



**ANGUS COUNCIL
WHISTLE-BLOWING POLICY**

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Policy statement

This policy can be used by employees and named others in relation to perceived wrongdoings by persons working for Angus Council - see *Section 3 Purpose and Scope*. If you are a member of the public, you should raise your concerns through the Council's corporate complaints procedure, which is available on the website [here](#).

1. Introduction

Whistle-blowing is the term used when a worker confidentially passes on information concerning perceived or suspected wrongdoing. The wrongdoing will typically, although not necessarily, be something they have witnessed at work. It is the personal responsibility of employees of the Council to report fraud and irregularity concerning any aspect of Council business or activity. This requirement is set out in the Council's Financial Regulations and an employee who has such a suspicion must report it.

Angus Council is committed to operating in an open and transparent manner. The Council views malpractice of any description as serious and encourages employees and named others to bring to its attention anything happening within the organisation that might be illegal, improper, or unethical. An employee or named other who confidentially reports these types of wrongdoing is referred to as a whistle-blower.

It is sometimes difficult to report a concern and this policy has been designed to assure you that you can raise a matter in the knowledge that it will be treated seriously, be dealt with at a senior level within the Council, that you will be protected from reprisals or victimisation, and that confidentiality will be maintained as far as is possible – see *Section 8 Confidentiality*.

This policy is intended to enable and support employees and named others to raise serious concerns within the Council. Action taken in respect of legitimate concerns raised will seek to improve practices within the organisation.

2. Advantages of whistle-blowing

Effective whistle-blowing can help the Council by:

- Identifying perceived or suspected wrongdoing as early as possible
- Exposing flawed practices which make the organisation vulnerable to loss, criticism, or legal action
- Ensuring that information on wrongdoing is passed to the people who can address it
- Avoiding inefficiency and financial loss
- Helping prevent reputational harm
- Reducing risks to the health and safety of employees and citizens
- Reducing risks to the environment
- Deterring employees from engaging in improper conduct.

3. Purpose and scope

This policy is intended to enable and support those who become aware of or suspect wrongdoing in the Council affecting a person or service to confidentially report their concerns at the earliest opportunity so they can be properly investigated.

The policy is not intended to replace existing procedures:

- A personal concern which relates to your treatment as an employee should be raised under the existing grievance procedures
- If a citizen has a concern about services provided to them, it should be raised as a complaint to the Council
- Complaints of misconduct by an elected member are dealt with under the Councillors Code of Conduct.

The policy permits and requires the following employees and named others to raise concerns:

- Employees of Angus Council
- Supply staff working for the Council
- Persons working for the Council and employed through an agency
- Persons working in Council services and employed by a partner organisation, including persons working for the Angus Health and Social Care Partnership and employed by the NHS, or other workers with a similar arrangement.
- Those providing services under a contract or agreement with the Council.

This policy aims to:

- Require employees and named others, above, to raise concerns confidentially
- Provide clearly defined channels for employees and named others to raise concerns and receive feedback
- Inform employees and named others on how to progress a matter if they are dissatisfied with the response
- Reassure employees and named others that they will be protected from detriment or victimisation for raising concerns in good faith
- Set out the means of support to persons involved in the whistle-blowing process.

Where an employee or named other is unsure if their concern should be considered as a whistle-blowing concern then they may consult their trade union. They may also, if they wish, confidentially consult with a contact in the Council's Human Resources team. The Human Resources team contact would lead an informal discussion to advise on the appropriate policy under which the concern could be reported and dealt with such as whistle-blowing, grievance or harassment. Advice will be provided around the appropriate reporting policy only.

Employees and named others can access the above support by emailing askhr@angus.gov.uk and requesting advice on a whistleblowing concern. Should the concern relate to an issue within the Human Resources team the request for support should be made to the Service Leader - Internal Audit by emailing internalaudit@angus.gov.uk **NB Access to the Human Resources team for**

advice is available to Council employees, supply staff and agency provided staff only. Externally employed staff should contact their respective employers for support if required.

The process described in *Section 6 How Angus Council will handle the matter*, will see the Service Leader - Internal Audit, or nominated representative, assess the concern, and arrange for it to be dealt with under the appropriate policy.

4. What should be reported?

If you are concerned about an aspect of the behaviour of an individual providing Council services or a corporate practice either of which has resulted in or is likely to result in any of the following, then you must report your concerns:

- a criminal offence, *for example bribery or fraud, theft from the Council, theft from clients or abuse of service users*
- the improper use of Council or other public funds or any other financial irregularity
- the improper use of Council assets, *for example information, equipment, vehicles, or buildings*
- a failure to comply with a legal obligation, *for example the statutory obligation to provide a certain level of care being deliberately ignored*
- a danger to the health or safety of an individual, *for example not following procedures and putting other staff, service users or the public at risk*
- a miscarriage of justice, *for example matters likely to lead to wrongful disciplinary action or exclusion from education.*
- actual or potential damage to the environment
- a concern about an attempt to cover up any of the above.

Personal grievances (such as bullying, harassment or discrimination) are not covered by whistle-blowing law, unless your specific case is in the public interest. They should be reported through the grievance or harassment at work procedure.

5. How to report a concern

Where an employee or named other, after a discussion with the Human Resources contact, if required - see *Section 3 Purpose and Scope*, decides to report a whistle-blowing concern several routes to do so are available as follows. Each route will invoke the protections afforded by the policy.

Management route - If you have a concern about a risk, malpractice, or wrongdoing at work, we hope that you will feel able to raise it with your line manager. You can do this verbally or in writing. You must be clear with your line manager that you are reporting a concern to be investigated and/or resolved under the Whistle-blowing Policy. If applicable you should state that the concern is being raised anonymously.

Senior management route - If you feel unable to raise the matter with your line manager, for whatever reason, you may do so by contacting your Service Leader or Director. You must be clear with any senior manager that you contact for this purpose that you are reporting a concern to be investigated and/or resolved under

the Whistle-blowing Policy. If applicable you should state that the concern is being raised anonymously.

Digital route - The preferred other means of raising a concern is by using the whistle-blowing digital form available [here](#). This form will guide you in providing the information that would inform the next steps required to effectively address your concern. The form allows for anonymous reporting should you wish.

By telephone – Where none of the above routes suit, you may report concerns by telephoning the Council’s ACCESSLine on 03452 777 778. The staff who will handle your call are trained to deal discretely with complaints and queries and they will assist you to progress your concern in confidence.

If you feel that the matter is so serious that you cannot progress it by any of the above, you can write to

- The Chief Executive, Angus Council, Angus House, Orchardbank Business Park, Forfar DD8 1AX or email CHIEFEXEC@angus.gov.uk
- Director of Legal & Democratic Services, Angus Council, Angus House, Orchardbank Business Park, Forfar DD8 1AX or email LEGDEM@angus.gov.uk

External contact - An external means of reporting is available. If you wish to report your concern via this means you can write to the Council’s external auditor, at

- The Correspondence Team, Audit Scotland, 4th Floor, 102 West Port, Edinburgh EH3 9DN or email correspondence@audit-scotland.gov.uk

You do not need to have firm evidence of malpractice before raising a concern. However, we do ask you to explain as fully as you can the information or circumstances that gave rise to your concern.

6. How Angus Council will handle the matter (see also Appendix 1)

The recipient of the whistle-blowing concern will complete a Whistle-blowing record form – see Appendix 2. detailing the concerns raised. These details shall be passed to the Service Leader – Internal Audit, who will keep a record of each report dealt with under the whistle-blowing policy including, in due course, the outcome of any action or investigation.

The Service Leader – Internal Audit, or nominated representative, will assess the report against the whistle-blowing criteria. Should these criteria not be met then the report will be referred elsewhere for appropriate action, for example, to Human Resources for consideration under an appropriate alternative policy. Where the concern is dealt with under an alternative policy, the Service Leader – Internal Audit, or nominated representative, will advise the whistle-blower accordingly in writing.

Where a whistle-blowing response is appropriate the Service Leader – Internal Audit, consulting where necessary, will direct the response and the Monitoring Officer will be informed. In addition, the Section 95 Officer will be advised where financial irregularity is alleged and the Chief Social Work Officer notified of reports concerning

social care practice or process, or child/adult protection concerns. Where a whistle-blowing concern includes a potential data breach, the processes set out by the Information Governance team [here](#) must be followed.

If the concern relates to a partner organisation the Service Leader – Internal Audit, or nominated representative, will consult with that organisation’s dedicated whistle-blowing lead to discuss the required action. All relevant policies of each organisation will be considered.

The type of response will depend on the nature of the concern and the available supporting detail. Where an early resolution can be achieved this should be done. Early resolution is appropriate where straightforward concerns are raised which can be dealt with and a response provided to the whistle-blower in five or less working days, with little or no investigation. The line manager should be involved in resolving the situation, where appropriate. Where whistle-blowing concerns cannot be addressed by an early resolution a formal investigation may be required.

Where a formal investigation is initiated it will be conducted by a nominated service officer and/or Counter Fraud staff. Counter Fraud staff will comprise or be included in the investigation team where an allegation of fraud, theft or financial irregularity is being investigated. The composition of the investigation team and appointment of the investigating officer will be the decision of senior service management with input from Human Resources.

Staff investigating concerns should be impartial, independent, and accountable. They must not be involved in investigations where they have a conflict of interest or may be seen to have a conflict of interest.

The investigation will meet the standard of the appropriate Council Disciplinary or Fraud Investigation Procedure available [here](#). On the conclusion of the investigation a report will be shared with senior service management and Human Resources to inform a decision on any necessary disciplinary action.

Where the concern involves child/adult protection issues then the Service Leader – Internal Audit will inform the Council’s Chief Social Work Officer for their consideration.

Where referral to an external body is deemed appropriate this will be made. Such external bodies include Police Scotland, Disclosure Scotland, the General Teaching Council, Scottish Social Services Council, the Health & Safety Executive, the Care Inspectorate, the Information Commissioner’s Office, and the Mental Welfare Commission. Professional bodies that require to be made aware where a registrant is subject to disciplinary investigation will be advised.

7. Safeguards

The Council and the Corporate Leadership Team are committed to this policy and recognise that the decision to report a concern can be difficult. If you raise a genuine concern under this policy, you will not be at risk of losing your job or

suffering any detriment (such as a reprisal or victimisation). The Public Interest Disclosure Act 1998 protects employees from suffering harm or disadvantage as a result of raising a genuine concern in the public interest.

Either of the following will be treated seriously and, where the perpetrator is an employee of the Council, may result in disciplinary action being taken against them

- any threat or attempt to stop you raising a legitimate concern
- any action (or attempt to act) against you because you raised a concern.

You will not be asked to provide proof when you raise a concern. Provided you act in good faith when making the report and reasonably believe that the concern is in the public interest, no action will be taken against you if the allegation is not confirmed by the early resolution review or investigation.

However, if it is considered that you deliberately made an allegation that you knew to be false, or should you be found to be directly involved in any malpractice or wrongdoing, then this will be regarded as serious misconduct and action taken under the Council's disciplinary process.

You are entitled to raise concerns directly with the Scottish Public Services Ombudsman (SPSO) should you be unhappy with the early resolution review or investigation or their conclusions. The SPSO can be contacted by telephone on 0800 3777330 or by post at Freepost SPSO. Further information is also available on their website www.spsso.org.uk

8. Confidentiality

If you ask us not to disclose your identity Angus Council will make every effort to maintain your confidentiality wherever possible. It may not always be possible to guarantee this confidence however, particularly if the matter reported is serious enough to involve, for example, agencies such as the Police or the Health and Safety Executive. Where such a report is made the Service Leader – Internal Audit, or nominated representative, will advise the whistle-blower in writing.

You may choose to report your concern anonymously. Such reports will still be treated seriously, but it may be more difficult for us to review or investigate the matter and we will not be able to provide you with any feedback on the progress of the early resolution review or investigation. Nevertheless, to make an anonymous referral is better than keeping quiet.

9. Partner organisations

Persons working together to provide services, such as Council and NHS staff within the Angus Health & Social Care Partnership or employees of a similar partner organisation, are encouraged and enabled to raise concerns about these services whether they are employed by the Council or another organisation. Persons making a report are protected by the whistle-blowing arrangements of their employing organisation and by The Public Interest Disclosure Act 1998.

An employee may be subject to a disciplinary process because of the findings of a whistle-blowing concern investigation. Where this occurs, the process will follow the disciplinary policies of that person's employing organisation. To ensure this, any disciplinary investigation will be led by an investigating officer employed or appointed by the employing organisation. In circumstances where an employee works providing a service for a partner organisation then a joint disciplinary investigation led by an employing organisation officer should be initiated.

10. Roles and responsibilities

The whistle-blower

Throughout the process the whistle-blower will be supported and treated with dignity and respect. Reports will be taken seriously, investigations will be proportionate and thorough, and support will be provided by the Council.

Within five working days of a concern being received, the Council will write to or email the whistle-blower to:

- Thank them for raising the concern
- Advise them that they have done the right thing in raising the concern
- Indicate how the Council proposes to deal with the matter
- Advise whether further investigations will take place, and if not, why not
- Give an estimate of how long it will take to provide a final response, or if that is not possible at this stage, how long it is likely to take before that is confirmed
- Advise them of the legal protection afforded to them by The Public Disclosure Act 1998 and other support available to them.

The whistle-blower will be allocated a named contact to provide them with support throughout the course of the investigation. The named contact will not have any involvement in the complaint but will be available to the whistle-blower should they wish to access support. If required, the named contact will ensure that the whistle-blower is kept up to date on the progress of the investigation and may signpost the whistle-blower to the additional means of support. It will be the whistle-blower's choice as to extent of engagement they have with the additional support. The named contact will be identified by the Service Leader – External Audit, or nominated representative, in conjunction with Human Resources if necessary. The named contact will be a Manager employed by the Council at grade LG14 or above. **NB Access to whistle-blower support is available to employees, supply staff and agency provided staff only. Externally employed staff should contact their respective employers for support.**

Additional support options for employees include support provided by the Independent National Whistle-blowing Officer's Advice and Information Line (0800 008 6112), access to the confidential counselling service PAM Assist (0800 882 4102) and support from a trade union where applicable.

Where a protracted investigation is required, the investigator will issue a written update to the whistle-blower within 20 working days from the acknowledgement and at no longer than 20 working day intervals thereafter until the conclusion of the investigation.

A meeting with the whistle-blower may assist in obtaining information to progress the early resolution review or investigation. Where such a meeting is arranged, whistle-blowers have the right, if they wish, to be accompanied by a representative of a trade union or a colleague who is not involved in work to which the concern relates. It is the whistle-blower's responsibility to arrange for this if required. The Council will take steps to minimise any difficulties which employees may experience because of raising a concern. For instance, if an employee is required to give evidence for criminal or disciplinary proceedings, the Council will advise them about the procedure.

Employees assisting an early resolution review or investigation

To progress whistle-blowing concerns it may be necessary that the reviewer or investigator meets with an employee other than the whistle-blower or person under investigation. This employee may be required to assist the review or investigation by providing a witness account in respect of a particular activity or by providing procedural guidance.

The reviewer or investigator will ensure that any employee asked to assist a review or investigation will be informed of available support. Support options are set out in *Section 10 Roles and Responsibilities - The Whistle-blower* above. Attendance by any such employees at meetings convened for this purpose is mandatory. Where necessary, a draft written statement will be provided to the employee assisting the review or investigation within 5 working days of the meeting for their consideration and, when agreed, countersignature.

The investigating officer

Where early resolution is not possible an investigating officer will be appointed. The appointee will be a member of service management or a member of the Counter Fraud team - see *Section 6 How Angus Council will handle the matter* above.

The investigating officer will make any reasonable enquiry to enable senior management within the relevant service to make an informed decision about the most appropriate course of action, including any possible disciplinary action. The investigation will also form the basis of recommendations for improved processes. Staff investigating concerns should be impartial, independent, and accountable. They must not be involved in investigations where they have a conflict of interest or may be seen to have a conflict of interest.

The investigating officer will be required to commit sufficient time and resource to their role to ensure their enquiries are progressed efficiently. In **exceptional circumstances**, including where complexity is an issue, the investigating officer may request from the Business Support team any necessary administrative assistance to perform, for example, note taking and transcribing.

Further direction for investigating officers is available in the Council Guidance for Managers accessible [here](#).

In cases where the Service Leader – Internal Audit or senior service management assess that an investigation requires to be undertaken by an appointed third party, for example by virtue of the sensitivity or complexity of the case, then this shall be arranged. Such a decision will be made in consultation with senior officers in Human Resources. In such a case a terms of reference document will be provided for the third-party investigator.

11. Legal Rights

The Council welcomes reported concerns. The whistle-blowing policy requires employees and named others to raise these on the basis that it is in the public interest to make such matters known to a senior manager within the Council and allows this to be done in the knowledge that it will be treated seriously.

Acting in the public interest does not mean that concerns should be made available for public consumption through the media, and unauthorised contact with the media may be regarded as misconduct or serious misconduct in which case disciplinary action will be taken against those responsible.

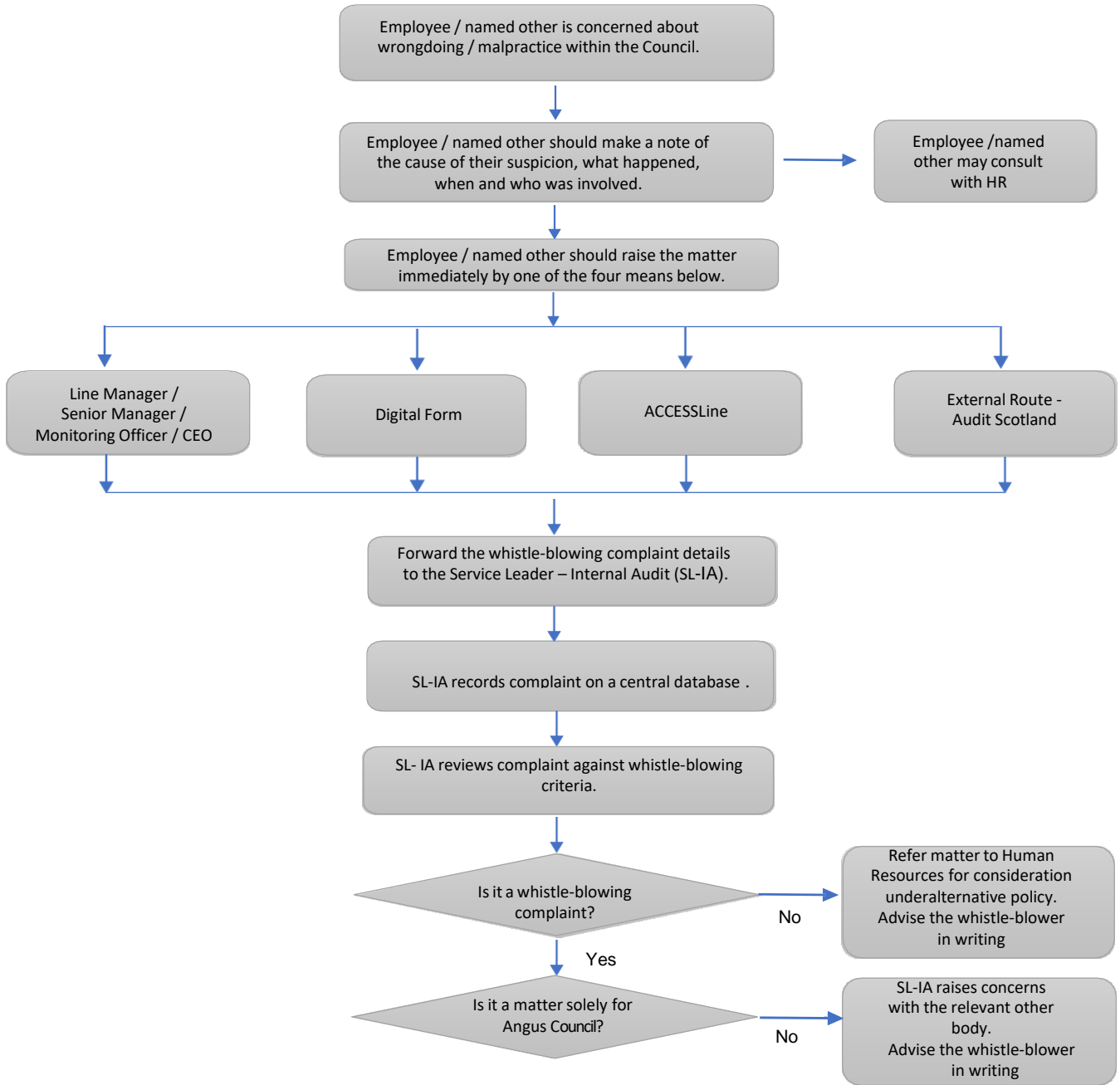
This whistle-blowing policy does not affect a party’s legal rights under the Public Interest Disclosure Act 1998 which enables a party to contact a specified external agency or the media in specific circumstances. Further advice on this can be obtained from Public Concern at Work, an independent charity which provides free confidential legal advice, on 020 7404 6609. Further information on whistle-blowing, including contact details for specified external agencies, is available at www.gov.uk/whistle-blowing

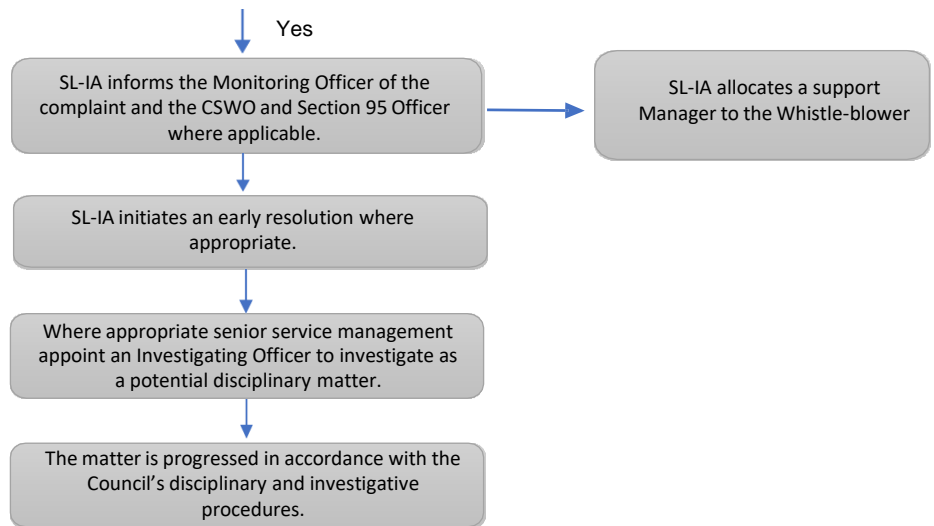
Amendment Form

Version	Date	Brief Summary of Changes	Author
2.0	18.10.18	Reinforcement of The Public Interests Disclosure Act 1998 protections. Roles amended post restructure.	Ewan Ritchie
2.1	19.7.19	Roles updated post Corporate Management Restructure (379/18).	Ewan Ritchie
2.2	16.12.21	Revisions include reference to partner organisations, updating reporting means, setting out support systems and describing the Council’s response to reports (86/22).	Ewan Ritchie
2.3	31.1.23	Revisions to further support whistle-blowers in making anonymous concern reports.	Ewan Ritchie

Appendix 1

WHISTLE-BLOWING PROCESS





Appendix 2

**WHISTLEBLOWING
RECORD FORM**

WHISTLEBLOWER'S CONTACT INFORMATION (This section will be blank for an anonymous report)	
NAME	
DESIGNATION	
SERVICE	
CONTACT NUMBER	
E-MAIL ADDRESS	
SUSPECT'S INFORMATION	
NAME	
DESIGNATION	
SERVICE	
CONTACT NUMBER	
E-MAIL ADDRESS	
WITNESSES'S INFORMATION (if any)	
NAME	
DESIGNATION	
SERVICE	
CONTACT NUMBER	
E-MAIL ADDRESS	
1. Who has been involved in the wrongdoing?	
2. What is being reported?	
3. When did it happen?	
4. Where did it happen?	
5. Are there any other parties involved other than the suspect stated above?	
6. Has any evidence been provided? If so, what?	
7. Is there any additional known information which would assist?	
Date:	Signature

