

WHISTLE-BLOWING GUIDANCE FOR HR / MANAGERS / LEADERSHIP TEAMS

When Managers or Senior Officers receive allegations about an individual employee or Councillor they need to be mindful of whether these fall within the remit of a whistle-blowing allegation.

The key criteria that indicate that whistle-blowing legislation should apply are as follows:

- Did an employee make the allegation? (If it was from a member of the public or a Councillor then it is not whistle-blowing as the same protections are not applicable however such referrals should be dealt with in confidence and can follow the spirit of the Whistle-Blowing Policy).
- Does the allegation relate to any of the following? (If not, it is not whistle-blowing).
 - 1) criminal offences which may include financial impropriety such as fraud;
 - 2) failure to comply with legal obligations;
 - 3) miscarriages of justice;
 - 4) endangering another person's health and safety;
 - 5) damage to the environment;
 - 6) covering up any wrongdoing in any of the above

Whistle-blowing legislation only protects the whistle-blower if they identify themselves and are not anonymous. However, this does not mean that the information cannot be kept confidential when they do identify themselves. Protecting the identity of the whistle-blower is extremely important whilst the allegations are investigated.

This means that not only should their identity be kept a secret, but also that as few people as possible should be aware that the allegation is the result of whistle-blowing.

The individual who is the subject of the investigation does not need to know that there is a whistle-blower. Once the veracity of the allegation is established, the individual will be notified that they are the subject of an investigation, according to the usual disciplinary, code of conduct or criminal investigation procedure.

The only time they may become aware that there was a whistle-blowing allegation is if the whistle-blower agrees to provide witness testimony for the investigation but even then, it may not mean that they can be specifically identified as the source of the original allegation.

A record of whistle-blowing allegations received must be kept. Please ensure that HR are notified so that a central record may be kept.