

WHISTLEBLOWING FAQs

1.	<p>What is Whistleblowing?</p> <p>Whistleblowing is where an individual raises a concern about something they believe is a risk, malpractice or wrong-doing that affects others. It could be something which adversely affects employees, the public or the organisation itself.</p> <p>A whistle blowing concern is not the same as a grievance, which is a personal complaint about an individual's own employment situation.</p> <p>A whistleblowing concern is where an individual raises information as a witness whereas a grievance is where the individual is a complainant.</p>
2.	<p>Where can I find the policy?</p> <p>The Policy is available on the OHR website:</p> <p>https://hr.gov.im/policies-procedures-codes-guidance-and-forms/whistleblowing-policy/</p>
3.	<p>Who does the policy apply to?</p> <p>The policy applies to all persons who are working or have worked in any Government Department, Board or Office whether full-time, part-time, temporary, casual, as an agency worker, a volunteer or consultant</p> <p>The policy applies to all Government's activities as well as to all contractors and suppliers to Government of goods and/or services.</p> <p>The Clerk of Tynwald's Office is not part of the Government, but has agreed that this policy will be applied to them as if it were. For whistle blowing matters in relation to the Clerk of Tynwald's Office, references to Government should be taken to be the Tynwald Management Committee.</p> <p>As of June 2023 the policy also applies to Isle of Man Post Office</p>
5.	<p>Where can I go for support during this process?</p> <p>You can seek support from a variety of places including the Whistleblowing Officer for your area and/or OHR.</p> <p>You may also obtain advice from Treasury Audit Advisory Division or your trade union/staff association.</p> <p>Further information on sources of advice and information is included, including independent services is at Annex C of the policy.</p>
6.	<p>What does the Whistleblowing Policy cover?</p> <p>The Whistleblowing Policy only covers concerns that fall <u>within</u> the scope of protected disclosures (Part IV of the Employment Act 2006).</p>

7.	<p>What is a Protected Disclosure?</p> <p>A protected disclosure is the formal term for a whistle blowing complaint, and this term will be used during the investigation. It acknowledges that the concern reported, or disclosed, by an individual will be taken seriously and treated in confidence - and in that way, it is protected.</p> <p>A protected disclosure can be any of the following matters that an employee reasonably believes is happening now, took place in the past, or is likely to happen in the future:</p> <ul style="list-style-type: none"> • A criminal offence • The breach of a legal obligation • A miscarriage of justice • A danger to the health and safety of any individual or individuals; damage to the environment • Deliberate covering up of information tending to show any of the above five matters
8.	<p>I don't have any proof of my concern yet. What should I do?</p> <p>Proof is not needed to raise a concern. To raise a concern you only need to have a reasonable belief that wrongdoing has occurred, is occurring or is likely to occur. It is not for you as whistle blower to investigate or prove that your concerns are justified.</p>
9.	<p>Will my identity remain confidential?</p> <p>The Government is committed to ensuring that whistleblowing will be handled in a sensitive and confidential manner and that reprisals will not be tolerated.</p> <p>Wherever possible, and where requested, the identity of a whistleblower will be kept confidential for as long as they so wish or until such time as there is an overriding reason why your identity should be disclosed. There may be times when it becomes necessary to reveal your identity. More information is on page 8 of the policy.</p>
10.	<p>Reporting your concerns – who should I tell?</p> <p>You are encouraged in the first instance to raise your concern with your line manager. If, however, you do not feel confident using this avenue or wish the concern to be subject to the formal procedure, you should report your concerns to one of the following Designated Managers:</p> <ul style="list-style-type: none"> a) Designated Whistleblowing Officer within your Department, Division, Board or Office (See Annex D); b) Your Chief Executive/Chief Officer; c) Audit Advisory Division Confidential Reporting (Tel. 686546) or by email to enquiries.audit@gov.im; d) The Public Services Commission (Tel. 685725) or email to Complaints.PSC@gov.im; or e) A prescribed person: Public Interest Disclosure (Prescribed Persons) Order 2021. <p>If the concern involves your Designated Whistleblowing Officer, the matter should be reported to the Chief Executive/Chief Officer who will appoint an alternative Designated Whistleblowing Officer.</p>

	<p>If the concern involves the Chief Executive/Chief Officer, then you should report your concerns to any of the persons described at parts (c) to (e) above, as appropriate. You may also refer your concerns to these persons if you would prefer to raise the matters with someone outside your Department, Board or Office</p>
11.	Can I raise a concern anonymously?
	<p>Yes you can.</p> <p>Concerns expressed anonymously are more difficult to investigate as it is impossible to seek clarification or ask for additional information. It is also difficult to keep in touch with any updates or to let you know about the outcome.</p> <p>This should not deter you from raising a concern if you do not want to disclose your identity.</p>
12.	How am I protected against a detriment?
	<p>The Employment Act 2006 protects employees and workers from detriment for making or proposing to make a protected disclosure (whistleblowing complaint). And you may be able to seek recourse through the Employment and Equality Tribunal.</p> <p>Employees and workers may also utilise the IOMG Fairness at Work policy or the Grievance procedures within their relevant terms and conditions to raise any concerns regarding detrimental treatment.</p>
13.	My Whistleblowing complaint is against my line manager - what do I do?
	<p>In this case, you can report your concern to another Whistleblowing Officer or any of the people or bodies at page 10 of the policy.</p>
14.	Will I be able to find out the outcome of the investigation?
	<p>The Designated Manager will keep you informed of the progress of the investigation. You will be advised when the matter has been concluded, though it cannot be guaranteed that all the details of the investigation and the final outcome will be disclosed; security and confidentiality must be maintained for all parties.</p>
15.	I am not happy with the progress or outcome of the investigation, what can I do next?
	<p>If you are a serving employee or a worker you can raise a Grievance by using the Grievance Procedure as per your terms and conditions or another relevant complaints procedure.</p> <p>If you are no longer working in Government then you can contact the Tynwald Commissioner for Administration.</p> <p>Tynwald – Parliament of the Isle of Man – Tynwald Commissioner for Administration</p>

16.	What would happen if an employee raised concerns maliciously, vexatiously or knowing them to be untrue?
	If you raise a matter you know to be false and/or where you commit or attempt to commit a criminal offence contrary to the Employment Act 2006, the Official Secrets Act 1911 (an Act of Parliament) or the Bribery Act 2013, appropriate action may be taken against you.
17.	I feel I cannot return to the work place what can I do?
	<p>The Whistleblowing Policy provides for a period of normalising the work situation following a whistleblowing investigation and this may include mediation.</p> <p>It is hoped that this will enable all parties to move forward but if concerns persist discussions in the first instance should be with your line manager.</p>
18.	What is the difference between a Whistleblowing Officer and a Designated Manager, in the Whistleblowing context?
	<p>In many cases this will be the same person.</p> <p>The Whistleblowing Officer is a senior officer whom a Department Board, Office designates to receive whistleblowing concerns.</p> <p>The Designated Manager is the person that will manage your concern through the process.</p>
19.	I am an ex-employee - are my rights the same?
	<p>You can still raise a protected disclosure under this policy.</p> <p>You will not be able to use other procedures such as the Grievance or Fairness at Work.</p> <p>External advice can be obtained from the Manx Industrial Relations Service. www.mirs.org.im</p>
20.	What are the benefits of whistleblowing?
	<p>A positive whistleblowing culture has numerous advantages. For example, it can:</p> <ul style="list-style-type: none"> • Encourage an open culture where employees feel confident that concerns can be raised and dealt with quickly and that they will be protected for doing so; • Detect and deter wrongdoing; • Provide managers with the information they need to make decisions and control risk; • Protect both personal and organisational reputations; • Reduce the chance of anonymous or malicious leaks (including to the media); • Reduce the chance of legal claims against IOMG

21.	Is a 'crisis of conscience' complaint the same as blowing the whistle?
	A 'crisis of conscience' may occur when an individual is asked to conduct work which conflicts with their faith or personal beliefs. This is not the same as whistleblowing where there is suspicion of wrongdoing, or a breach of the values.
22.	What happens if my concern is not a Protected disclosure?
	<p>If you are still working in Government, then you should consider raising your concern through another policy. This could be either the Grievance or the Fairness at Work policies.</p> <p>If you need any help with this you can contact the Office of Human Resources on 685000.</p>