

Handling Whistleblowing: Practical Tips for Managers

What is Whistleblowing?

Whistleblowing is the common term used when an employee raises a concern about the way that its employer operates which could put colleagues, the public or the employer's reputation at risk. As a local authority this risk also extends to Councillors. For more information please see the Confidential Reporting (Whistleblowing) Policy.

What is the Manager's role?

Under the Council's Confidential Reporting (Whistleblowing) Policy, staff are encouraged to speak to their line manager in the first instance when they have a concern. You, therefore, have an important part to play in ensuring that the details of the concern are properly recorded in the first instance.

As a manager you can lead by example. Be clear to your staff what sort of behaviour is unacceptable and practise what you preach. Encourage staff to ask you what is appropriate if they are unsure, before – not after – the event. If you find wrongdoing or a potential risk of wrongdoing, take it seriously and deal with it immediately.

What support is available to me?

You must tell the Monitoring Officer about concerns reported to you as soon as is practicable and prior to any investigative work being carried out. Ordinarily, the Monitoring Officer will expect you to lead on investigating the matter and will not become involved unless s/he considers it necessary. You can speak to the Monitoring Officer at any time for assistance and support in dealing with a whistleblowing concern.

What is the difference between a grievance and a whistleblowing concern?

Generally speaking, a whistleblowing concern is about a risk, malpractice or wrongdoing that affects others. It could be something which adversely affects the public, other staff or the organisation itself. A grievance, on the other hand, is a personal complaint about an individual's own employment situation: for example, a staff member may feel aggrieved if they think a management decision has affected them unfairly or that they are not being treated properly. A whistleblowing concern is where an individual raises information as a witness whereas a grievance is where the individual is a complainant.

Open, confidential, anonymous?

Usually, the best way to raise a concern is to do so openly. Openness makes it easier for the organisation to assess the issue, work out how to investigate the matter, understand any motive and get more information. Under the Whistleblowing Policy, individuals are encouraged to openly raise concerns wherever possible. An individual raises a concern confidentially if he or she gives his or her name on the condition that it is not revealed without their consent. An individual raises a concern anonymously if he or she does not give his or her name at all. If this happens, it is for you to assess the anonymous information as best you can, to establish whether there is substance to the concern and whether it can be addressed. You may need the assistance of the Monitoring Officer to make this assessment. Clearly if no-one knows who provided the information, it is not possible to reassure or protect them.

What if the whistleblower has an ulterior motive?

There may be occasions when you are worried that someone has raised a concern with an ulterior motive or, more rarely, maliciously. The organisation cannot give the same assurances and safeguards included in the Policy to someone who is found to have *maliciously* raised a concern that they also *know to be untrue*. Such situations should be handled carefully. The starting point is to look at the concern and examine whether there is any substance to it. Every concern raised should be treated as made in good faith, unless it is subsequently found not to be. However, if you find that the individual has maliciously raised a concern that they know is untrue, disciplinary proceedings may be commenced against that individual. In such cases, it is important that you involve both the Monitoring Officer and Human Resources as soon as it appears to be the case that a concern was raised maliciously. You should not proceed without guidance.

Responding to a concern

- Thank the staff member for telling you, even if they may appear to be mistaken.
- Respect and heed legitimate staff concerns about their own position or career.
- Manage expectations and respect promises of confidentiality.
- Discuss reasonable timeframes for feedback with the member of staff.
- Remember there are different perspectives to every story.
- Speak to the Monitoring Officer before undertaking any investigation of the concern and keep them updated at all stages.
- If you are tasked with investigating the concern, determine whether there are grounds for concern and investigate if necessary as soon as possible. If on investigation the concern is potentially very serious or more wide-reaching than first anticipated, speak to the Monitoring Officer to agree who should handle the investigation.
- Know when to ask for help.
- Always remember that you may have to explain how you have handled the concern.
- Feedback any outcome and/or remedial action you propose to take to the whistleblower but be careful if this could infringe any rights or duties you may owe to other parties.
- Consider in conjunction with the Monitoring Officer whether to report to an appropriate Committee and/or an appropriate regulator the outcome of any genuine concern where malpractice or a serious safety risk was identified and addressed.
- Record-keeping – ensure you keep clear records of any investigation you carry out and at the end of the process, discuss with the Monitoring Officer what records should be retained.