

<b>Committee</b>	HR&R		
<b>Agenda Item</b>	14		
<b>Date paper prepared</b>	06/03/2023	<b>Date of committee meeting</b>	15/03/2023
<b>Subject</b>	Whistleblowing Policy		
<b>Author</b>	Jane Lewis, Principal		
<b>Action requested</b>	For review and approval		
<b>Purpose of the paper</b>	To present new Whistleblowing policy for approval		
<b>Brief summary of the paper</b>	Presentation of Whistleblowing policy for approval		
<b>Consultation</b>	SMT, LNCC, SMG including discussion on implementation		
<b>Resource implications</b>	N/A		
<b>Risk implications</b>	It is a requirement for the college to have such a policy and so the introduction of this is essential		

<p><b>Link with strategy</b></p>	<p>N/A</p>
<p><a href="#">Equality, Diversity and Inclusion</a></p>	<p>N/A</p>
<p><b>Island Community Impact</b></p>	<p>N/A</p>
<p><b>Paper status</b></p>	<p><input checked="" type="checkbox"/> <b>Open</b> – The paper may be circulated to non-members of the committee and published online without restriction.</p> <p><input type="checkbox"/> <b>Restricted</b> – The paper must not be circulated to non-members or published online until after the committee meeting.</p> <p><input type="checkbox"/> <b>Confidential</b> - The paper must not be circulated beyond the committee members and should not be published online. [Please note papers may still be subject to Freedom of Information requests – see below].</p>
<p><a href="#">Freedom of information</a></p>	<p>Open</p> <p>If closed/ withheld, select date this will become ‘open’: Enter a date.</p>

## Whistleblowing Policy and Procedure

### 1. Purpose

- 1.1 The purpose of this policy is to define what whistleblowing means, when it applies, and the process of making a qualifying disclosure as defined by The Public Interest Disclosure Act 1998.
- 1.2 This policy allows Shetland UHI to act consistently and fairly in relation to how cases of whistleblowing are managed within the organisation.
- 1.3 Shetland UHI is committed to treating all disclosures consistently and fairly.
- 1.4 Shetland UHI will take all reasonable steps to maintain the confidentiality of the whistleblower where it is requested (unless required by law to break that confidentiality).
- 1.5 This policy and procedure will be reviewed, in consultation with our recognised Trade Unions, to ensure compliance and best practice.

### 2. Scope

- 2.1 This policy applies to all employees, individuals, casual workers, agency workers and contractors.

### 3. Definition

- 3.1 Whistleblowing is when an individual knows, or suspects, that there is some wrongdoing occurring within the organisation and alerts the employer or the relevant authority accordingly.
- 3.2 The Public Interest Disclosure Act 1998 gives protection to individuals, casual workers, agency workers and contractors who make a qualifying disclosure when they reasonably believe it is in the public interest for them to do so.
- 3.3 To be covered by whistleblowing law, a worker who makes a disclosure must reasonably believe two things.
- 3.4 The first is that they are acting in the public interest. This means in particular that personal grievances and complaints are not usually covered by whistleblowing law.
- 3.5 The second thing that a worker must reasonably believe is that the disclosure tends to show past, present or likely future wrongdoing falling into one or more of the following categories:

- 3.5.1 criminal offences (this may include, for example, types of financial impropriety such as fraud)
  - 3.5.2 failure to comply with an obligation set out in law
  - 3.5.3 miscarriages of justice
  - 3.5.4 endangering of someone's health and safety
  - 3.5.5 damage to the environment
  - 3.5.6 covering up wrongdoing in the above categories
- 3.6 This following procedure sets out how Shetland UHI expects employees and workers to deal with public interest disclosure.

## 4. Procedure

### Actions to be taken by the individual

- 4.1 If an individual knows or suspects that some wrongdoing is occurring within Shetland UHI they should raise the matter immediately with their line manager. (or relevant reporting manager where the individual is a contractor or agency worker). Individuals are also able to raise the matter directly with their trade union representative.
- 4.2 Although this list is not exhaustive, examples of situations in which it might be appropriate for an individual to report a wrongdoing include:
- A breach, or potential breach, of health and safety legislation.
  - Financial irregularities.
  - Harassment of a colleague, customer or other individual.
  - The committing of a criminal offence.
  - An act of bribery.
  - Deliberate concealment of any of the above.

### Actions to be taken by the manager

- 4.3 Any line manager who is informed by an individual of potential wrongdoing will take immediate action to investigate the situation. In doing so, the manager will take every possible step to maintain the anonymity of the individual who has made the allegation of wrongdoing.
- 4.4 The individual who has raised the issue will be kept informed of any investigation that is taking place. The individual will also be informed of the outcome of the investigation. Where the individual has sought trade union representation, the trade union representative may also be informed of the outcome of the investigation.

- 4.5 Where the individual is an employee and meets with their line manager at any stage of the investigation, they are entitled to be accompanied by a trade union representative should they so wish.
- 4.6 It might not always be appropriate to tell the individual or trade union representative, where involved, the detail of any action that is taken, but the individual will be informed if action is taken.
- 4.7 Anonymous whistle blowers will not ordinarily be able to receive feedback. Any action taken to look into a disclosure could be limited. Anonymous whistle blowers may seek feedback through a telephone appointment or by using an anonymised email address.

## Alerting outside bodies to a potential wrongdoing

- 4.8 An individual should always, in the first instance, talk to their line manager about a potential wrongdoing, an employee may approach their trade union representative for support in so doing.
- 4.9 If the individual is not satisfied with the response, he or she is entitled to contact a relevant external body to express the concerns. In doing this the individual should have a reasonable belief that the allegation is based on correct facts, make the disclosure to a relevant body and have a reasonable belief it is in the public interest to make the disclosure.
- 4.10 A “relevant body” is likely to be a regulatory body (e.g. the Health and Safety Executive). The media is not a relevant external body. Individuals should not contact the media with allegations about the organisation, except in extraordinary circumstances where neither Shetland UHI nor the relevant regulatory body would be appropriate.

## Protection against detriment

- 4.11 Any individual who takes action under the Public Interest Disclosure Act 1998 will be protected from suffering any detriment in relation to the allegations that are made, including victimisation by Shetland UHI or by colleagues.
- 4.12 Victimisation of a whistle blower is not acceptable. Any instances of victimisation will be taken seriously and managed appropriately, and where proven, may result in disciplinary action being taken against the individual(s) concerned, up to and including dismissal.
- 4.13 If the individual does not reasonably follow the procedure set out, which encompasses the requirements of the Public Disclosure Act 1998, the protection against detriment may not apply.
- 4.14 Disclosing information in an inappropriate way (e.g. contacting the media) could result in disciplinary action being taken against the individual, in line with our organisational Staff Disciplinary Policy and Procedure, which could include action up to dismissal.

## 5. Responsibilities

- 5.1 Shetland UHI is responsible for ensuring that this policy is fully implemented throughout Shetland UHI and is responsible for reviewing and updating this policy.
- 5.2 All Managers and Team Leaders have a duty to ensure that this policy is communicated within their teams and ensure the provisions within this policy and procedure are implemented within their sphere of activities and responsibility.
- 5.3 All managers are responsible for ensuring they are aware of the requirements and rights covered within the Public Disclosure Act 1998 and will be supported to undertake any relevant or required training to achieve this.
- 5.4 All staff are responsible for adhering to this policy.

## 6. Relevant Legislation

- The Public Interest Disclosure Act 1998
- The Equality Act 2018
- Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998)

## 7. Linked Policies

- Equality, Diversity and Inclusion Policy
- Dignity at Work Policy
- Disciplinary Policy and Procedure

Reviewed		By	Approved
January 2023 February 2023		SMT	SMG LNCC HR&R