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**To:** Finance, Resources and Customer Services Policy Board

**On:** 09 February 2023

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**Report by:** Director of Finance and Resources

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**Heading:** HR & OD Policies (Revised Whistleblowing Policy)

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## **1. Summary**

- 1.1 The Council is committed to conducting its business with honesty and integrity, and it expects all employees to maintain high standards in accordance with the Council's Code of Conduct for Employees. Therefore, the purpose of this report is to provide Elected Members with the revised HR&OD Whistleblowing Policy attached in **Appendix 1** for approval.
  - 1.2 The revised policy, which replaces the current 'Expressing Concerns Out with Line Management Policy' is part of the Council's ongoing programme to review of HR&OD Policies and provides a mechanism for a concern about any wrongdoing or malpractice within the Council to be reported and investigated.
  - 1.3 The policy is applicable to Local Government Employees, teachers, workers, officers, consultants, contractors, volunteers, casual workers and agency workers. Consultation has taken place with the Trade Unions and feedback where applicable has informed the development of this policy. The policy has been modernised and updated in line with best practice, legislation and embeds our Council values.
  - 1.4 Following approval from Members, the policy will be communicated to all managers and employees within the Council via the normal channels.
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## **2. Recommendations**

- 2.1 Members are asked to approve the revised Whistleblowing Policy attached at **Appendix 1**.

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## **3. Background**

- 3.1 The Council strives to create an open and inclusive working environment which enables employees to carry out their roles in a safe and supportive way. This is important to maintaining health and wellbeing which remains our top priority.
- 3.2 The revised policy aims to encourage the reporting of any suspected wrongdoing or malpractice in a confidential and secure environment, without fear of reprisal, and sets out a clear process for all to follow.
- 3.3 Whistleblowing is a right under the Employment Rights Act 1996, the Public Interest Disclosure Act 1998 and the Enterprise and Regulatory Reform Act 2013 that enables anyone who is conducting business for or on behalf of the Council to raise concerns over any matter of malpractice, wrongdoing, or dangerous activity at work.
- 3.4 Once approved, training will be made available for all Council employees on the procedures for submitting and dealing with concerns through designated officers. This will support the fair, inclusive and consistent implementation of this policy.

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### **Implications of the Report**

1. Financial - None.
2. HR & Organisational Development - HR & OD and Internal Audit will provide advice and guidance to managers and employees on the interpretation and application of this policy.
3. Community Planning - None
4. Legal - The Council will meet its legislative and best practice requirements.
5. Property/Assets - None
6. Information Technology – None
7. Equality & Human Rights

The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights.

No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.

8. Health & Safety - None
9. Procurement – None
10. Risk - None
11. Privacy Impact – PIA Carried Out – No negative impact.
12. Climate Risk - None
13. Cosla Policy Position - not applicable.

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List of Background Papers

Not applicable

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This document is  
available in alternative  
formats on request.

# Whistleblowing Policy

For all council employees.



Renfrewshire  
Council

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## VERSION CONTROL

Version	Date	Details of Review/Revisals made	Next Review date
1	January 2023	Drafting of new policy to reflect current legislative requirements	[February 2025]

## **1. Introduction**

- 1.1 The Council is committed to conducting its business with honesty and integrity, and it expects all employees to maintain high standards in accordance with the Council's Employee Code of Conduct. Part of that is creating an open and supportive working environment where employees feel able to speak up about any suspected wrongdoing. This policy details our process for dealing with Whistleblowing.
- 1.2 This policy has been agreed and implemented following consultation with the recognised Trade Unions.

## **2. Purpose and Aims**

- 2.1 The purpose of this policy is to provide a mechanism for employees of the Council, and other workers within the Council as detailed in section 3.1 of the policy, to report a concern which they have about serious wrongdoing or malpractice within the Council. It draws on the rights and obligations contained within the Employment Rights Act 1996, the Public Interest Disclosure Act 1998 and the Enterprise and Regulatory Reform Act 2013.
- 2.2 The aims of this policy are:
- (a) To encourage employees and other workers within the Council to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected.
  - (b) To provide employees and other workers with guidance as to how to raise those concerns.
  - (c) To reassure employees and other workers that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.

## **3. Scope of policy**

- 3.1 This policy covers all Council's employees, workers, officers, consultants, contractors, volunteers, casual workers, and agency workers.

## **4. What is whistleblowing?**

- 4.1 Whistleblowing is the disclosure of information which relates to suspected malpractice, wrongdoing or dangers at work. This may include:
- Criminal activity;
  - Failure to comply with any legal or professional obligation or regulatory requirements;
  - Miscarriages of justice;

- Danger to health and safety;
- Damage to the environment;
- Information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed.

4.2 A “**whistleblower**” is a person who raises a genuine concern relating to any of the above. If you have any genuine concerns related to suspected malpractice, wrongdoing or danger affecting any of the Council’s activities (a **whistleblowing concern**) you should report it under this policy.

4.3 Whistleblowing does not cover less serious matters; such matters should be raised by an employee to their line manager. An employee’s concerns about their own employment which should be addressed in accordance with the relevant HR policy, for example the Council’s Grievance Procedure or Respect at Work Policy, as appropriate.

4.4 If an employee or other worker is uncertain whether something is within the scope of this policy they should seek advice from the Whistleblowing Officer, whose contact details are at the end of this policy.

## 5. Procedure for Raising a Whistleblowing Concern

5.1 An employee or other worker wishing to raise a matter that is covered by the categories covered in this policy should:

- (a) Contact the appropriate designated officer in the employing Service in the Council. The Designated Officers are those identified in Annex 1 to this policy. The concern should be raised, preferably, in writing and to avoid any doubt, should be preferably described as a “Whistleblowing Concern”.
- (b) Call the Confidential Whistleblowing Hotline.
- (c) Completing the online form at [www.renfrewshire.gov.uk](http://www.renfrewshire.gov.uk), search for ‘Whistleblowing Policy’.

5.2 Employees within the Renfrewshire Health and Social Care Partnership can access the National Whistleblowing Standards in relation to NHS Services. Further information can be obtained from the Chief Officer and accessed here.

5.3 Where a whistleblowing concern is made directly to a line manager, the line manager should immediately forward details of the concern to the Designated Officer.

5.4 Any whistleblowing concern received in accordance with paragraph 5.1 above, will be sent to the Designated Officer (set out in Annex 1 of this policy). If a whistleblowing concern is made which alleges wrongdoing by a Designated Officer, then that concern should be made directly to the Chief Executive. In the

event the whistleblowing concern relates to the Chief Executive then that concern should be made directly to the Council's Monitoring Officer.

- 5.5 Once a whistleblowing concern has been submitted the Designated Officer (or nominated officer in their absence) will acknowledge receipt as soon as possible and within a maximum of 5 working days.
- 5.6 At this stage of the process, it is important that confidentiality is maintained by both parties where that is required to ensure that the matter can be dealt with in the appropriate way, avoid prejudice and protect individual rights.
- 5.7 The whistleblowing concern will then be considered, and a decision taken as to whether, and in what way, the matter should proceed.
- 5.8 Should the Designated Officer decide not to take any action you will be notified and given the reason(s) for this decision.
- 5.9 If the Designated Officer decides that further action is required based on your whistleblowing concern, then you will be notified of this decision and the likely timescale.
- 5.10 Once the matter has been concluded and the appropriate action taken in response to your concern, you will be informed subject to confidentiality being maintained, as required.
- 5.11 Under the terms of this policy, you may seek a progress update from the Designated Officer regarding the status of your concern, although it has to be understood that the response may have to be qualified in order to protect other interests.
- 5.12 Whilst the Council cannot guarantee the outcome you are seeking, the Council will try to deal with your concern fairly and in an appropriate way. By using this policy, you can help the Council achieve this.
- 5.13 If you are not satisfied with the way your whistleblowing concern has been dealt with, you can raise this with the Chief Executive.

## **6. Raising a Whistleblowing Concern to Elected Members**

- 6.1 Where an Elected Member is approached by an employee or other worker as set out in section 3 above in connection with a whistleblowing concern covered under this policy, the Elected Member should encourage that individual to raise their concern in accordance with this policy.



6.2 In cases where an Elected Member receives a whistleblowing concern, they shall send it directly to the Whistleblowing Officer who will then process it in line with this policy.

6.3 Elected Members must not investigate any whistleblowing concerns themselves.

## **7. Confidentiality and Anonymity**

7.1 The Council hopes that all employees and other workers will be able to raise whistleblowing concerns openly under this policy. However, if an employee or other worker wishes to raise their concern confidentially, the Council will try to ensure that their identity remains anonymous. If it is necessary for anyone investigating the employee or other worker's concern to know their identity, then this will be discussed directly with them.

7.2 The Council does not encourage employees or other workers to raise concerns anonymously. Proper investigation may be more difficult or impossible if the Council cannot obtain further information. It is also more difficult to establish whether any allegations are credible. Employees or other workers who are concerned about possible consequences if their identity is revealed should raise this with the Designated Officer and appropriate measures may be taken to preserve confidentiality. An employee or other worker can seek advice from the Council's whistleblowing hotline or Protect, the independent whistleblowing charity, who offer a confidential helpline (details are set out below).

## **8. External disclosures**

8.1 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. It is expected that the internal mechanisms outlined in this policy will be used and with confidence. If, however, there is genuine cause to believe that an internal disclosure to one of the identified officers would not be appropriate for particular reasons, it is accepted that a disclosure to an external regulator may be protected. It will very rarely, if ever, be appropriate to alert the media and employees and other workers are strongly encouraged to report concerns through this policy and its internal mechanisms.

8.2 The independent whistleblowing charity, Protect, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern. Their contact details are at the end of this policy.

8.3 Whistleblowing concerns usually relate to the conduct of the Council's employees, but they may sometimes relate to the actions of a third party, such as a customer, supplier or service provider. In some circumstances the law will protect you if you raise the matter with the third party directly. However, the Council encourages its employees and other workers to report such concerns

internally first. An employee or other worker should contact the Whistleblowing Officer for guidance regarding this.

## **9. Protection and Support for Whistleblowers**

- 9.1 It is understandable that whistleblowers are sometimes worried about possible repercussions. The Council encourages openness and transparency and will support employees and other workers who raise genuine concerns under this policy, even if they turn out to be mistaken. Employees and other workers raising concerns under this policy will be protected, provided that the concern is made in the reasonable belief that it is in the public interest.
- 9.2 Employees and other workers raising a concern under this policy must not suffer any detrimental treatment as a result of raising the concern. Detrimental treatment includes dismissal, disciplinary action, harassment, victimisation or other unfavourable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform the Whistleblowing Officer immediately. If the matter is not remedied, you should raise it formally using the Council's Grievance Procedures or Respect at Work Policy.
- 9.3 An employee or other worker must not threaten or retaliate in any way against another individual raising a whistleblowing concern. Any employee or other worker involved in such conduct may be subject to disciplinary action under the Council's Disciplinary Procedures. In addition, where an employee or other worker has been subjected to a detriment by another employee, they could be personally liable for their own conduct.

## **10. False Reporting**

- 10.1 There may be instances when a concern is submitted, based on reasonable belief by an employee or other worker that something is wrong at a particular time, which is subsequently demonstrated to be false or inaccurate. In such circumstances, employees or other workers will be informed of the discrepancy between their concern and the facts at hand. Provided that the Council is satisfied that the employee or other worker had a reasonable belief that such a situation should be reported, no further action will be taken.
- 10.2 If an employee or other worker has deliberately raised a concern that they know to be untrue or unfounded this may lead to a disciplinary investigation and disciplinary action against the employee being taken.

## **11. Responsibility and Training**

- 11.1 Internal Audit has overall responsibility for this policy and for reviewing the effectiveness of actions taken in response to concerns raised under this policy. The Whistleblowing Officer will maintain a register of concerns raised and the

outcomes, as required. The Whistleblowing Officer (or other delegated officer) will present an annual report to the Audit, Risk and Scrutiny Board detailing the number of whistleblowing complaints received and actions taken by the Council. This annual report will be anonymised to protect confidentiality.

11.2 The Designated Officers must provide information regarding any concerns received to the Whistleblowing Officer. Regular updates and information about outcomes of any investigations must be provided to the Whistleblowing Officer to allow them to maintain the register of concerns.

11.3 The Designated Officers must ensure that all managers and other staff who may deal with concerns or investigations under this policy receive regular and appropriate training.

## **12. Monitoring and Review**

12.1 This Policy will be reviewed regularly and in line with any legislative and/or organisational changes. The recognised trade unions will be consulted on any future changes to this policy.

## **13. Contacts**

<b>Whistleblowing Officer</b>	Chief Auditor (or delegated officer) whistleblowingofficer@renfrewshire.gov.uk
<b>Monitoring Officer</b>	Head of Corporate Governance mark.conaghan@renfrewshire.gov.uk
<b>Renfrewshire Council's external auditors</b>	[Gary Devlin, Partner Azets] [01415674500] [gary.devlin@azets.co.uk]
<b>Whistleblowing hotline</b> Available Monday-Thursday from 9am to 4.45pm and Friday 9am to 3.55pm	[0300 300 1314] [whistleblowingofficer@renfrewshire.gov.uk]
<b>Protect</b> (Independent whistleblowing charity)	The Green House 244-254 Cambridge Heath Road London E2 9DA Telephone: 020 3117 2520 Email: whistle@protect-advice.org.uk Website: www.protect-advice.org.uk

## **Annex 1**

### **DESIGNATED OFFICERS TO WHOM WHISTLEBLOWING CONCERNS MAY BE REPORTED**

Gordon McNeil – Director of Environment and Infrastructure

Alastair MacArthur – Director of Finance and Resources (to whom any concerns regarding the Chief Executive's Service should also be directed)

Steven Quinn – Director of Children's Services

Christine Lavery – Chief Officer of the Renfrewshire Health and Social Care Partnership

Mary Crearie - Director of Communities and Housing