

## What to expect if you are involved in a whistleblowing investigation

We recognise that it can be difficult to make a whistleblowing disclosure or to be involved in a whistleblowing investigation.

Our aim is to be transparent and as clear as possible about the processes involved in whistleblowing and the support available to all the parties involved.

We would encourage all parties involved to read the Council's [Whistleblowing Policy](#) and the following information.

## Who can report a whistleblowing concern?

The [Whistleblowing Policy](#) applies to all workers within the meaning of the Public Interest Disclosure Act 1998 and the Employment Rights Act 1996, including employees and workers, persons contracted to personally provide services to the Council, persons undergoing training or work experience as part of a training course, and agency workers (referred to as "colleagues").

The [Whistleblowing Policy](#) also applies to elected members should they wish to raise a whistleblowing concern. If a disclosure is received about an elected member, it would ordinarily be passed to the Ethical Standards Commissioner to consider and investigate as appropriate.

If a concern or circumstances do not fall under the scope of the [Whistleblowing Policy](#) (e.g. *a whistleblower is a member of the public or a disclosure is about a service provided by another organisation separate to the Council*) then we would still encourage reporting concern(s), but this should be through the most appropriate alternative channel.

Mechanisms for raising other concerns include the [Council's Complaints Process](#), the [Fraud Reporting Portal](#) on the Council's website, direct reports to Internal Audit via email on [InternalAudit@edinburgh.gov.uk](mailto:InternalAudit@edinburgh.gov.uk) and direct reports to [Human Resources](#).

## What types of concern fall under the whistleblowing policy?

The following types of concern are covered by whistleblowing legislation:

- criminal activity
- a failure to comply with any legal obligation
- miscarriages of justice
- danger to health and safety
- damage to the environment, and
- deliberate concealment of any of the above matters.

This is not an exhaustive list and the Council's [Whistleblowing Policy](#) encourages anyone with serious concerns of wrongdoing or danger to come forward and voice those concerns. Concerns can be raised in relation to matters that have taken place, continue to take place or are likely to take place in the future.

## What types of concern do not fall under the whistleblowing policy?

The [Whistleblowing Policy](#) should not be used to report:

- an immediate threat to life or property: use the specific Council or local emergency procedures instead
- any grievance or personal employment issue that may be in relation to conditions of employment or treatment in the workplace which should be raised in line with the Council's [Grievance Policy](#). The [Grievance Policy](#) is available on the [Policy Register](#) accessed via the Council's public website
- personal or legal disputes
- accusations which are known to be false, as doing so may lead to disciplinary measures
- specific health and safety accidents and incidents which should be reported via the Council's health and safety incident reporting channels either [via the Orb](#) or externally on the [Council's public website](#).

How can a whistleblowing disclosure be made and where will it be recorded?

A whistleblowing disclosure can be made via one of the five following routes:

1. **In person or in writing/email to a Manager** - We hope that in many cases whistleblowers will feel able to raise any concerns directly with their line manager (or another manager within the Council) or, where appropriate, with HR. They may be able to agree a way of resolving concerns quickly and effectively.
2. **In writing/email to the Whistleblowing Team** - Whistleblowers can raise concerns with the Whistleblowing Team in the Council by emailing [whistleblowing@edinburgh.gov.uk](mailto:whistleblowing@edinburgh.gov.uk).
3. **Telephone Safecall** – Whistleblowers can raise concerns by telephoning the external whistleblowing hotline provider, Safecall, 24/7, 365 days a year. Safecall are a separate and independent organisation and can be contacted on **0800 587 8770**.
4. **Email Safecall** – Whistleblowers can raise concerns by emailing Safecall at [cec@safecall.co.uk](mailto:cec@safecall.co.uk).
5. **Safecall's online portal** – Whistleblowers can raise concerns by completing Safecall's online form at [www.safecall.co.uk/city-of-edinburgh-council](http://www.safecall.co.uk/city-of-edinburgh-council).

Whichever route is chosen, where a matter is to be considered under the policy, all disclosures will be logged on the Safecall portal.

Once a disclosure is logged on the portal and where possible, the whistleblower will be provided with login details to access their case so they can regularly check for updates and messages. Whistleblowers can submit questions and messages via the portal too. If a whistleblower reported a concern to the Council anonymously then we may not be able to make contact to provide login details.

Can a whistleblowing concern be reported anonymously?

When making a disclosure there are different ways that whistleblowers can provide information:

1. Whistleblowers can speak with us on an **open basis**. This means that they are happy for anything they tell us to be attributed to them as a named individual. This does not mean that their identity is shared widely, it is on a need to know basis, so will usually only be known by

Safecall, the Monitoring Officer, the Whistleblowing Team, the Investigating Officer and the Executive Director for the service who is notified that a disclosure has been received.

2. Whistleblowers can disclose their identity to Safecall but request their name and any identifying details be withheld from the Council – this is called **semi anonymous**; or
3. Whistleblowers can disclose on a **fully anonymous** basis, where no-one knows their details. If whistleblowers choose to be fully anonymous then this can sometimes make it more difficult to make contact to request further information if needed to aid the investigation, or to provide them with updates on their case.

If a concern is disclosed directly to Safecall (rather than internally via the Council) then whistleblowers will be provided with login details for Safecall's portal and will be able to access updates on their case directly.

If we are able to contact a whistleblower via the Safecall portal, then we can request further information if needed to enable an investigation. If a whistleblower makes a disclosure anonymously to the Council (and not to Safecall), for example by anonymous letter, then we will not be able to make contact to request further information or provide updates.

If a whistleblower proceeds anonymously then it is important to be aware that this may limit what we can do to respond to concern(s) as we may not have enough information to conduct a full investigation.

Whistleblowers should be aware that there are also some potential limitations on anonymity, for example a court could order disclosure of information or disclosed information may inadvertently reveal identity and it may not be possible to anonymise fully during an investigation.

If a disclosure raises a concern of criminality or a public safety concern, we may need to report the matter to the relevant authorities.

### What happens after a whistleblowing disclosure is made?

On receipt of a disclosure, Safecall's Operations Director carries out an initial assessment and recommends a course of action for the investigation. The Council's Monitoring Officer and Whistleblowing Team (part of the Council's Governance Team) will then review the disclosure and Safecall's recommendation and the investigation approach is agreed. The typical courses of action that will follow are:

1. **Early resolution facilitated discussion** – where appropriate and where the whistleblower has indicated that they would be open to this approach they may be contacted to explore if there is potential for the concerns raised to be resolved through facilitated dialogue between parties.
2. **Internal investigation** – Conducted by an Investigating Officer in the Council, usually from the specialist Investigations Team though on occasion Safecall may recommend that a subject matter expert might be better placed to investigate, e.g. Health & Safety.
3. **External investigation** – Conducted by an external investigator (outwith the Council) where a disclosure is considered to be particularly complex or significant. This may be Safecall, an external law firm or referral on to an external organisation, e.g. the Police, Care Inspectorate, etc.

The process by which Safecall, in partnership with the Whistleblowing Team and Investigations Team, assesses whether a disclosure is a whistleblowing matter or a matter that should be dealt with under another Council process (e.g. [Grievance Policy](#)) is called triage.

Whistleblowers will be informed if a disclosure does not properly fall under the scope of the [Whistleblowing Policy](#). Wherever possible an appropriate route to report a concern will be provided, e.g. to the [Council's Complaints Process](#), the [Fraud Reporting Portal](#) on the Council's website, to Internal Audit by email on [InternalAudit@edinburgh.gov.uk](mailto:InternalAudit@edinburgh.gov.uk), to [Health and Safety](#) or to [Human Resources](#).

For disclosures that do fall within the scope of the [Whistleblowing Policy](#), a Case Officer and an Investigation Officer will be assigned to the case.

### **Case Officer (CO)**

The Case Officer will be a member of the Whistleblowing Team (in the Council's Governance Team) and will liaise with whistleblowers, the Investigation Officer and Safecall until the case has concluded.

The Case Officer will ensure that the investigation report findings and any recommendations are signed off by the Council's Monitoring Officer and Safecall before further scrutiny by the Governance, Risk and Best Value Committee (GRBV).

The Case Officer will also monitor the implementation of any management actions or recommendations that may have resulted from the investigation.

### **Investigation Officer (IO)**

The IO will undertake a fact-finding investigation into the concerns raised. That investigation will be dependent on the level of information provided. In the interests of a thorough investigation it is important that whistleblowers provide as much detail as possible – names, dates, places, named witnesses etc.

If investigated internally the IO will aim to complete the investigation phase within 3-6 months of being assigned the case. If investigated externally then the investigation phase may take longer than 6 months. Please also be aware that the sign-off and reporting phase of the process (to the Governance, Risk & Best Value Committee (GRBV)) means that it will take longer to finalise the case overall.

The timescales provided are indicative and not guaranteed. Some disclosures are very complex and may take considerably longer to investigate thoroughly, particularly where, for example, witnesses are not available due to sickness or other absence. Insofar as practicable, you will be kept up to date with progress. All efforts will be made to ensure that the case is concluded as quickly as possible.

Whistleblowers may also be contacted (via any contact details provided or via the Safecall portal) to request clarification on some of the information provided, to provide additional detail/context or to meet with the IO to provide a witness statement.

### **What if I am to be interviewed as part of a whistleblowing investigation?**

You may be asked to attend whistleblowing interviews to provide further information. In this case you will be given advice about the procedure and we would encourage you to read the

[Whistleblowing Policy](#) so you are clear on what to expect. You can also ask the Investigation Officer questions if you need clarity on the process.

You may be accompanied by a trade union representative or colleague at any interviews as long as they have no involvement in the whistleblowing matter or related matters, or their involvement would represent a conflict of interest.

During an investigation those investigating the disclosure may need to interview individuals identified as potential witnesses. This might include the Whistleblower, Council colleagues, service users, contractors or partners.

All individuals called upon to participate as a witness in an investigation are required to co-operate fully with an IO, irrespective of whether that is the Service Provider, the Investigation Team, a Council manager, the Monitoring Officer (and/or their team), Internal Audit or an external body e.g. a regulatory body, external audit, Police Scotland.

If an IO requires to meet with a colleague for interview (either in person or virtually), the employee will be given reasonable notice and a mutually convenient time and location agreed, taking into consideration any trade union representation availability.

Witnesses and anyone who supports a witness during an interview must observe the confidentiality requirements of this policy and not divulge or discuss any information relating to the investigation with anyone other than each other. The Council has a duty to protect colleagues who are involved in the whistleblowing process so compliance with confidentiality requirements is essential.

How can whistleblowers and other involved parties be assured that a disclosure will be properly investigated?

Where a fact-finding investigation is conducted by an Investigation Officer from the Council, Safecall will oversee the investigation and/or the outcome and check that it has been thorough and, where possible, addressed all of the concerns raised in the disclosure. If investigated externally (e.g. by an external law firm) then the investigation will be independently conducted and again checked by Safecall.

If a whistleblower has any concerns about independence or fairness they can [raise these with Safecall directly via the portal](#) or telephone on **0800 58 78 770**, or email [cec@safecall.co.uk](mailto:cec@safecall.co.uk).

All investigation findings and outcomes (including any recommendations for management action) are reported to the Monitoring Officer and then to GRBV Committee for scrutiny and closure. If GRBV are not satisfied they can postpone case closure, request that more investigative work be undertaken, that service management attend committee to answer their questions and/or add management actions of their own.

What should whistleblowers do if they experience detrimental treatment as a result of making a disclosure?

The Council is determined to protect whistleblowers from detriment. Detriment is negative treatment that a whistleblower experiences **as a result of making a disclosure**. Examples of this might be denying training opportunities, bullying or aggressive behaviour, demotion etc.

It is vital for a healthy culture that colleagues feel comfortable about raising concerns and for those concerns to be listened to and responded to.

If a whistleblower feels they have suffered detriment as a result of making a disclosure it is recommended that this is reported immediately to the Monitoring Officer or Safecall by emailing the Whistleblowing Team at [whistleblowing@edinburgh.gov.uk](mailto:whistleblowing@edinburgh.gov.uk) or Safecall at [cec@safecall.co.uk](mailto:cec@safecall.co.uk) or by calling Safecall on **0800 587 8770**.

#### Will whistleblowers be informed about the outcome of their case?

Wherever possible the Case Officer will provide feedback on the outcome of the case. Feedback will usually be provided via the Safecall portal and will likely be concise.

**Please note** – the feedback that Case Officers provide may be limited by the Council’s obligations relating to the sharing of confidential or personal information. This means that the feedback provided may be limited to confirmation that the investigation has concluded, that the outcome has been scrutinised by GRBV and that the IO’s recommendations will now be implemented by the Council. We recognise that this can be frustrating for the whistleblower, who may feel that they need or wish to know more or that receiving a brief update means there hasn’t been a proper investigation or that the Council is ‘covering up’ the disclosed concerns.

We hope that whistleblowers can be assured by the oversight and involvement of Safecall (as an entirely independent external organisation) and the scrutiny of Elected Members (on GRBV), that matters have been properly investigated and any recommended actions will be taken.

It should be noted that where matters are raised through a more appropriate channel (eg. via one of the HR policies) it is more likely that more detail on the outcome will be able to be shared as those processes are usually more personal to the parties involved.

#### Will other parties interviewed during a whistleblowing investigation be informed about the outcome of the case?

Wherever possible and where requested, brief feedback on the outcome of a case will be provided to other parties involved in a whistleblowing investigation. Feedback will only be provided on request, not as a matter of course, and via contact details provided to the IO for this purpose.

**Please note** – the feedback that is provided may be limited by the Council’s obligations relating to the sharing of confidential or personal information. This means that the feedback provided may be limited to confirmation that the investigation has concluded, that the outcome has been scrutinised by GRBV and that the IO’s recommendations will now be implemented by the Council. We recognise that this can be frustrating for other parties involved, who may feel that they need or wish to know more or that receiving a brief update means there hasn’t been a proper investigation or that the Council is ‘covering up’ the disclosed concerns or outcomes.

We hope that other parties involved can be assured by the oversight and involvement of Safecall (as an entirely independent external organisation) and the scrutiny of Elected Members (on GRBV), that matters have been properly investigated and any recommended actions will be taken.

It should be noted that where matters are raised through a more appropriate channel (eg. via one of the HR policies) it is more likely that more detail on the outcome will be able to be shared as those processes are usually more personal to the parties involved.

### What support is available to those involved in a whistleblowing case?

If whistleblowers or others involved in a whistleblowing investigation are finding things difficult there is help available. Some examples of the supports that might be helpful are detailed below:

[Employee wellbeing pages](#) are available on the Orb

PAM assist, the Council's employee assistance programme can be contacted by telephone (**0800 882 4102**), or [on their website](#) using the following login details: **Username: CEC and Password: CEC1**

The Council's new free mental health support service provided by Able Futures can be contacted by telephone (**0800 321 3137**) or [on their website](#).

To discuss any practical arrangements that might be needed at work to make things easier, then [Safecall can be contacted via the portal](#) or by telephone (**0800 58 78 770**) or by email at [cec@safecall.co.uk](mailto:cec@safecall.co.uk). The Council's Whistleblowing Team can also be contacted by email at [whistleblowing@edinburgh.gov.uk](mailto:whistleblowing@edinburgh.gov.uk).

If medical advice or medical assistance is needed then we would encourage that contact is made with a GP or other appropriate healthcare professional.

If wellbeing needs are considered to be critical or substantial then we would encourage a self referral to local Social Work service(s). If resident in [Edinburgh, Social Care Direct can be contacted online](#). If resident outwith Edinburgh then information relating to local social work services can be found by visiting the applicable local authority website for contact details.

If accessing further advice and information on wellbeing and available services would be of benefit then we would encourage visiting the [NHS inform website](#).