

HR & OD POLICIES

human resources and organisational development



Disclosure of Information (Whistleblowing) Policy

INDEX

POLICY STATEMENT 3

AIM OF POLICY 3

SCOPE OF POLICY 4

WHO DOES POLICY APPLY TO? 4

PROTECTING THE WHISTLEBLOWER 5

CONFIDENTIALITY 5

ANONYMOUS CONCERNS 6

MEDIA 7

MISCELLANEOUS 7

1. POLICY STATEMENT

In this Policy, 'whistleblowing' or 'disclosure' means the reporting of suspected misconduct, illegal acts or failure to act within the Council.

The aim of this Policy is to encourage employees and others who have serious concerns about any aspect of the Council's work to come forward and voice those concerns.

The Council is committed to the highest possible ethical standards in public life and in all its practices. To help achieve these standards it encourages freedom of speech. If you are considering raising a concern, you should read this Policy and the related Disclosure of Information (Whistleblowing) Procedure first. They explain:

- The type of issues which can be raised
- How the person raising a concern will be protected from victimisation
- How to raise a concern
- What the Council will do

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.

2. AIM OF POLICY

Aberdeenshire Council aims to ensure that employees can raise concerns about wrongdoing or malpractice within the Council without fear of dismissal, harassment, discrimination and victimisation. This Policy is designed to offer protection to anyone who discloses reasonably and responsibly any concerns provided the disclosure is made:

- In the public interest
- Where the complainant discloses the information with reasonable belief that the act has taken place and it is disclosed to an appropriate person
- Without acting for personal gain
- In compliance with the provisions of the Council's Disclosure of Information (Whistleblowing) Procedure

3. SCOPE OF POLICY

This Policy is intended to enable those who become aware of wrongdoing in the Council affecting some other person or service, to report their concerns at the earliest opportunity so they can be properly investigated.

In any large organisation providing a wide range of services, employing large numbers of people, there is potential for malpractice, maladministration or bribery. Aberdeenshire Council is no exception. In addition, there are internal policies and procedures within the Council which regulate many of our activities and there is an equal risk of things going wrong with their inappropriate or non-application.

This Policy is not intended to replace existing procedures:

- It should not be used for complaints relating to an employee's own treatment at work. In those cases, employees should refer to Aberdeenshire Council's existing employee relations policies and procedures, such as grievance or harassment procedures.
- If a concern relates to services provided by the Council to the complainant, it should be raised as a complaint to Aberdeenshire Council.
- Complaints of misconduct by Council Councillors are dealt with under a separate procedure (for further information, please contact the Council's Monitoring Officer).

Aberdeenshire Council will treat all legitimate matters raised under this Policy seriously. Where a complaint is considered to be frivolous, vexatious or otherwise inappropriate, no investigation under this Policy and Procedure will be carried out.

Employees who are unsure about whether something is within the scope of this Policy and related Procedure should seek advice from an HR advisor and Legal & Governance.

4. WHO DOES THE POLICY APPLY TO?

This Policy and related Procedure applies to all employees, agency staff, consultants and contractors within the Council.

Officers and employees of the Council have a responsibility to report and act on complaints or concerns regarding matters raised under this Policy. The Procedure outlines how such complaints or concerns can be raised and whose responsibility it is to act on such matters.

5. PROTECTING THE WHISTLEBLOWER

The Council aims to protect employees who make disclosures under this Policy from dismissal, harassment, victimisation or discrimination.

Where an employee perceives that he/she is being victimised or discriminated against, (e.g. denial of promotion, facilities or training and development opportunities) he/she should report this to the Investigating Officer immediately in accordance with the Disclosure of Information (Whistleblowing) Procedure.

If an employee who raised the initial concern requests it, and if it is reasonably practicable to do so, consideration should be given to reviewing that employee's line management arrangements in the interests of maintaining harmonious and fair working arrangements between employees.

Employees may be able to bring a claim to an employment tribunal if they feel they have been unfairly treated because they have made such a disclosure.)

6. CONFIDENTIALITY

Employees are assured and should feel that it is safe and acceptable for them to raise genuine concerns. It is hoped that employees will have enough confidence in the process to provide identification. However, Aberdeenshire Council will take all reasonable steps to protect the identity of an employee who has raised a concern under this Policy and Procedure and does not wish to disclose his/her name.

The Officer conducting the investigation will take all necessary steps to ensure that the name of a person who raises a concern is not disclosed to others within the Council except, on a strictly need- to- know basis in order to further the due completion of the investigation and the Council's response to it.

However, if following an investigation, formal action is to be taken by the Council or an outside body, i.e. Police, a witness statement may be required.

There will be the opportunity to raise concerns out-with the line management structure.

The Council will not disclose in any public document the name of any person who makes a disclosure, nor will the council disclose that person's name to any third party outside the Council except:

- Where an offence may have been committed and there is considered to be an obligation to report that to the Police or Procurator Fiscal, or to co-operate with enquiries initiated by the Police or the Fiscal.

- Otherwise where there would be any failure on the part of the Council to comply with any legal obligation on it.

It must be appreciated that the investigation process may involve revealing the source of information and a statement may be required as part of the evidence.

Employees wishing confidentiality or confidential advice about how to proceed may contact askHR before considering any further action under Stages 1 and 2 of the Procedure. They can also get advice from the independent charity **Public Concern at Work**.

Employees are also protected from suffering a detriment, bullying or harassment from another employee in relation to any complaint or concern raised under the terms of this policy.

Where the employee's concerns relate to HR & OD they should contact either the Chief Executive or the Head of Legal & Governance or the appropriate Area Manager.

The assistance which will be provided is confidential and may help the employee to make an informed decision on how to proceed with the concerns they have.

7. ANONYMOUS CONCERNS

Concerns expressed anonymously are much less powerful but they may be considered at the discretion of the Council. In exercising this discretion, the factors to be taken into account would include:

- the seriousness of the issue raised
- the credibility of the concern, and
- the likelihood of confirming the allegation from other sources

It will be difficult to protect the complainant's position or give them feedback if their concern is raised anonymously. It is hoped, therefore, that they will feel confident enough in the process to provide identification.

Issues notified to the Council anonymously should, if possible, be investigated following the Disclosure of Information (Whistleblowing) Procedure.

8. MEDIA

Employees should not approach the media about issues raised under this Policy and Procedure. This may compromise any investigations. If an employee is found to have contacted the media without appropriate authorisation, disciplinary action may be taken.

9. MISCELLANEOUS

This Policy links to other associated policies, agreements, legislation and procedures including:

- Public Disclosure Act 1998
- Health & Safety at Work etc. Act 1974
- Strategy for the Prevention and Detection of Fraud & Corruption
- Bribery Act 2010
- Financial Regulations
- Hospitality and Gifts Policy
- Department for Business Innovation & Skills Whistleblowing – Guidance for Employers and Code of Practice March 2015
- British Standards Institute PAS 1998:2008 Whistleblowing Arrangements Code of Practice

The above list is not exhaustive. This Policy does not form part of any employee's contract of employment and it may be amended at any time.

Disclosure of Information

Index of Documents

Policy

Revision Date	Previous Revision Date	Summary of Changes
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	08-09-2022	Updated terms