

STATES OF GUERNSEY EMPLOYEES HANDBOOK

WHISTLEBLOWING POLICY

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1. POLICY STATEMENT

- 1.1 Employees will often be the first to see or suspect malpractice, so the States of Guernsey as employer wishes to promote a culture where it is safe and acceptable for employees to raise genuine concerns about poor or unacceptable practice and misconduct without the fear of victimisation.
- 1.2 The States of Guernsey is committed to conducting its business ethically, honestly and with integrity, and expects all employees to maintain high standards in accordance with their relevant employees group Codes of Conduct and generally. However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct (e.g. fraud, bribery, corruption, mismanagement, negligence etc.). A culture of openness and accountability is essential in order to prevent such situations occurring or to address them when they do occur.
- 1.3 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace.

2. WHO IS COVERED BY THE POLICY?

- 2.1 This policy applies to all employees and employee groups across the States of Guernsey. In addition volunteers and contractors can be guided by this policy.

3. SCOPE AND PURPOSE OF THE POLICY

- 3.1 The aims of this policy are:
 - (a) To address concerns regarding malpractice where the interests of others, or of the organisation, are at risk.
 - (b) To provide clear guidance to employees who have reasonable and legitimate concerns about malpractice to enable them to raise such concerns responsibly and reasonably through the correct channels.
 - (c) To encourage employees to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected.
 - (d) To reassure employees that they should be able to raise genuine concerns in good faith without fear of reprisals, even if they turn out to be mistaken.
 - (e) To ensure that employees reporting concerns receive appropriate support.
 - (f) To provide guidance to managers who have concerns reported to them.

4. WHAT IS WHISTLEBLOWING?

4.1 Whistleblowing is not staying quiet in the face of wrongdoing but letting someone know what is, or is not happening. Employees will often be the first to become aware of malpractice and it is their duty to draw the attention of their managers to any matter which could be damaging by act or omission to service users, clients, customers, visitors, employees or the organisation.

4.2 Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include, but it not limited by:

- (a) clinical, professional, or managerial malpractice including for example, abuse of patients, learners, prisoners, service users or employees;
- (b) criminal activity which has been committed or likely to be committed;
- (c) miscarriages of justice;
- (d) failure to comply with a legal duty;
- (e) danger or concerns about health and safety including not complying with legislation;
- (f) damage or the risk of damage to the environment;
- (g) failure to comply with any legal [or professional] obligation or regulatory requirements;
- (h) financial irregularities including fraud or suspected fraud or mismanagement;
- (i) embezzlement or misappropriation of property;
- (j) offering, giving, soliciting or receiving bribes in any form within the Bailiwick of Guernsey or abroad;
- (k) the acceptance of facilitation payments;
- (l) misuse of position or influence for personal advantage;
- (m) trading in influence to secure undue advantage;
- (n) showing undue favour over a contractual matter;
- (o) negligence;
- (p) breach of employee codes of conduct, rules and internal policies and procedures;
- (q) conduct likely to damage the reputation of the States, its Services or Committees;
- (r) unauthorised disclosure of confidential information;
- (s) the deliberate concealment of any of the above matters.

4.3 A **whistleblower** is a person who raises a genuine concern in good faith. Any employee with any genuine concerns related to suspected wrongdoing or danger affecting any

of the organisation's activities (a **whistleblowing concern**) should report it under this policy.

- 4.4 This policy should not be used for complaints relating to personal circumstances, such as the way you as an employee have been treated at work (where Grievance Procedures would apply), or issues which can be dealt with by other policies such as Equal Opportunities.
- 4.5 When uncertain whether something is within the scope of this policy an employee should seek advice from the Whistleblowing Officer, whose contact details are at the end of this policy.

5. WHO CAN RAISE CONCERNS?

- 5.1 All employees of the States of Guernsey can raise concerns as well as agency, supply, bank temporary students\trainees and volunteer workers. Contractors are also able to raise concerns using this policy.
- 5.2 Person(s) raising a concern must:
 - (a) be acting in good faith;
 - (b) have reasonable grounds for believing the information is accurate;
 - (c) have an honest and reasonable suspicion that malpractice has occurred, is occurring, or is likely to occur or reoccur;
 - (d) not be motivated by money or personal gain in raising the concern.
- 5.3 An employee raising a concern which proves to be unfounded but who has raised the matter in good faith will have no action taken against them.
- 5.4 An individual making an allegation which proves to be vexatious in nature will be subject to disciplinary proceedings.
- 5.5 Anonymous allegations will only be accepted in exceptional circumstances due to the difficulties of substantiating and investigating such claims.

6. RAISING A WHISTLEBLOWING CONCERN

- 6.1 It is expected that in many cases an employee will be able to raise any concerns with their line manager, either in person or in writing. They may be able to agree a way of resolving the concern quickly and effectively. In some cases they may refer the matter to the Whistleblowing Officer or to the Deputy Whistleblowing Officer.
- 6.2 However, where the matter is more serious, or when an employee feels their line manager has not addressed their concern, or indeed the employee would prefer not to raise it with them, then one of the following should be contacted:

- (a) The Whistleblowing Officer, Zain Chesshire, Head of Assurance, and/or the Whistleblowing Deputy Officer, Tim Langlois, HR Director;
- (b) Our confidential and secure telephone hotline;
- (c) The Chief Secretary responsible for the relevant Service.

Contact details are set out at the end of this policy.

- 6.3 The States of Guernsey hopes that employees will feel able to voice whistleblowing concerns openly under this policy. However, if an employee wants to raise concerns confidentially, the employer will make every effort to keep their identity secret. If it is necessary for anyone investigating the whistleblowing concern to know the identity of the whistleblower, the States of Guernsey will discuss this with the employee first.
- 6.4 The States of Guernsey does not encourage employees to make disclosures anonymously. Proper investigation may be more difficult or impossible if the States of Guernsey cannot obtain further information from the whistleblower. It is also more difficult to establish whether any allegations are credible and have been made in good faith. Whistleblowers who are concerned about possible reprisals if their identity is revealed should come forward to the Whistleblowing Officer or the Whistleblowing Deputy Officer and appropriate measures could then be taken to preserve confidentiality.
- 6.5 In most cases it should not be necessary to alert anyone externally and it is strongly recommended to seek advice before reporting a concern to anyone external. However the States of Guernsey recognises that in some circumstances it may be appropriate to report concerns to an appropriate external regulator or statutory body i.e. NMC, PCC, although it will very rarely, if ever, be appropriate to alert the media. Employees may wish to seek advice and support from their professional organisations such as the Police Federation, AGCS, Unite, NUT, RCN, NASUWT etc. For an example please see [here](#) for the guidance and process used by the University of East Anglia
- 6.6 Whistleblowing concerns usually relate to the conduct of colleagues, but they may sometimes relate to the actions of a third party, such as a customer, supplier or service provider. In certain rare circumstances an employee may raise a concern in good faith with a third party, where it is reasonably believed it relates mainly to their actions or something that is legally their responsibility. However, such concerns should be raised internally first through line management or Whistleblowing Officer for guidance.

7. MANAGING A WHISTLEBLOWING CONCERN

- 7.1 A meeting will be arranged by the employer as soon as possible to discuss the whistleblowing concern with the employee. They may bring a colleague or union representative with them who must respect the confidentiality of the disclosure and any subsequent investigation.

- 7.2 A written summary of the whistleblowing concern will be recorded, a copy of which will be provided to the whistleblower after the meeting. The employer will also aim to give the whistleblower an indication of how it proposes to deal with the matter.
- 7.3 The employer will carry out an initial assessment to determine the scope of any investigation and will inform the whistleblower of its findings. The whistleblower may be required to attend additional meetings in order to provide further information.
- 7.4 In some cases the employer may appoint an investigator or team of investigators including employees with relevant experience of investigations or specialist knowledge of the subject matter. The investigator(s) may make recommendations for change to enable the States to minimise the risk of future wrongdoing.
- 7.5 The employer will aim to keep the whistleblower informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent it giving specific details of the investigation or any disciplinary action taken as a result. Any information about the investigation should be treated as confidential.
- 7.6 If the employer concludes that a whistleblower has made false allegations maliciously, in bad faith or with a view to personal gain, the whistleblower will be subject to disciplinary action.
- 7.7 While the employer cannot always guarantee the desired outcome sought by the whistleblower, it will deal with whistleblowing concerns fairly and in an appropriate way. Where whistleblowing concerns are found to have correctly identified unethical practices, those responsible for wrongdoing will be subject to disciplinary action or other appropriate measures.

8. PROTECTION AGAINST VICTIMISATION

- 8.1 It is understandable that whistleblowers are sometimes worried about possible repercussions. The States of Guernsey aims to encourage openness and will support employees who raise genuine concerns in good faith under this policy, even if they turn out to be mistaken.
- 8.2 The States of Guernsey will do everything possible to protect employees who raise concerns from victimisation. Employees must not suffer any detrimental treatment as a result of raising a concern in good faith. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If a whistleblower believes they have suffered any such treatment, they should inform the Whistleblowing Officer immediately. If the matter is not remedied the whistleblower should raise it formally using the Grievance Procedure.
- 8.3 Victimisation of employees raising concerns will be treated as a serious matter and disciplinary action will be taken. Staff must not threaten or retaliate against

whistleblowers in any way. Anyone involved in such conduct will be subject to disciplinary action.

- 8.4 Deterring employees from raising a genuine concern through this policy is a disciplinary offence. The States of Guernsey will not tolerate any attempt to cover up any issue raised through this policy.

9. MANAGING SENSITIVE DOCUMENTS

- 9.1 All documentation regarding whistleblowing will be managed and stored by the Whistle Blowing Officer and kept in a secure format and environment.

10. RESPONSIBILITY FOR THIS POLICY

- 10.1 The Chief Executive is accountable for this policy through the Chief Operating Officer who has responsibility for the operation and review of the effectiveness of actions taken in response to concerns raised under this policy.
- 10.2 The Whistleblowing Officer has day-to-day operational responsibility for this policy, and must ensure that all managers and other employees who may deal with concerns or investigations under this policy receive appropriate training with refreshers.
- 10.3 The Whistleblowing Officer, in conjunction with Chief Operating Officer should review this policy from a legal and operational perspective every three years.
- 10.4 All employees are responsible for the success of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing. Employees are invited to comment on this policy and suggest ways in which it might be improved. Comments, suggestions and queries should be addressed to the Whistleblowing Officer.

Contacts

Whistleblowing Officer

States Head of Assurance
Zain Chesshire
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Whistleblowing Deputy Officer

HR Director – Delivery
Tim Langlois
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Chief Secretary

The Chief Secretary of your Service

Chief Executive

Paul Whitfield
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Whistleblowing hotline
(24 hour)

SOG internal 677 2599
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