



Whistleblowing Policy

June 2023

Contents

- 1 Introduction**
 - 2 What is a relevant concern?**
 - 3 Raising a concern**
 - 4 External disclosures**
 - 5 Information needed to raise a concern**
 - 6 How the concern will be handled**
 - 7 Confidentiality and anonymity**
 - 8 Protection**
 - 9 Annex A - Process Overview**
 - 10 Annex B - Contact Details**
-

1 Introduction

This procedure outlines the process that should be followed when reporting a perceived wrongdoing, within the organisation, including a breach of the organisation's core values.

The reporting of a wrongdoing under this procedure may be covered by the law concerning protected disclosures of information. The procedure has therefore been written with reference to the Public Interest Disclosure Act 1998 (PIDA), which offers protection to those in both the private and public sectors, who 'blow the whistle', in certain circumstances.

It is important that this procedure is followed when raising any concerns, to ensure that the matter is dealt with correctly. Where a concern is properly raised under this procedure, the individual will be protected from any unfair or negative treatment. PIDA protection may also apply.

2 What is a relevant concern?

If an employee is asked to do something, or is aware of the actions of another, which they consider to be wrongdoing/a breach of the core values of the organisation, they can raise it using this procedure. The employee must have a reasonable belief that raising the concern is in the public interest¹.

Employees should not act in bad faith or raise malicious, vexatious or knowingly untrue concerns. Those who raise concerns with a reasonable belief that raising the concern is in the public interest, will be given protection under this procedure.

This procedure should not be used to raise concerns of a HR/personal nature, for example, complaints relating to a management decision or terms and conditions of employment. These matters should be dealt with using the relevant alternative procedure, for example, the organisation's grievance procedures. Equally, this policy would not apply to matters of individual conscience where there is no suggestion of wrongdoing by the organisation but an employee is, for example, required to act in a way which conflicts with a deeply held personal belief.

¹ 'Whistleblowing' is when a worker reports suspected wrongdoing at work. Officially this is called 'making a disclosure in the public interest'.

A worker can report things that aren't right, are illegal or if anyone at work is neglecting their duties, including:

someone's health and safety is in danger

damage to the environment

a criminal offence

the company is not obeying the law (like not having the right insurance)

covering up wrongdoing

More details can be found: [Whistleblowing - mygov.scot](https://www.gov.scot/topics/whistleblowing)

3 Raising a concern

If an employee experiences something in the workplace which they consider to be in conflict with the organisation's core values, and/or otherwise perceived to be wrongdoing, it is important that the concern is raised straight away. Proof is not required as this is the organisation's responsibility. The employee must, however, have a reasonable belief that disclosing the information is in the public interest.

It is important to follow the correct procedure when raising a whistleblowing concern. The following steps should be adhered to.

The concern should, in most instances, be raised with the employee's line manager or sent to the line manager/responsible person who will know how to handle the matter, or where to go if not.

There may be certain rare occasions however when this would be inappropriate because, for example, the concern:

- may implicate the manager in some way
- is about a senior manager within the line management chain or somewhere else in the organisation
- is particularly serious and needs to be dealt with as a matter of urgency.

If it is suspected that the concern may implicate the line manager in some way, then it should be raised with another line manager or somebody more senior in the line management chain. If unable to do this, the concern should be raised directly with the Chair of the Audit and Risk Committee.

If the concern relates to someone senior to the line manager or another senior person in the organisation, it will need to be raised at the appropriate level. If an employee feels uncomfortable doing this, it should be raised with the Community Justice Scotland Chief Executive.

If it is felt that the concern is particularly serious and urgent and an employee is worried that approaching their line manager in the first instance may delay the resolution, for example in the case of National Security, then the concern should be raised immediately with a Senior Manager, Human Resources, or the Sponsor Team.

Where a concern has already been raised within the line management chain, but the employee feels that the concern has not been adequately addressed, they can raise the concern with a senior manager or the Community Justice Scotland Chief Executive.

If confident that the concern is extremely serious and urgent and it cannot be raised with the line manager, another line manager, senior manager, or Human Resources, then it can be raised with the Chief Executive, sponsor team, or a board member. The concern should only be raised in this way if the individual has given serious consideration to all other internal options. The employee may be asked to explain why they did not raise the concern with their manager.

If unable to raise the concern with the Chief Executive, it may be necessary to raise a concern with the Chair of the Audit and Risk Committee or a member of the Sponsor team.

4 External disclosures

It is important that concerns are raised internally and at the earliest time possible. This will allow the organisation the opportunity to address and resolve any concerns quickly and by the most appropriate means. The organisation is confident that there are sufficient internal avenues available to deal with any concerns raised.

Raising a concern outside the prescribed routes listed in this procedure, for example, with the media, campaign groups, on social media or with political parties, is protected by PIDA only in very limited circumstances and could, if it amounts to an unauthorised disclosure, result in disciplinary action. It may also breach the Official Secrets Act. Please note that this list is not exhaustive.

5 Information needed to raise a concern

When raising a concern the employee should try to provide the following information:

- the background and reason behind the concern
- whether they have already raised the concern with anyone and the response
- any relevant dates.

This information should demonstrate that there are reasonable grounds for the concern to be acted upon. It is important that matters are not investigated by employees themselves. Remember, proof is not needed, just a reasonable, honest belief that wrongdoing has or is likely to occur.

If applicable, personal interests should be stated from the outset.

The organisation appreciates that this might be a difficult time for employees, who may feel uncertain about how to progress a concern.

6 How the concern will be handled

All investigations will be conducted sensitively and as quickly as possible. While the organisation cannot guarantee that the outcome will be as the individual may wish, it will handle the matter fairly and in accordance with this whistleblowing procedure.

Once a concern has been raised with the line manager or other person as appropriate, a meeting may be arranged with them to determine how the concern should be taken forward. This may involve an internal inquiry or a formal investigation. The organisation should establish who will be dealing with the matter, for example, NDPB senior manager or Health and Safety Officer and a written confirmation will be sent to the employee, if it has been requested. The organisation will aim to provide this within five working days however this may not be possible depending on the nature of the concern.

If a meeting is arranged, the employee may wish to be accompanied by a trade union representative or a colleague who is not involved in the area of work to which the concern relates. The meeting can be conducted over the telephone rather than face to face.

The organisation will aim to update the employee on the progress of the concern within 28 days where possible. However, in the event of a formal investigation or the involvement of police/security, it may not be possible or appropriate to provide full details.

The organisation will confirm when the matter is concluded and, if appropriate, the outcome of the investigation maintaining security and confidentiality for all parties as far as possible. Throughout any investigation, the employee will still be expected to continue their duties/role as normal unless deemed inappropriate.

7 Confidentiality and anonymity

The best way to raise a concern is to do so openly as this makes it easier for the organisation to investigate and provide feedback.

Any disclosures made under this procedure will be treated in a sensitive manner, however the organisation recognises that employees may want to raise a concern in confidence i.e. they may want to raise a concern on the basis that their name it is not revealed without their consent.

The organisation will respect any request for confidentiality as far as possible, restricting it to a 'need to know basis'. However, if the situation arises where it is not possible to resolve the concern without revealing the employee's identity, (for example in matters of criminal law) the organisation will advise the employee before proceeding. The same degree of confidentiality should be afforded to the employee(s) at the centre of the concern, as far as appropriate.

Employees may choose to raise concerns anonymously, i.e. without providing their name at all. If this is the case, the investigation itself may serve to reveal the source of information. Employees are therefore encouraged, where possible to put their names to concerns raised. However, raising a concern anonymously is preferred to silence about potential serious wrongdoing.

When anonymous concerns are raised they will be treated as credible, unless they are obviously a hoax, and investigated so far as possible. Where concerns cannot be validated, Human Resources must be informed for future reference.

8 Protection

If a concern is raised in the public interest and the procedure is followed correctly, the employee will be protected from victimisation or dismissal. Where an employee has been victimised for raising a concern, the department concerned will take appropriate action against those responsible, in line with the department's disciplinary policy and procedures.

9 Annex A - Process Overview

Employee has a concern about a perceived wrongdoing.

Step 1

If you have a concern about a perceived wrongdoing you should raise it within the Organisation, go to Step 2.

However, if you have a concern about your line manager, go to step 3.

If there is a good reason for not raising a concern with the line manager or senior manager in the management chain, go to step 4.

If you have a particularly serious and urgent concern which needs addressing immediately and cannot be raised via the management chain or Human Resources, go to Step 7.

Step 2

Concerns should be raised with your Line Manager. Then go to Step 5.

Step 3

If your concern is regarding your line manager you should refer your concern to another line manager or a senior manager in the line management chain, go to Step 5.

Step 4

If you have a particularly serious and urgent concern, which cannot be raised via the management chain or Nominated Officer, go to Step 7.

Step 5

If you were unable to raise your concern with the appropriate manager or have not received an adequate response, go to Step 6.

If you have raised your concern with the appropriate manager and received an adequate response this concludes the process.

Step 6

Take your concerns to Human Resources or Senior Manager.

If you were unable to raise your concern with Human Resources or a Senior Manager or no adequate response was received, go to Step 7.

If you have raised your concern with the appropriate manager and received an adequate response this concludes the process.

Step 7

Raise the matter with the Chief Executive or with the Chair of the Audit and Risk Committee.

Step 8

In the event that internal processes for raising a concern has not been satisfactory then external avenues are available. If you decide to blow the whistle to a prescribed person rather than your employer, you must make sure that you have chosen the correct person or body for your issue. A list of prescribed persons are available in Annex B, or via Gov.uk website.

This concludes the process.

10 Annex B –Contact Details

As laid out in the process, below is email contact details for those listed:

CJS Chief Executive Karyn.McCluskey@communityjustice.scot
Chair Audit and Risk Alec.Spencer@communityjustice.scot
SG Sponsor Team Stephen.Harper@gov.scot
Board Safeguarding champion LindaDeCaestecker@communityjusticeboard.com

External avenues for reporting:

The Auditor General for Scotland

Contact them about the proper conduct of public business in Scotland, including value for money, fraud and corruption in relation to the provision of public services.

The Auditor General for Scotland
102 West Port
Edinburgh
EH3 9DN
Tel: 0131 625 1500
Email: correspondence@audit-scotland.gov.uk
Website: www.audit-scotland.gov.uk/contact-us/whistleblowing

Audit Scotland

Contact them about the proper conduct of public business in Scotland, including value for money, fraud and corruption in public bodies.

Audit Scotland
102 West Port
Edinburgh
EH3 9DN
Tel: 0131 625 1500
Email: correspondence@audit-scotland.gov.uk
Website: www.audit-scotland.gov.uk/contact-us/whistleblowing

Commissioner for Ethical Standards in Public Life in Scotland

Contact them where you think a local authority councillor or a board member of a devolved public body in Scotland has acted in a way that breaches the applicable code of conduct.

Commissioner for Ethical Standards in Public Life in Scotland
Thistle House
91 Haymarket Terrace
Edinburgh
EH12 5HE
Tel: 0300 011 0550
Email: info@ethicalstandards.org.uk

The Lord Advocate, Scotland

Contact them about serious or complex fraud in Scotland.

Procurator Fiscal Specialist Casework

Crown Office

25 Chambers Street

Edinburgh

EH1 1LA

Tel: 0300 020 3519

Email: PA_PFSpecialistCasework@copfs.gov.uk

Website: www.copfs.gov.uk

First published March 2018

Reviewed 2021

Reviewed 2023

Community Justice Scotland

R1 Spur, Saughton House,

Broomhouse Drive,

Edinburgh EH11 3XD

T: 0300 244 8420

www.communityjustice.scot
