

<b>Directorate</b>	Corporate Services
<b>Topic</b>	Whistleblowing and Raising a Concern – Procedure
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## Introduction

This procedure outlines the process that employees should follow when reporting a perceived wrongdoing within our organisation, including something they believe goes against the core values in the Civil Service Code (the Code) i.e. integrity, honesty, objectivity and impartiality. This procedure has been written in accordance with the process set out in the Code and in the Civil Service Management Code. Under the Code, civil servants have a right and a responsibility to speak up and report behaviour that contravenes the Code's 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. As set out in this procedure, civil servants can raise concerns through a number of internal routes and can also approach the independent Civil Service Commission directly. PIDA protection may also apply.

## 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 values of the Code or unlawful behaviour, they can raise it using this procedure. The employee must have a reasonable belief that raising the concern is in the public interest.

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 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 [Fairness At Work Policy and 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.

If unsure whether a concern should be raised using the Whistleblowing procedure, further advice is available in the [NRS Staff Whistleblowing and Raising a Concern FAQs](#). Line managers or Nominated Officers will also be able to assist.

## Raising a concern

If an employee experiences something in the workplace which they consider to be in conflict with the Code and/or 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 before raising a concern externally.

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 Nominated Officer 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
- It is important that the concern is raised with the person best placed to deal with the matter and with whom the employee feels most comfortable.

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 the employee is unable to do this, the concern should be raised directly with the Nominated Officer.

The nominated officer is Linda Sinclair – Director of Corporate Services and Accountable Officer and she is contactable by the following means:

- Telephone: 0131 535 1389 ext. 1389
- Mobile: 07946 706998
- Email: [linda.sinclair@nrscotland.gov.uk](mailto:linda.sinclair@nrscotland.gov.uk)  
(Please include 'Whistleblowing' in the email subject)
- Post: Linda Sinclair, National Records of Scotland, General Register House, Edinburgh, EH1 3YY

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, the concern should be raised with the Nominated Officer instead.

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 of the matter, then the concern should be raised immediately with a senior manager or the Nominated Officer.

Where a concern has already been raised within the line management chain, but the employee feels that it has not been adequately addressed, they can raise the concern with a senior manager or the Nominated Officer.

If it is believed that the concern is extremely serious and urgent and it cannot be raised with the line manager, another line manager, Nominated Officer, or a senior manager, then it can be raised with the Chief Executive Officer. The concern should only be raised in this way if the employee 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 or Nominated Officer.

If an employee has used this procedure to raise a concern within the organisation and does not receive what they consider to be a reasonable response, they may raise the concern with the Civil Service Commission.

The Civil Service Commission is an independent body who can hear and determine complaints relating to the Code. For example, if they have been required to act in a way that conflicts with the Code, or observes that another civil servant is acting, or has acted in a way that conflicts with the Code.

### **Taking concerns direct to the Civil Service Commission**

Employees can also raise a concern direct with the Civil Service Commission. Where appropriate, however, the Commission expects civil servants to have raised concerns within their own organisation first. If a concern is raised directly with the Commission, without it being raised within the organisation first, the Commission will ask why it is not appropriate to raise the matter internally first. The [FAQs for Civil Servants](#) provide details on how to contact the Commission. Further information on the Civil Service Commission can also be found on the Civil Service Commission Website: <http://civilservicecommission.independent.gov.uk/>

Employees may also contact Public Concern at Work, the whistleblowing charity. You may view further information on their work and how they can support you at [www.pcaw.org.uk](http://www.pcaw.org.uk)

Alternatively, employees may raise a concern with [Audit Scotland](#) or the [Auditor General for Scotland](#).

### **External disclosures**

It is important that concerns are raised internally, or with the Civil Service Commission, and at the earliest time possible. This will allow NRS the opportunity to address and resolve any concerns quickly and by the most appropriate means. NRS 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.

### **Information needed to raise a concern**

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

- The background and reason behind the concern
- Whether they have already raised a 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 must be declared 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. Support is available at all stages of the process and a contact list is included in the [NRS Staff Whistleblowing and Raising a Concern FAQs](#).

### **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 employee may wish, it will handle the matter fairly and in accordance with the Whistleblowing Procedure.

Once a concern has been raised with the line manager or Nominated Officer, 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, 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 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 or another authority, 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.

### **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. NRS recognises that the employee may want to raise a concern in confidence, i.e. they may want to raise a concern on the basis that their name is not revealed without their consent.

NRS 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), NRS will advise the employee before proceeding. The same considerations 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, NRS human resources must be informed for future reference by the Nominated Officer.

### **Protection**

If an employee follows the correct procedures when raising a concern they will not be penalised, as required by the Civil Service Code. If a concern is raised in the reasonable belief that it is in the public interest and procedures have been followed correctly, the employee raising the concern will be protected. Where an employee has been victimised for raising a concern, NRS will take appropriate action against those responsible, in line with NRS's disciplinary policy and procedures.