

## **WHISTLEBLOWING (CONFIDENTIAL DISCLOSURE OF INFORMATION) POLICY**

### **INTRODUCTION**

Tayside Contracts is committed to the highest possible standards of openness, probity and accountability.

As an employee you may be the first to realise that something seriously wrong is taking place within Tayside Contracts. If it is in the public interest, we encourage all employees, agency workers and contractors to disclose any aspect of Tayside Contracts' work that is causing them genuine concern without delay and without fear of reprisal or victimisation.

The Whistleblowing (Confidential Disclosure of Information) Policy outlines the procedures to follow if you wish to raise genuine concerns which you believe are contrary to the public interest which we will in turn investigate immediately and where appropriate take action.

### **QUALIFYING DISCLOSURES**

You are protected under the Public Interest Disclosure Act 1998 if you reasonably believe and it is in the public interest that one or more of the following matters is either happening, has taken place, or is likely to happen in the future:

- A criminal offence
- Breach of a legal obligation
- A miscarriage of justice
- A danger to the health and safety of any individual
- Damage to the environment
- A deliberate attempt to conceal any of the above

### **MAKING A DISCLOSURE**

We encourage you to raise any genuine concerns directly to Tayside Contracts either verbally or in writing to any one of the appropriate individuals detailed below:

1. Immediate Supervisor/Line Manager
2. Your Line Manager's Manager
3. Head of Unit/Division
4. HR Services
5. Managing Director
6. Clerk to Tayside Contracts' Joint Committee

Whether verbally or in writing, it is imperative that you state you are making a disclosure under the Whistleblowing (Confidential Disclosure of Information) Policy. You should state the nature of your concern, why you are concerned, provide background and history of your concern, stating names, relevant dates and locations where possible.

## **DISCLOSURE ACKNOWLEDGMENT**

All disclosures must be forwarded to the HR Manager who will ensure that the disclosure is recorded by HR Services on the Whistleblowing register. All disclosures will be acknowledged in writing (excluding anonymous disclosures) within 10 working days of receiving a disclosure.

## **INVESTIGATION**

All disclosures will be investigated promptly however the length of time it will take to investigate a disclosure will depend on the nature of the concern raised and who it involves.

Once the investigation is complete, the investigating officers undertaking the investigation will send a written report on all cases to the Managing Director. The report will also advise the relevant Head of Unit/Division on the outcome of the investigation, any action required to remedy any identified malpractice and whether further disciplinary investigations should be undertaken.

Irrespective of who you make the disclosure to, your disclosure will be treated in confidence, however your assistance may be required during the investigation. Although anonymous disclosures will be investigated the investigation is likely to be hindered and potentially less effective without the benefit of discussing the details of your disclosure with you further. If appropriate, you will be given feedback and advised of the outcome of the investigation.

## **PROTECTION**

Tayside Contracts will not tolerate victimisation of employees for disclosing a genuine concern under the Whistleblowing (Confidential Disclosure of Information) Policy.

Employees who victimise whistleblowers are personally liable for their actions and as an employer Tayside Contracts are then vicariously liable for employees' actions as well.

Any employee, agency worker, manager, contractor found to be victimising another worker for making a disclosure, or deterring an individual from reporting genuine concerns under this procedure, or subjecting an individual to detriment, such as denial of promotion or training, will be subject to disciplinary action.

Any employee, agency worker, manager, contractor found to be making a malicious or vexatious disclosure will also be subject to disciplinary action however it is important to note that if an investigation concludes that the disclosure was untrue it does not automatically mean that it was raised maliciously.

The Public Interest Disclosure Act 1998 does not give protection against disciplinary action if a disclosure is found to be malicious or vexatious, or where there are no reasonable grounds for believing that the information supplied was accurate.

## **OTHER INFORMATION**

Public Concern at Work is an independent Whistleblowing charity which offers free, confidential advice to people concerned about crime, danger or wrongdoing at work. Public Concern at Work promotes

individual responsibility, organisational accountability and the public interest. They can be contacted at [whistle@pcaw.org.uk](mailto:whistle@pcaw.org.uk) or 020 7404 6609.

## **RELATED POLICIES**

The Whistleblowing (Confidential Disclosure of Information) Policy links to the following policies which can be accessed on the Intranet, Tayside Contracts' website or requested from your line manager or from the HR Admin Team:

- Anti-Bribery and Anti-Corruption Policy
- Employee Code of Conduct
- Disciplinary Policy
- Grievance Policy
- Hospitality and Gifts Policy

The above list is not exhaustive.

## **POLICY REVIEW**

The Whistleblowing (Confidential Disclosure of Information) Policy will be reviewed at three yearly intervals, or as required by legislative changes.

## **GENERAL DATA PROTECTION REGULATION**

Tayside Contracts respects the privacy of our employees, any personal data processed during the application of this policy will be in line with Data Protection Legislation. Further information on how we may process personal data for the purpose of applying this policy can be found in our Privacy Notice.

**Should you have any queries or require further clarification regarding any aspects of this policy or related policies please contact, HR Services on 01382 812721 or [employment.policies@tayside-contracts.co.uk](mailto:employment.policies@tayside-contracts.co.uk)**

**If you would like this document translated into another language or in another format such as audio or large print then please contact Angie Thompson, Equalities and Communications Manager on 01382 834165 or [angie.thompson@tayside-contracts.co.uk](mailto:angie.thompson@tayside-contracts.co.uk)**