

# Whistleblowing

An employee's guide to what to do if you suspect fraud or corruption



This leaflet is written especially for people who work in:

- a local authority
- NHSScotland
- a department of the Scottish Government
- the police or fire and rescue service
- a further education college
- a government agency
- a non-departmental public body.



## Why you should read this leaflet

All public sector organisations are at risk of, or affected by, fraudulent or corrupt activity. If you work in a public body you have a key role to play in deterring and tackling such malpractice or wrongdoing, as this leaflet explains. Apart from costing all of us as taxpayers millions of pounds each year, the reasons you should not turn a blind eye to fraud and corruption are that it:

- demoralises you and your honest colleagues
- strengthens bullies and incompetents
- diverts precious resources from those who need it
- undermines public and political confidence in public services
- makes your job harder.

### What is whistleblowing?

When someone blows the whistle they tell their employer, a regulator (ie, Accounts Commission, Auditor General for Scotland, Audit Scotland) or the police about fraud, bribery, corruption or wrongdoing that they are aware of through their work.


### What's the difference between whistleblowing and grievances?

A whistleblowing concern is about a risk, malpractice or wrongdoing that affects others. It could be something which adversely affects other staff, the organisation itself and/or the public. A grievance, on the other hand, is a personal complaint about someone's own employment situation. A whistleblowing concern is where an individual raises information as a witness whereas a grievance is where the individual is a complainant.

### How do I raise a concern?

Your employer's whistleblowing policy will tell you how you can safely raise a concern. If you have not been told there is a whistleblowing policy or you are still not sure what to do, it is always perfectly safe to get advice. You can speak to your union or contact Protect for free, confidential advice on [020 3117 2520](tel:02031172520) or at [whistle@protect-advice.org.uk](mailto:whistle@protect-advice.org.uk).

## Why should I tell Audit Scotland?

The Accounts Commission, the Auditor General, and the audit teams appointed by them are 'prescribed persons' under The Public Interest Disclosure (Prescribed Persons) Order 2014. This means that Audit Scotland can consider whistleblowing disclosures as appointed auditors. As an independent authority, we can consider concerns about fraud and corruption and may investigate further. If you believe there is malpractice or wrongdoing happening in a public body, you can contact us on **0131 625 1500** or visit our website at [www.audit-scotland.gov.uk/contact-us](http://www.audit-scotland.gov.uk/contact-us) .

## If I blow the whistle to Audit Scotland will they tell the organisation what I have concerns about?

Audit Scotland will aim to maintain confidentiality when looking at your concerns. We will not identify you, or confirm your identity, unless we have your permission to do so, you have already made your identity publicly known, or required by law. But please be aware that if we investigate your concern, in some circumstances, others may be able to guess your identity.

## Can I raise my concern anonymously?

Yes, but there are additional risks when someone raises their concerns anonymously. For instance it:


- is harder for investigators to ask additional questions or clarify points on the concern raised
- does not stop others from guessing or working out who raised the concern
- may shift the focus from the concern to the whistleblower because there may be a suspicion that the whistleblower is just being malicious
- is easier to get protection under the Public Interest Disclosure Act if concerns are raised openly.

## Is there legal protection for whistleblowers?

The Public Interest Disclosure Act provides strong protection for workers who blow the whistle on – or honestly raise a genuine concern about – malpractice or wrongdoing. The protection is most readily available when the whistle is blown internally.



The Public Interest Disclosure Act also protects workers who raise a concern with regulators (ie, workers are protected if they raise a concern about fraud and corruption in the public sector with Audit Scotland, the Accounts Commission or the Auditor General for Scotland). The Act can, in certain circumstances, provide protection for those who raise a concern with their MP, the police and the media.

If you want to know more about how the Act works and the rules on protection, you can either contact your union or Protect (see details below). Further information about the Act can be found at [www.protect-advice.org.uk/law-policy](http://www.protect-advice.org.uk/law-policy) .

### **Where can I get impartial advice?**

Protect's advice line can provide you with free, confidential and practical advice if you are unsure of whether, or how, to raise a concern that you have witnessed at work.

They can also provide you with general information about the Public Interest Disclosure Act.

Protect can be contacted on [020 3117 2520](tel:02031172520) or [whistle@protect-advice.org.uk](mailto:whistle@protect-advice.org.uk).



## Fraud and corruption

### Some do's and don'ts



## Do

### **Do raise the matter**

The earlier the problem is raised and looked into, the earlier any wrongdoing can be addressed and you and others can be reassured that things are in order.

### **Do pass on any reasonable suspicion to someone in authority**

This is usually your manager or the internal audit department. Alternatively, you could contact the director of Finance, head of Human Resources or the monitoring officer. If it is not possible for you to raise a concern within the organisation for whatever reason, you can also raise a concern with the Accounts Commission, the Auditor General for Scotland or Audit Scotland as appointed auditors.

### **Do remember key details**

If possible, make a note of key details, such as what caused your suspicion, when things happened and who was involved.

### **Do check the whistleblowing policy**

Your organisation should have in place a policy telling you how you can safely raise a genuine concern inside and outside the body. The policy will tell you who you can talk to and you are advised to follow it.

### **Do get advice**

If there's no whistleblowing policy or if you're still not sure how to raise your concern either internally or outside of the organisation, do get advice. Protect can advise on how best you can raise your concern – contact their advisers on [020 3117 2520](tel:02031172520) or at [whistle@protect-advice.org.uk](mailto:whistle@protect-advice.org.uk). Your union should also be able to help.



# Don't

## **Don't turn a blind eye**

If you are worried that some wrongdoing is happening at work, please don't keep it to yourself. Being wise after the event helps nobody.

## **Don't investigate the matter**

There are special rules surrounding the gathering of evidence. You may make matters worse if you do. If you raise a concern you are not required to prove it. However, if you have any evidence please give it to the investigator.

## **Don't report your suspicions to someone who doesn't have proper authority**

Your organisation should have appointed and trained designated individuals able to deal with, and guide you on, whistleblowing matters.

## **Don't delay**

As you won't be asked to prove your concern, raise it early when it's a suspicion. Don't wait for proof.




## About us

Prepared by:

### Audit Scotland

Audit Scotland is a statutory body which provides services to both the Auditor General for Scotland and the Accounts Commission. Together they ensure that the Scottish Government and the public sector bodies in Scotland are held to account for the proper, efficient and effective use of public funds.

### Protect

Protect (formerly known as Public Concern at Work) is the whistleblowing charity. Established in 1993, it provides confidential advice to employees, employers and governments. For more information please visit [www.protect-advice.org.uk](http://www.protect-advice.org.uk) .



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