



# **Isle of Man Government Whistleblowing Policy**

October 2022

# Foreword

Isle of Man Government is committed to the highest possible standards of openness, integrity and accountability. Instilling these standards and creating an environment where all staff have the confidence to speak out and raise concerns without comeback or reprisal, are the foundations of an open and transparent Government.

Staff, working in any area of the Public Service, are often the first people to witness any type of wrongdoing and the information that they uncover can prevent wrongdoing, damage and even save people from harm.

In honouring our commitment to open and transparent Government, our staff and those who use our services, this new Whistleblowing Policy strengthens our processes, information and guidance so that everyone is strongly encouraged to raise concerns rather than remain silent.

As well as addressing the shortcomings of previous policy and processes, at its core this new policy:

- Makes the steps taken to raise whistleblowing concerns clearer,
- Sets out who is responsible for hearing and managing concerns,
- Strengthens the support provided to those who raise concerns,
- Improves the support to those subject to whistleblowing complaints,
- Makes sure there is no negative impact on the workplace environment once a whistleblowing complaint is concluded,
- Makes sure that all staff undergo mandatory whistleblowing training every five years.

This Policy, which comes into effect in October 2022 and is split into four parts:

- Part One:** The policy's statement, aims, principles and scope
- Part Two:** The Government's commitment to action and your statutory rights
- Part Three:** Protected Disclosures – what is a Whistleblower?
- Part Four:** The Whistleblowing Stages – what should I do?

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## Part One: About this Whistleblowing Policy

### Policy Statement

Isle of Man Government is committed to the highest levels of openness, integrity and accountability in everything we do. **Our Government Code** guides our everyday conduct and as part of this, we have a duty to speak up and raise concerns of wrongdoing.

This policy describes the protections available to those who raise concerns (Whistleblowers), what matters are reportable, how staff can safely report concerns as well as how they will be protected and supported.

Within these pages, a Whistleblower is best viewed as a witness who is putting the organisation on notice of risk, rather than as a complainant. Whistleblowing is an aspect of good citizenship where the employee is speaking up for, and on behalf of, people who are at risk, but who may be unaware of it, and so unable to do anything to protect themselves.

### Policy Aims

This policy:

1. Helps staff to identify what constitutes a serious whistleblowing concern or wrongdoing,
2. Provides a clear way for staff to whistleblow,
3. Sets out clear processes for investigations, reporting and providing feedback on action taken,
4. Allows employees to escalate their concerns if they are not satisfied with responses received or actions taken,
5. Ensures appropriate support is provided to any employee who makes a whistleblowing complaint,
6. Reassures employees that they will be protected from reprisals or victimisation for whistleblowing in good faith,
7. Ensures appropriate support is provided to any employees who are the subject of a whistleblowing complaint.

### Principles

The Isle of Man Government values its employees and seeks to support an environment promoting the three fundamental principles of corporate governance: openness, integrity and accountability. The responsibility for creating such an environment is set out in the Government Code that is shared by everyone and everyone has a role to play.

Employees are often the first people to witness any type of wrongdoing within Government. The information that employees may uncover could prevent wrongdoing, which may damage Government's reputation and/or performance, and could even save people from harm.

Employees are strongly encouraged to raise concerns which fall within the scope of this policy, rather than remain silent.

## Scope

This policy applies to all persons working or who have worked in any Department, Board or Office (referred to as “the Government”), whether full-time, part-time, temporary, casual, agency worker, volunteer or consultant.

The policy applies to all of Government’s activities as well as to all contractors and suppliers to Government of goods and/or services.

The Clerk of Tynwald’s Office, has agreed that this policy will be applied in that Office. References to the Government should therefore be taken to be, in so far as the Clerk of Tynwald’s Office is concerned, the Tynwald Management Committee.

## Part Two: Commitment to Action and Statutory Rights

### Government’s Commitment to Action

To honour the commitment to openness, integrity and accountability, the Government will:

1. set out a clear Whistleblowing Policy and keep it up to date,
2. make sure all members of staff are aware of their responsibilities to adhere strictly to this policy at all times,
3. ensure all staff are aware of (and trained) in the requirements of this policy,
4. encourage staff to be vigilant and to report any suspicions of wrongdoing,
5. provide staff with suitable channels of communication and ensure sensitive information is treated properly,
6. rigorously investigate instances of alleged wrongdoing,
7. assist Police and other appropriate authorities in any resultant prosecution,
8. take appropriate action against any employees involved in wrongdoing,
9. ensure that employees who blow the whistle in good faith are not victimised and that any instances of victimisation are taken seriously,
10. take all reasonable steps to maintain the confidentiality of the Whistleblower (where requested), unless required by law to break confidentiality or where it is not practical to do so,
11. treat all protected disclosures consistently and fairly and avoid unlawfully discriminating against people with protected characteristics,
12. ensure that any opportunities to improve practices and outcomes in future are taken,
13. ensure that the Whistleblower is kept informed as far as possible throughout the process,
14. ensure that the Whistleblower will be notified of the outcome of the investigation,
15. ensure that these commitments are followed, and that procedures exist (e.g. discipline) to deal with any cases where they are not.

## Statutory Rights and Obligations

Nothing in this policy overrides statutory rights. In particular, the provisions of Part IV of the [Employment Act 2006](#) which affords protection against detriment and dismissal to an employee who makes a protected disclosure.

For any disclosure to qualify for statutory protection it must be made to the persons or bodies prescribed either in the Act or included within the [Public Interest Disclosure \(Prescribed Persons\) Order 2021](#).

These rights and protections are not affected if you have signed a conciliated settlement agreement with the Manx Industrial Relations Service.

All procedures arising from this policy will be subject to the provisions of the [Data Protection Act 2018](#). Disclosure of information by an employee is not a qualifying disclosure if in making it he or she commits an offence (e.g. if the disclosure is prohibited under official secrets legislation).

## Part Three: Protected Disclosures - What is a Whistleblower?

### What is a Whistleblower?

You are a Whistleblower if you are a worker and you report certain types of wrongdoing. This will usually be something you have seen at work - though not always.

As a Whistleblower you are protected by law - you should not be treated unfairly or lose your job because you 'blow the whistle'.

### What is a disclosure?

Concerns or issues which can be disclosed under this policy (where statutory protection exists), are:

1. a criminal offence,
2. the breach of a legal obligation,
3. a miscarriage of justice,
4. a danger to the health or safety of any individual or individuals,
5. damage to the environment,
6. deliberate covering up of information tending to show any of the above five matters.

When making a disclosure, you must have reasonable belief that the information you have shows that one or more of the offences or breaches listed above are happening now, took place in the past, or are likely to happen in the future.

At this stage, your belief does not need not be correct, but it must show that you held the belief, and that it was a reasonable belief in the circumstances at the time of disclosure.

To qualify as protected, your disclosure must have sufficient factual information be able to show one or more of the matters listed above. In other words, the more specific, factual information provided in a disclosure, the better.

## Examples of protected disclosures

Concerns which should be raised under this policy, are where any of the following has, maybe or is likely to happen:

1. fraud,
2. financial mismanagement or corruption,
3. physical or emotional abuse of prisoners, vulnerable children and adults in care, including day care,
4. health and safety issues concerning the workplace that puts the safety of workers or visitors at risk,
5. medical negligence in a health care establishment,
6. breaches of legislation,
7. damage to the environment,
8. a breach of the Government Financial Regulations,
9. payments in exchange for awarding contracts and/or offering, taking or soliciting bribes,
10. concealment of any of the above.

Please note that this list is not exhaustive but if your concern is not about any of these you can use other procedures such as the Grievance procedures or Fairness at Work policies.

## Protection against detriment and dismissal

There are different protections depending on whether you are an employee or a worker. These terms are explained in the glossary at **Annex A**.

### **Detriment**

The Employment Act, 2006 protects employees and workers from detriment for making or proposing to make a protected disclosure.

Detriment can take a number of forms, including denial of promotion, being disciplined, being allocated unpopular duties, receiving a poor appraisal, being relocated or receiving a bad or no reference. Workers can bring a complaint under Part V of the Employment Act 2006 ('detriment').

### **Dismissal**

Where an employee is dismissed for making a protected disclosure they may make a claim for unfair dismissal under Part X of the Employment Act 2006.

Where the reason for the dismissal (or, if more than one, the principal reason for dismissal) is that the employee made a protected disclosure the dismissal will be automatically unfair.

Where the contract of a worker who is not an employee is terminated for making a protected disclosure, their recourse is to bring a complaint of detriment under Part V of the Employment Act 2006.

## What happens if my concern is not a protected disclosure?

If your concern does not match, then you can use other options including grievance procedures and the Isle of Man Government Fairness at Work Policy and Guidance to raise it. A list of other procedures that may be used can be found at **Annex B**.

### **Anonymous disclosures**

As this policy and the legislation provide protection for Whistleblowers raising a genuine concern, it is considered desirable that you disclose your name. However, there may be special or unusual circumstances where you consider it necessary to make an anonymous disclosure.

Anonymous disclosures can at times be more difficult to investigate as there is no option to seek further information from you during investigation and it is difficult to keep in touch with you. This should not however discourage you from making an anonymous disclosure if you feel that this is the best course. Your disclosure will be given the same consideration regardless of whether or not you provide your name.

### Confidentiality

Where you do disclose your identity this will be kept confidential, if so requested, for as long as possible, provided that this is compatible with a proper investigation.

To make sure that you are protected and be assured of confidentiality your whistleblowing disclosure will be handled in a sensitive and confidential manner - reprisals will not be tolerated.

There may however be occasions where you have provided your identity and there is an overriding reason why your identity should be disclosed. An overriding reason could be about a civil or criminal offence as the person you make the disclosure to has a duty to report it. Where there is an overriding reason this will be discussed with you before any further action is taken.

If your evidence is required for a disciplinary hearing or police investigation, then you will be advised and supported accordingly. Where possible your witness statements may be anonymised.

Action taken as a result of a disclosure may lead to the identity of a Whistleblower being revealed, either by inference or as required by the demands of legal or disciplinary proceedings or in accordance with the Data Protection Act 2018 (such as via a data subject access request).

If you make a disclosure in confidence under this policy and ask for your identity to be protected, every effort will be made to do so. You must appreciate though that due to the nature of the investigation process it may be vital to proceedings that you make a statement to be included in evidence and confidentiality of your identity cannot be guaranteed.

### **Public Service Integrity Line**

You can also consider using the Isle of Man Public Service Integrity Line. This service aims to make it easier for current staff to report instances of wrong-doing, anonymously if needed.

The Integrity Line is not intended to replace the Whistleblowing policy but will work alongside it.



It is operated by a third party outside of Government, with strict protocols in place to protect the anonymity of callers, should they choose to remain anonymous. The Line can be accessed 24 hours a day, 7 days a week & 365 days a year by telephone on 0800 023 2436 or online [here](#).

## Privacy Notice

The Office of Human Resources (OHR) and relevant Department, Board or Office Privacy Notices describe how personal information about an employee is collected and used during and after their working relationship within the Isle of Man Government, and what legal basis there is for gathering and retaining that information in accordance with the Data Protection Act 2018 including the General Data Protection Regulation.

For further details about the information collected and retention periods, please refer to the [Office of Human Resources' Privacy Notice](#) and the relevant Department, Board or Office's Privacy Notice which are incorporated in to this document by reference.

## Part Four: The Whistleblowing Process

### What should I do?

This part of the Whistleblowing Policy explains the stages you will follow when making a protected disclosure.

### Making a Disclosure

We recognise that the decision to report a concern is not an easy one to make, not least because of the fear of reprisal from those being reported or other colleagues.

The Isle of Man Government will not tolerate harassment or victimisation from members of staff and will take appropriate action, including the application of disciplinary procedures, to protect you where you make a disclosure in good faith.

### Support for you

You may discuss your concern with a work colleague who may also have knowledge of the matters you wish to raise, and you may consider making a joint disclosure. The earlier you express your concerns, the easier it will be to take action.

At all stages of the procedure you have the right, if you so wish, to be accompanied by a trade union/staff association representative or a work colleague.

You may also wish to access independent support and information from a Contact Officers. Information can be found on the Office of Human Resources website: <https://hr.gov.im/fairness-at-work/contact-officers/>

Support is also available from the bodies listed at **Annex D**.

## Reporting your concerns – who should I tell?

In the first instance, you are encouraged to raise your concern with your line manager but if you do not feel able to raise this with your line manager you should report your concerns to one of the following people or bodies:-

- a) the Whistleblowing Officer within your Department, Division, Board or Office (see below),
- b) Your Chief Executive/Chief Officer,
- c) Audit Advisory Division Confidential Reporting (Tel. 686546) or by email to [enquiries.audit@gov.im](mailto:enquiries.audit@gov.im),
- d) The Public Services Commission (Tel. 685725) or email to [Complaints.PSC@gov.im](mailto:Complaints.PSC@gov.im),
- e) A prescribed person: [Public Interest Disclosure \(Prescribed Persons\) Order 2021](#).

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. 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.

### Whistleblowing Officers

There are Whistleblowing Officers in every Department, Board and Office across Government. This is a senior officer that the organisation designates to receive whistleblowing complaints.

A list of the Whistleblowing Officers is at **Annex C** and can also be found on the OHR website. <https://hr.gov.im/media/2704/whistleblowing-policy-june-2024-whistleblowing-officers.pdf>

### Describing your concerns

A concern which is being reported under this policy must relate to a criminal offence, a failure to comply with legal obligations, a miscarriage of justice, health and safety failures, environmental damage or concealing information about any of these matters.

If you are unsure whether your concerns relate to the matters described above, you should use your judgment as to whether to take action under this policy and note that if you do it may not be regarded as a protected disclosure.

If you are unsure, you can seek advice from any of the people or bodies listed at Annex C. If your concerns relate to issues outside the scope of this policy you will be advised of this.

Concerns can be raised verbally or in writing and as much information as possible should be given, including:

1. the background and general information about the concern,
2. the name(s) of the individual(s) involved,
3. details of dates and places where the events that have led, or you think are likely to lead to the concern,
4. the reasons why you are concerned and making the disclosure.

You will need to show to the person contacted that there are grounds for your concern, but you are not expected to prove the truth of an allegation.

Wherever possible, you should provide factual information in your disclosure. For example, “the wards have not been cleaned for the past two weeks and sharps have been left lying around” rather than a general or broad allegation like “the hospital is not complying with

health and safety requirements.” This will help the Designated Manager to take appropriate action.

### What happens once I have made a disclosure?

The person who you raised your concern with will manage your concern through this process or if this is not possible, they will arrange for another appropriate person to do so. The person who manages your concern is referred to as the Designated Manager.

The Designated Manager will arrange an initial confidential discussion with you to discuss the matter as soon as possible. This may be in person, by video conferencing or by telephone.

It is at this stage that you will be asked if you are content for your identity to be disclosed during the investigation and if not, you will be advised of the confidentiality provisions of this policy.

You will be reassured about protection from possible reprisals or victimisation.

In either case, a brief summary of the interview will be recorded, which will be agreed by both you and the Designated Manager and a copy given to you for your records.

Guidance setting out the role of the Designated Manager can be found on the Office of Human Resources [website](#).

### Investigation

Any investigation will be undertaken by suitably trained investigators who have had no prior involvement in the case. The action taken will depend upon the nature of the concern and may:

- a) be investigated internally by management,
- b) be referred for specialist advice (e.g. to the Attorney General’s Office),
- c) be referred to the Police,
- d) be referred to the Director, Audit Advisory Division, Treasury
- e) form the subject of an independent investigation,
- f) be subject to any combination of the above.

### Progress Reports

The Designated Manager will write to you to:-

- a) within 10 days to formally acknowledge that the disclosure has been received,
- b) indicate how the matter will be dealt with,
- c) advise you prior to any initial enquiries being made,
- d) advise whether further investigations are likely to take place and if not, why not,
- e) give an estimate of how long it will take to give you a final response, and a commitment to provide progress updates on at least a monthly basis.

The Designated Manager will take steps to help you, to minimise any difficulties which you may experience as a result of raising a concern.

If an investigation leads to criminal or civil proceedings, any information or evidence gathered as part of the investigation, even if it is not subsequently used in the proceedings, may be

disclosed as part of the legal obligations of the parties, unless protection is available due to public interest, or other such protection by way of a restraint or injunction which could be granted by the Court.

If you are required to give evidence in criminal or disciplinary proceedings, the Designated Manager will arrange for you to receive advice about such procedures.

### Outcome of Formal Procedure

Where an investigation has taken place, the Designated Manager will arrange for an investigation report that:

- a) outlines the complaint,
- b) details the investigation process,
- c) gives the outcome of the investigation,
- d) details recommendations where appropriate.

The report will be referred to Chief Executive/Chief Officer of the relevant Department, Board or Office (or other appropriate person such as the Chief Executive Officer (Isle of Man Government) or Public Services Commission) to consider and determine what further action is required. Should the outcome result in a disciplinary allegation, the report will be referred to any subsequent and separate disciplinary investigation.

Whilst you will not be given a copy of the full investigation report, we respect your input and will ensure that you are kept as fully informed as possible, so that you can be satisfied that the matter is being properly addressed. Therefore, subject to any legal or other constraints, you will be informed about the investigation and its outcome. However, should the outcome lead to disciplinary proceedings you will not be informed about a disciplinary process in respect of another employee.

### **What if my concern is not confirmed?**

If your concerns are made in good faith but cannot be confirmed by an investigation, no action will be taken against you.

However, 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.

### **What if I am dissatisfied with the outcome?**

If you are a serving employee or worker then you can raise a Grievance through using the Grievance Procedure as per your terms and conditions or another relevant complaints procedure.

If you are not a current employee or worker then you can raise a complaint with the Tynwald Commissioner for Administration.

[Tynwald - Parliament of the Isle of Man - Tynwald Commissioner for Administration](#)

## Normalising the Work Situation Following a Whistleblowing Investigation

At this point, consideration must be given to how the parties may be reconciled to work together effectively in future. Options to assist resolution include Mediation or facilitated meetings.

This could include Mediation or Facilitated Meetings with OHR to ensure that professional working relationships can be restored.

### **Legislation**

The legislation that relates to Protected Disclosures can be found at **Annex E**.

## Definitions and Glossary

### **Allegations in bad faith**

In the context of this policy an allegation is in bad faith if it is made by an individual who is not acting in good faith with the deliberate intention of causing damage, harm, distress, embarrassment or annoyance to another; or if the Whistleblower knows at the time they make the allegation that it is false.

### **Anonymity**

Where the member of staff does not identify him or herself at any stage to anyone.

### **Bribery**

Bribery is an inducement or reward offered, promised or provided to gain personal, commercial, regulatory or contractual advantage.

### **Confidentiality**

Confidentially is where identifying information is not disclosed without consent unless there is an overriding reason. An overriding reason could be about a civil or criminal offence as the person you make the disclosure to has a duty to report it.

### **Designated Manager**

The person who has overall responsibility for the management of your whistleblowing complaint. They will keep you informed throughout the process.

### **Employee**

An employee is a person who works for an employer under a contract between them, called a 'contract of employment' (which may, but need not, be in writing: it may be agreed orally or simply implied by the nature of the relationship). A contract of employment is defined as 'a contract of service or apprenticeship'.

### **Fraud**

Fraud is a criminal activity. It is an act of deception intended for personal gain or to cause a loss to another party. The general criminal offence of fraud can include:

- deception whereby someone knowingly makes false representation,
- failure to disclose information,
- abuse of a position.

### **Fraud Liaison Officer**

Fraud Liaison Officers are appointed by Departments, Boards and Offices to ensure that their areas comply with Financial Regulations and to inform the Audit Advisory Division of any issues. They act as a single point of contact for each area in respect of all matters relating to potential fraud or corruption. The list of [Fraud Liaison Officers](#) may be accessed via the Isle of Man Government Intranet under the header of 'Anti-fraud, Bribery and Corruption.'

### **Good Faith**

Good faith is a term that encompasses a sincere, honest belief or intention without malice or the desire to injure the rights of others.

### **Public Interest Immunity (PII) Order**

A PII Order allows the Isle of Man Constabulary to refuse to disclose, in the criminal proceedings, the identity of the informant in a public court.

### **Protected Disclosure**

A protected disclosure is a disclosure of information which would qualify a member of staff for protection/confidentiality; such disclosures tend to be allegations of serious wrongdoing and are defined in Part IV of the [Employment Act 2006](#).

### **Whistleblowing**

Whistleblowing is the popular term used when someone who works in or for an organisation raises a concern about a possible fraud, crime, danger or other serious risk that could threaten customers, colleagues, the public, the environment or the organisation's own reputation.

### **Whistleblowing Officer**

A senior officer whom the organisation designates to receive whistleblowing concerns. The list of Whistleblowing Officers is at **Annex C**.

### **Worker**

A worker is someone who typically does casual, intermittent or freelance work. It also covers most employment agency workers.

### **Wrongdoing / Serious Wrongdoing**

The act or an instance of doing something immoral, unethical or illegal; serious wrongdoing could include:

- Unlawful, corrupt or irregular use of public money or resources,
- Conduct that poses a serious risk to public health, safety, the environment or the maintenance of the law,
- Any criminal offence.

## Other Procedures

This Whistleblowing Policy and procedure only covers concerns that fall within the scope of protected disclosures (Part IV of the [Employment Act 2006](#)).

Other concerns should be progressed under procedures such as:

**Corporate Complaints Procedures** for public use: Departments, Boards and Offices have their own individual Complaints Procedures.

**Grievance Procedures:** A grievance or private complaint is a dispute about the member of staff's own employment position and has no additional public interest dimension. There are separate procedures in place for each staff group to enable individuals to lodge a grievance relating to their own employment.

**Fairness at Work:** Where an employee is concerned about the way they are being treated, e.g. bullying, harassment or discrimination they may raise the matter under the [Fairness at Work Policy](#), which provides details of the procedure to be followed. Where an employee is concerned about the way that a colleague is being treated the individual may be encouraged to raise the matter through the Fairness at Work Policy and/or to seek help or advice from line management, a union, a Fairness at Work Contact Officer or Staff Welfare.

**Misconduct:** Where an employee believes another employee has committed misconduct in the course of his or her duties, and it relates to matters to which a protected disclosure may apply, they may report a concern under this policy and procedure. Otherwise, they must report the matter to an appropriate person within their Department, Board or Office for it to be considered under applicable disciplinary procedures.

The **Anti-Bribery Procedure** confirms that it is the duty of public officials to report bribery both to a Designated Whistleblowing Officer **and** to a Constable in the IOM Economic Crime Unit.

Financial irregularities must be reported to the Director, Audit Advisory Division, Treasury or to a [Fraud Liaison Officer](#).

Matters relating to Financial Crime (as defined in section 3 of the Financial Intelligence Act 2016) should be reported to the **Financial Intelligence Unit**.



## Whistleblowing Officers

<b>Attorney General's Chambers</b>	
Attorney General	687083
Solicitor General	651560
Head of Crown, Crown Divisions	682347
<b>Cabinet Office</b>	
Executive Director of Policy Development	686268
<b>Clerk of Tynwald's Office</b>	
Seneschal	651534
<b>Communications and Utilities Regulatory Authority</b>	
Chief Operating Officer	677022
<b>Department for Enterprise</b>	
Registrar General	686413
Director of Corporate Services	688514
<b>Department of Education, Sport and Culture</b>	
Head of Corporate Services & Governance	686088
<b>Department of Environment, Food &amp; Agriculture</b>	
Corporate Governance & Compliance Manager	685854
Director of Regulation	685887
Secretary to the Board (OFT)	686507
<b>Department of Health and Social Care</b>	
Head of Corporate Governance	686324
<b>Department of Home Affairs</b>	
Deputy Chief Officer	694311
<b>Department of Infrastructure</b>	
Head of Corporate Services And Programme Change	686650
<b>Financial Intelligence Unit</b>	
Head of Operations	686001
<b>Financial Services Authority</b>	
Head of Operations	646022
Senior Policy Advisor	689304
<b>Gambling Supervision Commission</b>	
Deputy Chief Executive Officer	694363
<b>General Registry</b>	
Director of Performance & Change	685260
<b>Isle of Man Post Office</b>	
Head of Compliance	698599
<b>Manx Care</b>	
Board Secretary, Manx Care	650859
<b>Manx Industrial Relations Service</b>	
Deputy Industrial Relations Officer	687069
Deputy Industrial Relations Officer	687071
Deputy Industrial Relations Officer	672942
<b>Manx National Heritage</b>	

Corporate Services Manager & Data Protection  
Officer 648014

**Manx Utilities Authority**

Board Secretary and Governance Manager 695944

**Public Sector Pensions Authority**

Operations Manager 685717

**Road Transport Licensing Committee**

Secretary to the RTL 651563

**Treasury**

Executive Director Financial Governance 686543

Deputy Assessor of Income Tax 693514

Deputy Collector of Customs and Excise 648157

## Sources of Advice and Information

### Internal Sources of Advice and Information

If you are unsure who to report your concerns to or have any queries about this policy or which procedure to use, you can contact any of the following and you will not have to give your name:-

- a) The Office of Human Resources on 685000 or email [irp.ohr@gov.im](mailto:irp.ohr@gov.im),
- b) Treasury Audit Advisory Division Confidential Reporting telephone number 686546 or email [enquiries.audit@gov.im](mailto:enquiries.audit@gov.im),
- c) the Isle of Man Public Service Integrity Line on 0800 023 2436, or online [here](#),
- d) any of the Whistleblowing Officers listed in **Annex C**,
- e) any of Contact Officers listed on the Office of Human Resources website: <https://hr.gov.im/fairness-at-work/contact-officers/>
- f) the Department for Enterprise has published “Whistleblowing - A brief guide” that can be found here: [whistleblowing-a-brief-guide-august-2019.pdf \(gov.im\)](#).

### External Sources of Advice and Information

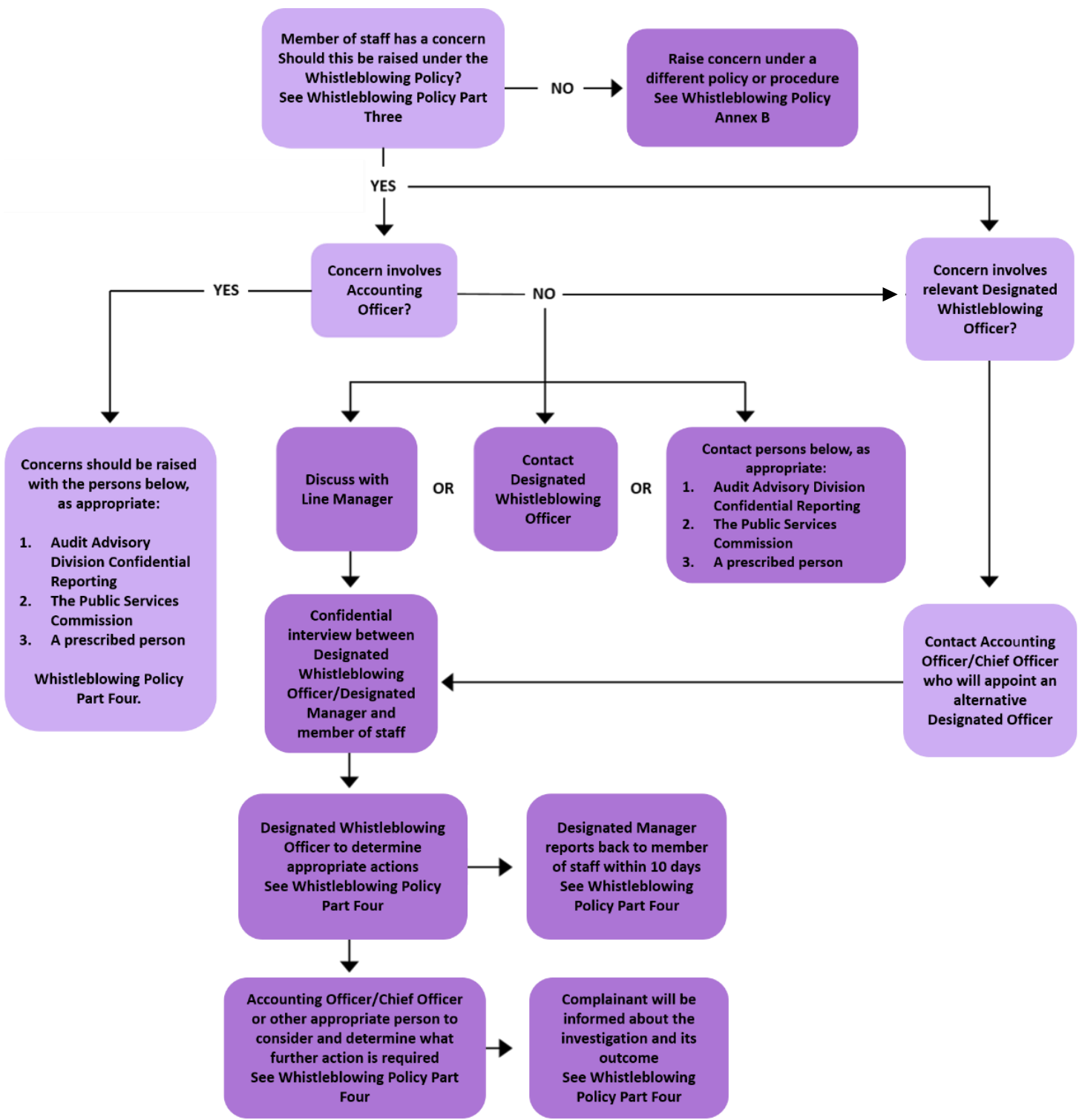
The Manx Industrial Relations Service (MIRS) is an independent and impartial service which is available free of charge to any individual or organisation. MIRS can be contacted by telephone on 672942 or by email at [IRO@Mirs.org.im](mailto:IRO@Mirs.org.im). Any discussions held with MIRS are confidential. Any worker who contacts MIRS should bear in mind the distinction between seeking information about the relevant provisions of the Employment Act 2006, and the requirements attached to making a protected disclosure.

“Protect”. This is a UK independent charitable body. This organisation operates a helpline and can be contacted by telephone on 020 3117 2520 or by email at [Whistle@protect-advice.org.uk](mailto:Whistle@protect-advice.org.uk). Protect will give free, independent, confidential advice at any stage of the process, but may not be familiar with Isle of Man legislation or our Governmental system. Information given to a helpline will not constitute legal notification to the organisation. Their website is <https://protect-advice.org.uk>.

If you are a member of a trade union or staff association you can also contact your local representative.

## Legislation Relevant to Protected Disclosures

<a href="#">Bribery Act 2013</a>	There is a duty on persons who exercise a function or perform services on behalf of a public body to report bribery or attempted bribery. The legislation applies to all employees at all levels of Government. The terms of this Act overrule confidentiality terms in contracts or agreements of employment that seek to prevent workers from making protected disclosures.
<a href="#">Council of Ministers Act 1990</a>	Proceedings of Council of Ministers shall be confidential unless leave is given by Chief Minister to divulge information regarding anything done or said in Council.
<a href="#">Data Protection Act 2018</a>	Confidentiality: <ul style="list-style-type: none"> <li>Information is lawfully disclosed if it is made public for the purposes of civil or criminal proceedings, is in the public interest and is necessary for the discharge of functions under the Act.</li> </ul> Crime and Taxation: <ul style="list-style-type: none"> <li>You can disclose or process personal data processed for the prevention and detection of crime.</li> </ul>
<a href="#">Employment Act 2006</a> <a href="#">Public Interest Disclosure (Prescribed Persons) Order 2021.</a>	A Protected Disclosure is: <ul style="list-style-type: none"> <li>One made in the reasonable belief by the worker that a criminal offence has been or will be committed, in good faith to an employer or prescribed person pursuant to sections 51-56 of the Employment Act 2006 or</li> <li>For example, one made in accordance with the Bribery Act 2013 (section 13(1) and (2))</li> </ul>
<a href="#">Financial Regulations</a>	Financial Direction A3 – ‘The Acceptance of Gifts and Rewards’ Financial Practice Note A.02 – ‘Gifts and Rewards’ <ul style="list-style-type: none"> <li>Only low value gifts or conventional hospitality may be accepted.</li> </ul> Financial Direction A4 – Financial Irregularities <ul style="list-style-type: none"> <li>Accounting Officers are to notify the Director of Audit Advisory Division, Attorney General and police if there is suspicion of financial irregularity involving public money, irrespective of whether it is clear that a criminal offence has taken place or not.</li> </ul>
<a href="#">Financial Intelligence Unit Act 2016</a>	Section 24 Disclosure of information to FIU <ul style="list-style-type: none"> <li>Any person may disclose information to the FIU if the disclosure is made for the purposes of the exercise by the FIU of any of its functions.</li> <li>Subject to section 33, a disclosure under this section does not breach — any obligation of confidence owed by the person making the disclosure; or</li> </ul>
<a href="#">Health and Safety at Work Act (UK) 1974</a>	Isle of Man Health and Safety at Work Act 1977 makes provision for application of the UK Act in the Isle of Man Restrictions on disclosure of information do not apply where the disclosure is made to an enforcing authority, an authorised officer or a police constable authorised to receive it. A police constable to whom the information is disclosed may use it in relation to public health, public safety or the safety of the State.
<a href="#">Income Tax Act 1970</a>	You do not have to keep information confidential: <ul style="list-style-type: none"> <li>If the disclosure is required or authorised by any statutory provision (including a provision in this Act);</li> <li>If the disclosure is made in the prescribed manner under section 13 of the Bribery Act 2013.</li> </ul>
<a href="#">Official Secrets Act 1911</a>	Specifics of the offences under this Act, including but not limited to spying and harbouring spies, are included in this Act. The Whistleblowing policy is not a full or authoritative statement of the law, but sets out the policy of the Government in respect of Whistleblowing, which if followed is likely to ensure compliance with the Employment Act 2006.T



**NOTE:**  
If a concern involves suspected financial irregularity, this should be reported to the Director of Audit Advisory Division, Attorney General and Police, as per the Financial Regulations

**NOTE:**  
If a concern involves bribery, this should be reported to the Designated Officer and the Police, as per the Anti-Bribery Policy

## Key Dates

Effective from September 2022 version, control and document history will be available and contained in this policy. For recording purposes, Version 1 will be the policy implemented on September 2022.

VERSION	REASON FOR CHANGE	DETAIL of AMENDMENT	AUTHOR	DATE
V1.1	Updated Whistleblowing Officers list.	Department of Environment, Food and Agriculture – Removal of Legislation and Research Officer and inclusion of Corporate Governance & Compliance Manager  General Registry – Removal of Financial Management Advisor	Alex Quine	21/12/2022
V1.2	Updated Whistleblowing Officers list.  References to Chief Secretary changed to Chief Executive Officer (Isle of Man Government) to reflect change in job title.  Updated hyperlinks.	Department for Enterprise – Removal of Deputy Chief Officer, inclusion of Director of Corporate Services  Department for Education, Sport and Culture - Head of Policy & Legislation – Removal of Head of Policy & Legislation  Financial Services Authority – Removal of Head of Policy and Authorisations, inclusion of Senior Policy Advisor  Isle of Man Post Office – Inclusion of Head of Compliance  Manx National Heritage – Removal of Head of Corporate Services, Inclusion of Corporate Services Manager & Data Protection Officer  Treasury – Inclusion of Executive Director Financial Governance, removal of Financial Controller	Alex Quine	22/06/2023
V1.3	Updated Whistleblowing Officers list.	Title of Communications Commission changed to Communications and Utilities Regulatory Authority.	Alex Quine	20/11/2023

	Updated hyperlinks.	<p>Department of Environment, Food &amp; Agriculture – inclusion of Director of Regulation.</p> <p>Department of Health and Social Care – inclusion of Head of Corporate Governance. Removal of Head of Corporate Compliance</p> <p>Gambling Supervision Commission – inclusion of Deputy Chief Executive Officer, removal of Director, Licensing &amp; Compliance</p> <p>General Registry – Inclusion of Director of Performance &amp; Change, removal of Director of Courts and Tribunal Services, removal of Chief Registrar</p> <p>Treasury – removal of Director of Social Security</p>		
V1.4	Updated Whistleblowing Officers List	<p>Department of Infrastructure – inclusion of Head of Corporate Services and Programme Change, removal of Deputy Chief Officer</p> <p>Financial Intelligence Unit – Change of title from Operations Manager to Head of Operations</p> <p>Public Sector Pensions Authority – inclusion of Operations Manager, removal of Deputy Chief Executive Officer</p> <p>Treasury – change of phone number to Deputy Assessor Income Tax</p>	Alex Quine	27/06/2024

