

The Highland & Western Isles Valuation Joint Board

Whistleblowing Policy & Procedure

Introduction

The Board is committed to openness, probity and accountability. Employees have mutual responsibilities of fidelity, support, confidence and trust and are often the first to realise there may be something seriously wrong within the Board. Those with serious concerns about any aspects of the Board's work are expected to raise those concerns.

Those covered by the policy are employees and those who work closely for the Board, such as agency staff and key contractors (thereinafter referred to as workers). It covers any concerns of employees/workers as to malpractice or wrongdoing.

A concern of malpractice or wrongdoing may be if:

- a criminal offence has been committed, is being committed or is likely to be committed; and which may involve reference to the Police
- there has been a failure or likely to be a failure to comply with any legal obligation
- a miscarriage of justice has occurred or is likely
- health or safety of any individual has been or is likely to be endangered
- the environment is being or is likely to be damaged
- information on the above is being or is likely to be deliberately concealed

Examples of Malpractice or Wrongdoing would include:

- Fraud
- Breach of the Board's Standing Orders, Financial or Contract Regulations
- Corruption or dishonesty
- Offering/promising/giving of a bribe or agreeing to/receiving/accepting a bribe in contravention of the Bribery Act 2010
- Acting contrary to the Board's Code of Conduct for Employees
- Criminal activities
- Creating or ignoring risks to health, safety or the environment

Note: *the above list of examples is not exclusive.*

This policy does not preclude disclosures to prescribed regulators or bodies or persons for example Health & Safety Executive and the Scottish Environment Protection Agency or the Scottish Public Services Ombudsman in appropriate cases.

Aims

This policy aims to:

- provide ways for employees/workers to raise concerns and receive feedback
- inform employees/workers on how to take the matter further if they are dissatisfied with the response; and
- reassure employees/workers that they will be protected from detrimental treatment for "whistleblowing" in good faith and in the public interest

Principles

The Assessor has overall responsibility for the maintenance and operation of this policy and will maintain a record of concerns raised and the outcomes (in a form which does not endanger confidentiality) and report as necessary to the Board.

Employees/workers are not expected to prove the truth of an allegation, but will need to demonstrate there are sufficient grounds for concern i.e. they have an honest and reliable suspicion or belief that the malpractice or wrongdoing has happened, is happening, or is likely happen.

If any meeting is arranged to seek further information from the individual, they have the right to be accompanied by a trade union or professional association representative or a colleague.

The Board accepts that employees/workers need to be assured that the matter has been properly addressed. Subject to legal constraints, they will receive information about the outcomes of any investigations.

Protection and Safeguards

Detrimental Treatment

The Board will not tolerate harassment or victimisation by employees or workers under its' control and will take action to protect those who raise a concern in good faith and in the public interest; either during its investigation; and/or subsequent to investigation.

Deterring or victimising employees for raising concerns amount to serious misconduct and may lead to disciplinary action.

Confidentiality

The Board will strive to protect an individual's identity when he/she raises a concern and does not wish their name to be disclosed. However, the source of the information may be revealed during the investigation process and the individual may be required to produce a statement as part of the evidence.

Employee/worker confidentiality may be compromised in matters of civil or criminal law.

Anonymous Allegations

The policy encourages employees/workers to put their names to allegations. Follow up of concerns raised anonymously is at the discretion of the Board. In exercising discretion the factors to be considered include:

- the severity of the issue
- whether the allegation/concern is worthy of belief
- the likelihood of confirming the allegation from attributable sources.

Anonymous disclosures are preferred to silence in matters relating to allegations of serious wrongdoing.

Unconfirmed or Untrue Allegations

If employees/workers make an allegation in good faith and in the public interest, but it's not confirmed by the investigation, the matter will end there.

Individuals found to have made malicious or vexatious allegations may be subject to disciplinary action.

Procedure

The whistleblowing procedure is expected to be used for more serious and sensitive issues or exceptionally serious issues such as those mentioned above. Where these issues arise, the procedure at Appendix 1 should be used.

Any concern should be raised in writing with a form available at Appendix 2.

There are other procedures for complaints that members of the public and employees might have about the Board which include:

- the Complaints Procedure which is available to employees as members of the public, if in that capacity, they have a complaint about service delivery
- the Harassment Policy if an employee considers that they or someone else is being harassed
- the Grievance Procedure for general work or contractual issues

Concerns should always be raised within the Board in the first instance. Employees/workers can seek advice from independent sources e.g. Public Concern at Work, External Audit and/or other regulatory bodies prior to raising their concern.

However, if the individual feels it is right to take the matter outside this process, they have the right to raise a relevant concern with one of the prescribed persons listed in the Public Interest Disclosure (Prescribed Persons) Order 2014 including:

- the Board's External Auditor
- relevant professional bodies or regulatory organisations
- Health & Safety Executive
- the Police
- Audit Scotland
- Commissioner for Local Government Administration (The Ombudsman)

Disclosures in other cases may be protected if made in good faith and in the public interest with reasonable belief in its truth, not made for personal gain, and if the worker believed he/she would be subject to detriment for disclosure or believed that the evidence would be destroyed or he/she had made a disclosure of substantially the same information to the employer or prescribed person.

Employees/workers taking their matter outside of the Board must ensure that in making the disclosure they don't commit an offence under law. The Secretary of State may prescribe bodies or persons to receive disclosures of malpractice or wrongdoing.

Such disclosures will be protected provided it is made in good faith and in the public interest; the individual reasonably believes that the information disclosed and any allegations contained therein is substantially true; and the relevant "failure" falls as a matter for which the person or body has been prescribed.

Exceptionally serious malpractice may mean bypassing other means of disclosure if it is reasonable to make the disclosure, in good faith and in the public interest, for no personal gain, in belief the allegations are substantially true.

Legislation

The development and application of this policy and appended procedures is guided by:

- The Public Interest Disclosure Act 1998
- Employment Rights Act 1996

The policy does not remove any rights or protection provided by the Acts.

The Board's Whistleblowing Procedure

How to Raise a Concern

For minor issues employees/workers should raise concerns with their line manager, or failing whom, another senior manager.

Where the issue is more serious or sensitive (e.g. corruption, fraud, bribery, unlawful acts) the following "whistleblowing" procedure will be used.

The first step will be to approach the Assessor (unless he/she is the subject of the concern, in which case the Clerk to the Board should be informed).

Such officers will have regard to the requirements of the Board's Financial Regulations on the reporting of irregularities.

Whenever any matter arises that involves, or is thought to involve irregularities concerning finance, assets or property in the exercise of the function of the Board, the Assessor will immediately notify Internal Audit.

The earlier concerns are expressed, the easier it is to take action. Employees/workers are encouraged to raise concerns in writing. The Whistleblowing form can be used and should detail the background to any concern and provide names, dates and places and the reason why the individual is concerned about the situation. Telephone calls or meetings with the Assessor can also be used.

Employees/workers may allow his/her trade union representative or another person to raise a concern on their behalf, again preferably in writing.

Dealing with a Concern

The action taken by the Board depends on the nature of the concern. There are a range of actions, including:

- Investigating internally
- Referral to Internal Audit
- Referral to the Police
- Referral to External Auditor
- Form the subject of an Independent Enquiry

Not all concerns will require investigation as some may be resolved by agreed action or may fall within the scope of other, existing procedures (child protection, discrimination or harassment) and thus be referred for consideration under those procedures.

The Board will write to the employee/worker (at his/her home address) within 10 working days of receiving their concern:

- acknowledging receipt of the concern;
- indicating how it proposed to deal with the concern;
- providing an estimate of the timescale for receiving a final response;
- expressing whether any initial enquires have been made; and
- whether further investigations will be made, and if not, why not.

Contact between the body or person considering the issues and the employee/worker raising the concern is dependent on the nature of the issue, potential difficulties involved and the clarity of the information. If further information is sought by way of a meeting, the individual has the right to be accompanied by a trade union or professional association representative or colleague.

Subject to legal constraints, employees/workers will receive information about the outcomes of any investigations.

The Highland & Western Isles Valuation Joint Board Whistleblowing Form

Strictly Confidential

Use the tab key in order to move between fields. The form may then be saved and printed or emailed.

Name		Date of Complaint:	
Do you wish your name to remain confidential as far as possible?	YES/NO		
Initial Contact Details			
1. Please contact me at home in writing only.			
Home Address			
OR			
2. Please contact me by telephone only. The usual hours when I can be contacted on this number are:			
Telephone Number:			
Hours Available:			
Details of Concern:			
<p>Put in here a summary of your concern. You should say what your concern is; whom is involved; why you are concerned; when did the concern arise; if there are other people who can verify your concern. Continue on a separate page if you wish.</p>			

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Signature:	(Date)
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You send this form to the Assessor, unless s/he is the subject of complaint, when it should be passed to the Clerk to the Board.

You will be contacted by a senior member of staff, who will confirm the process to be followed and agree how you are to be contacted in future. Whilst we shall try to keep your name as confidential as possible, please be aware that it may well be necessary to reveal it as part of the investigatory process.

Signature of Recipient of Concern:	(Date)
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Summary of Immediate Action Taken By Recipient:	