Legal & Governance) will agree on an investigating officer. Where in exceptional circumstances it is not appropriate to contact the Head of Service (Legal & Governance) the Chief Executive should be notified.
- The Monitoring Officer would decide if a specialist officer in Finance, HR or Legal should investigate the concern raised. Where the complaint is to be dealt with by a specialist officer, the existing procedures for investigation within that section will be followed.
- Where the concern raised does not fall into one of the categories, the Officer should contact Head of Service (Legal & Governance) for advice.
- The Officer who received the concern should write (where possible) to the employee acknowledging receipt of their concerns within ten working days. The letter should indicate how the Officer proposes to deal with the matter, and give an estimate of how long it will take to provide a final response.
- The amount of contact between the investigating officer and the employee who raised the concerns will depend on the nature of the matters being addressed and the clarity of information provided.

- It may be necessary for the investigating officer to seek further clarification from the employee who brought the concerns forward. When an investigating officer requests the employee to attend any meetings, he/she may be accompanied by a trade union representative or colleague.
- Where the complaint involves a Chief Officer or a Councillor the Chief Executive must be notified immediately.

## Contacting the police

The Investigating Officer must consult with the Head of Service (Legal & Governance) and the Head of Service (HR & OD) before contacting the police. The Investigating Officer will consult the Chief Executive if the matter reported relates to a senior officer.

## 5. STAGE 4 – FEEDBACK

Where an employee has raised a concern whether informally or formally within the Council, the employee will be provided with confirmation of and information about any investigation which may take place. Any details of investigations must be kept confidential. For further information on feedback on an investigation please contact HR & OD.

## 6. STAGE 5 - FURTHER ACTION

Employees may wish to raise their concern with an appropriate person or body out with the Council. This may occur when the employee feels their concern has not been appropriately dealt with through this procedure.

For further advice and guidance on any of the above please contact [askHR](#).

# Disclosure of Information

## Index of Documents

### Procedure

<b>Revision Date</b>	<b>Previous Revision Date</b>	<b>Summary of Changes</b>
01-04-2004	-	Creation of all Documents
28-09-2012	01-04-2004	Bribery Act and General Revision
19-09-2013	28-09-2012	Change to Legislation
25-06-2015	19-09-2013	Format update
08-09-2017	25-06-2015	Additions of codes of practice recommended by Westminster and merge of documents
02-09-2022	08-09-2017	Updated terms