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CORPORATE

APPROVAL

OPEN

<b>TITLE:</b>	Whistleblowing Policy
<b>EMT SPONSOR:</b>	Sarah Jane Hannah
<b>AUTHOR:</b>	Nicola Christie
<b>JOB TITLE:</b>	Head of Governance & Legal Services
<b>EMT APPROVED DATE:</b>	01 July 2025

**PURPOSE**

The Board to approve the Whistleblowing Policy.

**RECOMMENDATION**

The Board to review and approve the Whistleblowing Policy in the format attached as appendix 1 in accordance with the Matters Reserved to the Board.

**BACKGROUND**

The Board reviews and approves the Whistleblowing Policy periodically in accordance with the Matters Reserved to the Board.

**ASSESSMENT**

The Whistleblowing Policy has been revised to reflect Advisory, Conciliation and Arbitration Service (ACAS) guidelines and current best practice. It provides a more detailed description of what constitutes whistleblowing and sets out Scottish Canals' commitment to supporting instances of whistleblowing.

The Whistleblowing Policy in the format attached as appendix 1 has been reviewed and approved by the EMT and Audit & Risk Committee members and incorporates their comments.

## CORPORATE CONSIDERATIONS ANALYSIS

<b>Strategic Priorities</b>	The review of the whistleblowing policy ensures stewardship of internal controls in accordance with the Corporate Plan 2023–28 key aim to excel in governance.
<b>Health &amp; Safety</b>	N/A
<b>Financial</b>	There are no financial implications for Scottish Canals' budget.
<b>Legal</b>	The Whistleblowing Policy is compliant with the terms of the Public Interest Disclosure Act 1998.
<b>Risk / Risk Appetite</b>	N/A
<b>Sustainability</b>	N/A
<b>Environment</b>	N/A
<b>People</b>	N/A
<b>Fair Work</b>	N/A
<b>Communication</b>	The Whistleblowing Policy will be communicated to all staff via NETconsent and supported by staff training.
<b>Community &amp; Third Sector</b>	N/A
<b>Commercial</b>	N/A
<b>Asset</b>	N/A

# WHISTLEBLOWING POLICY

AUGUST 2025

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## **WHISTLEBLOWING POLICY**

### **1. PURPOSE and SCOPE**

Scottish Canals, in common with all organisations, faces the risk of things going wrong or of unknowingly or unintentionally harbouring wrongdoing at work. We have a duty to ensure that we have arrangements in place for people to raise concerns about suspected wrongdoing and to investigate concerns thoroughly. Where we identify that wrongdoing has happened or is likely to happen, then we must take appropriate action.

By knowing about suspected wrongdoing at an early stage we can take the necessary steps to safeguard the interests of all staff, protect Scottish Canals and stop fraud and corruption before it happens.

In short, if you believe that something does not look or feel right, do not hesitate to 'speak up' or 'blow the whistle' on suspected wrongdoing.

This policy applies to all employees regardless of working pattern or nature of employment contract. It also applies to anyone working within the premises of and/or for Scottish Canals (for example sub-contractors, consultants, secondees from another organisation or agency staff). The word employee(s) in the context of this policy should be taken to mean all such individuals, unless specifically referred to as being directly employed by Scottish Canals.

### **2. WHAT ARE QUALIFYING DISCLOSURES?**

By knowing about wrongdoing at an early stage we can take the necessary steps to safeguard the interests of all employees, protect Scottish Canals and stop fraud and corruption before it happens.

In short, do not hesitate to 'speak up' or 'blow the whistle'. There are several issues you can whistleblow about. These are called qualifying disclosures. Qualifying disclosures in the context of this policy may refer to any of the following:

- Failure to comply with a legal obligation
- Unprofessional acts
- Misuse or inappropriate use of Scottish Canals funds or resources
- A criminal offence
- A miscarriage of justice
- Health and safety concerns
- Damage to the environment
- Breach of Scottish Canals' Code of Conduct
- Deliberate concealment of information relating to any of the above

### 3. ROLES & RESPONSIBILITIES

By promoting a culture of openness and transparency, Scottish Canals wants to encourage you to raise issues which concern you at work.

To prevent wrongdoing by Scottish Canals, its employees, workers, sub-contractors and partners, are actively encouraged to raise any concerns with their line manager in the first instance. If this is not appropriate, then concerns can be raised with a member of Scottish Canals' Senior Management Team or, if necessary, the Chair of the Audit & Risk Committee.

We recognise that it can take great courage to raise concerns in the workplace, and that you may be worried that by reporting such issues you will be opening yourself up to criticism, victimisation, detriment or even risking your job security. Such fears are understandable, and this policy is designed to provide you with information about the Public Interest Disclosure Act 1998 (PIDA) as well as the process by which you can raise concerns and/or whistle blow. This policy also explains that there are certain legal protections in place to ensure that you can raise concerns and/or whistle blow safely without fear of reprisal so long as you are doing so and acting in good faith.

This policy is underpinned by the following four principles:

- **Openness and Transparency** – All concerns will be handled in an open and transparent manner whilst balancing the need for confidentiality. Scottish Canals Chief Executive is accountable for ensuring that this policy is in place and the Head of Governance & Legal Services is responsible for monitoring and reviewing this procedure. Following a report of a concern and an investigation under this policy, any lessons learned will be shared across the organisation, including any improvements made.
- **Objectivity, impartiality and fairness** – All concerns raised under this policy will be considered and if required, investigated objectively, based on the available evidence and driven by facts and circumstances. Where an investigation is required, steps will be taken to remove any or potential conflicts of interest to insure credibility and impartiality with the process.
- **Focussed on Improvement** – All workers are encouraged to report any concerns without delay and Scottish Canals will ensure that any investigation that may be required is undertaken without undue delay. We encourage all workers to report their concerns to their line manager in the first instance, or alternatively with a member of the Senior Management Team or Chair of the Audit and Risk Committee. The outcomes from raising a concern and all investigations will be used to identify

organisational learning and improvement opportunities regarding the services we provide, how we work, and how we respond to concerns and whistleblowing.

- **Supportive to people who raise a concern** – Everyone who raises a concern will be offered support and protection throughout the process if the concern is raised in good faith. We will listen to your concern without judgment, treat you with dignity and respect, and be sensitive and respectful throughout this process.

#### **4. PROTECTION OF WHISTLEBLOWERS**

All concerns raised will be dealt with in confidence and in strict accordance with the terms of the PIDA. This legislation is designed to protect the legitimate personal interests of workers. The PIDA outlines the legal protections that Scottish Canals must offer all workers who raises a concern or blows the whistle. Not all concerns are covered by the PIDA and therefore protection will only be offered where a “Qualifying Disclosure” (also referred to a Protected Disclosure) is made. A Protected Disclosure relates to one or more of the following:

- Where a criminal offence has been committed, is being committed or is likely to be committed
- Where a person or organisation has failed, is failing or is likely to fail to comply with a legal obligation
- Where a miscarriage of justice has occurred, is occurring or is likely to occur
- Where the health and safety of any individual has been, is being or is likely to be endangered.
- Where the environment has been, is being or is likely to be damaged.

In addition, you can also raise a concern about someone trying to cover up or conceal information about any of the activities highlighted above.

There are three factors which need to be considered and complied with before your concern can be treated as fully protected. These are:

- You reasonably believe that raising your concern is in the public’s interest. This means that you are not raising your concern for your own gain and the concern affects other people.
- You reasonably believe that the information disclosed, and any allegation made is substantially true.
- You are acting in good faith which means that you are acting honestly, and your aim is to address the suspected wrongdoing and not by acting maliciously.

Please note, the legal protection of whistleblowers outlined in the PIDA only extends to workers and does not extend to non-workers such as volunteers, those who are self-employed or Non-Executive Directors.

At the initial discussion the whistleblower will be offered the option of confidentiality and, if taken up, will be given assurances that their identity will not be disclosed, or, if disclosure is approved, offered assurances of protection from possible reprisals or victimisation.

Concerns will be treated seriously, and actions taken in accordance with this policy. If you ask us to treat the matter in confidence, we will do our utmost to respect your request. Scottish Canals will do its best to protect the identity of individuals who raise concerns and do not want their names to be disclosed. It must be appreciated, however, that the investigation process may reveal the source of the information and a statement may be required as part of the evidence necessary to show that an allegation is correct. If we are in a position where we cannot maintain confidentiality as a matter of law, we will discuss the matter with you first. We will give you feedback on any investigation and be sensitive to any concerns you may have because of any steps taken under this procedure.

Remember, if you do not tell us who you are it will be much more difficult for us to investigate the matter, to protect your position or to give you feedback. Accordingly, while we will consider anonymous reports, this procedure is not appropriate for concerns raised anonymously.

## **5. WHISLEBLOWING PROCESS**

### **5.1 RAISING CONCERNS INTERNALLY**

#### **Tell your line manager**

If you suspect or are concerned about any form of actual wrongdoing, you should normally first raise the issue with your line manager. There is no special procedure for doing this - simply tell them about your concern or put it in writing if you prefer.

In your disclosure you could include:

- the background and reason behind your concern
- whether you've already raised the concern with anyone else and their response
- any relevant information including dates such as documents, photographs or videos that support your concern.

#### **If you feel unable to tell your line manager**

If you feel you cannot tell your line manager, for whatever reason, you should raise your concern with a member of the Senior Management Team or, if the issue is related to financial issues, the Director of Finance and Business Services.



If you feel that you cannot disclose to the next tier of management or Director of Finance and Business Services because you believe that the individual may be implicated in the suspected wrongdoing, you should raise the matter in confidence with a member of the Executive Management Team.

You should also approach one of the Executive Management Team to draw attention to cases where there is evidence of irregular or improper behaviour elsewhere in Scottish Canals, but where you have not been personally involved, or if you are required to act in a way which, for you, raises a fundamental issue of conscience.

### **If you feel unable to raise the matter within Scottish Canals**

If you feel that the people within the office with whom you could normally raise the issue are involved with, or supportive of, the behaviour causing you concern, then you may report the matter to the Chair of the Audit & Risk Committee.

The chair of Audit & Risk Committee is Michelle Wailes. Michelle Wailes is a member of Scottish Canals' board.

## **5.2 RESPONDING TO WHISTLEBLOWING**

After you have raised your concern, we will consider how best to respond in a responsible and appropriate manner. Usually this will involve making internal enquiries first, but it may be necessary to carry out an investigation at a later stage which may be formal or informal depending on the nature of the concern raised.

We will, as far as possible, keep you informed of the decisions taken and the outcome of any enquiries and investigations carried out. However, we will not be able to inform you of any matters which would infringe our duty of confidentiality to others.

## **5.3 RAISING YOUR CONCERN EXTERNALLY (EXCEPTIONAL CASES)**

In all but the most exceptional of circumstances concerns about suspected wrongdoing should be raised internally.

The purpose of this policy is to give you the opportunity and protection you need to raise your concerns internally without reporting the concern to external bodies. It is, therefore, expected that raising concerns internally will be the most appropriate action to be taken in almost all cases and so you should try to do so.

If, however, you feel you cannot raise your concerns internally and you honestly and reasonably believe that your allegations are true, The PIDA states that you could consider raising the matter with a Prescribed Person such as the police or the appropriate regulator e.g., Health and Safety Executive, Environmental Health Department. If you do take this route to whistleblowing an issue you may be required to demonstrate why you thought the normal internal procedure was not appropriate.

You are strongly recommended to take advice before following this course of action though, as The Public Interest Disclosure Act only affords protection to whistle blowers in prescribed circumstances.

#### **5.4 WIDER WHISTLEBLOWING DISCLOSURES**

If you have good reason for not using the internal or regulatory disclosure procedures described above, you might consider making wider disclosure by reporting the matter to the media or making a posting on the internet.

You are recommended to take independent or specialist legal advice before following this course of action though, as the Public Interest Disclosure Act only affords protection to whistle blowers in prescribed circumstances.

If you have not followed internal procedures, whistleblowing disclosures to the media or other public disclosure will generally be an unreasonable course of action. Reporting your concerns for public circulation, even if done in good faith, before raising them in accordance with these procedures may result in disciplinary proceedings, which could lead to dismissal.

#### **5.5 LIMITS TO PROTECTION**

It is important to note that a disclosure will not be protected under PIDA where you are committing an offence by making that disclosure, for example in breach of Data Protection legislation.

### **6. SOURCES OF ADVICE**

It is recommended that you obtain advice about whistleblowing and PIDA at an early stage if you intend to report malpractice. This is important so that you know the extent of the protection which will be provided to you under PIDA.

If you are a member of a trade union, you may wish to seek advice about raising an issue from a trade union representative. You may also wish to seek advice from Protect

(<https://protect-advice.org.uk/>) which is an independent charity set up to provide advice and guidance about whistleblowing issues.

## **7. MALICIOUS WHISTLEBLOWING**

If you are found to have made allegations maliciously and/or not in good faith, a disciplinary process may be instigated against you. This may result in your dismissal.

It is important to note that if you have raised a concern in good faith, you will not be subject to disciplinary action even if the investigation finds your allegations to be unproven.

## **8. COMPLIANCE & REVIEW**

Scottish Canals will take appropriate measures to remedy any breach of the Whistleblowing Policy; in the case of an employee, the matter may be dealt with under the disciplinary process.

The Whistleblowing Policy will be reviewed and updated when a change to legislation or Scottish Canals process requires it and at least every two years.

## **9. SUPPORT FOR WORKERS WHO RAISE CONCERNS**

We understand that it can take courage for someone to raise a concern at work. As part of our commitment to be a psychologically safer, open and transparent employer, we encourage everyone who suspects something is not right to speak up.

As a worker employed by Scottish Canals, you have access to an employee assistance programme, a Westfield Health Plan and HeadSpace. If you are a member of a Trade Union, they may also offer support to Whistleblowers. If you feel that you may need some additional support, please speak to your manager, a trusted colleague or one of our Mental Health First Aiders who are trained to listen.

## **APPENDIX 1: FREQUENTLY ASKED QUESTIONS**

**I told my line manager a number of weeks ago that I believe that a colleague is misusing Scottish Canals resources. Nothing seems to have happened since. What should I do?**

Speak with your line manager to ask how the investigation is progressing. If you feel that no or insufficient progress has been made you must inform your manager's manager.

**I have serious concerns that malpractice is prevalent within my team and that my manager and the more senior managers know about the situation but have chosen to ignore it. What should I do?**

You must contact the Chair of the Audit & Risk Committee and inform him or her of your concerns.

**I believe that a colleague is stealing from Scottish Canals. How do I deal with this?**

This issue should be dealt with by using this whistleblowing procedure. You must, therefore, inform your line manager.

**I believe that malpractice is happening within Scottish Canals and I am thinking of going to the press about it. What are the implications of this?**

You should try to exhaust all internal mechanisms for whistleblowing. You should be aware that going directly to the press may limit your protection under the Public Interest Disclosure Act (PIDA) and you may be liable for dismissal. It is advised that you seek advice from your trade union, if you are a member, or contact Protect for confidential whistleblowing advice on 020 3117 2520 before taking this course of action.

**What does PIDA do?**

PIDA protects workers who make a protected disclosure of information, concerning certain types of matters relating to their employment, from being dismissed or penalised by their employers because of the disclosure. The Act also has the effect of making confidentiality clauses unenforceable where there is a protected disclosure.

**Who may claim the protection of PIDA?**

Members of staff are workers within the definition contained in PIDA and may make a qualifying disclosure of information if they reasonably believe that the disclosure would tend to show that Scottish Canals is involved in a relevant failure.

### **What disclosures are protected?**

Not all disclosures of information are protected by PIDA. Protection only arises in relation to protected disclosures. Protected disclosures are:

- qualifying disclosures (defined below) made to an appropriate party; and
- made in accordance with the differing conditions for disclosure applying to each different type of recipient of the information.

A qualifying disclosure is:

"any disclosure of information which, in the reasonable belief of the worker making the disclosure, tends to show one or more of the following.

(a) That a criminal offence has been committed, is being committed or is likely to be committed.

(b) That a person has failed, is failing or is likely to fail to comply with any legal obligation to which he is subject.

(c) That a miscarriage of justice has occurred, is occurring or is likely to occur.

(d) That the health or safety of any individual has been, is being or is likely to be endangered.

(e) That the environment has been, is being or is likely to be damaged.

(f) That information tending to show any matter falling within any one of the preceding paragraphs has been or is likely to be deliberately concealed."

PIDA refers to those matters covered by (a) to (f) above as relevant failures.

A disclosure will not be a qualifying disclosure if the person making it commits an offence by making it (e.g. if the disclosure would breach official secrets legislation or if it would in breach of Data Protection legislation). You would therefore not receive protection under PIDA if you made a disclosure in these circumstances.

### **To whom may a disclosure be made?**

A protected disclosure may be made to one of the following recipients, these are:

- the worker's employer.
- a legal adviser.
- a regulatory body (referred to as a prescribed person – including the Information Commissioner).
- a third party.

The circumstances in which disclosures may be made vary depending upon the intended recipient of the information. The most likely recipient of information from Scottish Canals staff concerning misconduct will be Scottish Canals as the employer of the worker in question. To be protected by PIDA, a worker wishing to make a disclosure must make sure that s/he reasonably believes that the disclosure tends to show a relevant failure and s/he must make the disclosure in good faith. You may need independent legal advice to direct you in understanding this legislation.

## VERSION CONTROL

<b>Title:</b>	Whistleblowing Policy
<b>Date Created:</b>	August 2012
<b>Date of last review:</b>	September 2023
<b>Description:</b>	This document sets out a policy on whistleblowing to prevent malpractice within Scottish Canals.
<b>Source:</b>	This document has been written with reference to the Public Interest Disclosure Act (PIDA) 1998.
<b>Status:</b>	Operational
<b>Coverage:</b>	Organisation Wide
<b>Number of Pages:</b>	12
<b>Author:</b>	Nicola Christie
<b>Position:</b>	Head of Governance & Legal Services
<b>Last Updated by:</b>	Nicola Christie
<b>Date of next review:</b>	August 2027
<b>Updates Made:</b>	ACAS guidelines on whistleblowing adopted.
<b>Authorised By:</b>	Scottish Canals Board
<b>Date:</b>	August 2025