



## **WHISTLEBLOWING POLICY AND PROCEDURE**

<b>Version</b>	<b>Date</b>	<b>Author</b>	<b>Notes</b>
1	31Jul 25	DF	Policy Committee Approval
1	20 Aug 25	DF	Board Approval - Published

## **Information**

Every person who works within or is a political member of Ramsey Town Commissioners (RTC) (The Authority) should be able to come to work, or to meetings without fear of harassment, intimidation or bullying. The Authority seeks to provide a Psychologically Safe workplace, where it is safe to learn, safe to have a voice, safe to contribute and safe to challenge.

Everyone in the Authority has a responsibility to maintain good working relationships and not use words or deeds that may harm the wellbeing of others. In addition to the obligations placed upon both employers and employees by Equality and Human Rights legislation, everyone has the right to be treated with consideration, fairness, dignity and respect. This contributes to that workplace climate in which individuals feel safe and can work effectively competently and confidently.

Beyond this are the wider matters of public duty and public service. The Nolan Principles of Public Life set out expectations clearly.

### **Selflessness**

Holders of public office should act solely in terms of the public interest.

### **Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

### **Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

### **Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

### **Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

### **Honesty**

Holders of public office should be truthful.

## **Leadership**

Holders of public office should exhibit these principles in their own behaviour and treat others with respect. They should actively promote and robustly support the principles and challenge poor behaviour wherever it occurs.

Further, whilst not on statute in the Isle of Man, the principles of Misconduct in a Public Office are an important benchmark. Misconduct in this context concerns serious wilful abuse or neglect of the power or responsibilities of the public office held.

The Authority's policy applies to all staff working within the organisation. It extends to include non-permanent workers such as contractors, agency, temporary staff, and any other workers. The policy, in addition, covers the behaviour of staff outside working hours which may impact upon work or working relationships. Members of the Board should also be wholly cognisant of the principles of this policy and procedure document in their dealings with each other, and staff of the Commission. In the context of this policy and procedure, the principles may extend to others who have worked for the organisation in any of the above contexts.

The concept of 'whistleblowing' has led to some of the most important reforms in organisations where dishonesty and malpractice have impacted upon both service and reputation. 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**

Ramsey Town Commissioners values its employees and seeks to support an environment promoting the three fundamental principles of corporate governance: openness, integrity and accountability.

Employees are often the first people to witness any type of wrongdoing within an organisation. The information that employees may uncover could prevent wrongdoing, which may damage Ramsey Town Commissioners' 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. Their reported concerns will be taken seriously, and treated with unconditional positive regard.

The following principles underpin the policy of the Authority. The Authority 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 Whistleblow based on reasonable belief 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.

This policy does not replace nor take primacy in cases where behaviour is of a criminal nature. If it is suspected that the behaviour reaches this threshold the complainant will be supported in making the necessary report to the Police.

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.

Ramsey Town Commissioners may be held legally responsible for any detriment suffered by a whistleblower as a result of actions taken by:

Another employee, or

An agent acting on behalf of the Commissioners (e.g. contractors or consultants),

where such actions are taken because the individual made a protected disclosure.

Ramsey Town Commissioners will take all reasonable steps to prevent such conduct, including:

Providing training to staff and agents on whistleblower protections,

Investigating any allegations of detriment thoroughly and impartially,

Taking disciplinary or contractual action against those found to have caused detriment,

Ensuring whistleblowers are supported and protected throughout the process.

Any employee or agent found to have subjected a whistleblower to detriment may face disciplinary action.

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 2025.

These rights and protections are not affected if there is a signed 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).

This policy and procedure will be reviewed periodically giving due consideration to legislative changes.

---

## **PROCEDURE**

### **Definitions:**

#### **Whistleblower**

A Whistleblower may be defined as;

A worker who reports certain types of wrong-doing. This will usually be something they have seen at work although this is not confined. For example, the conduct or behaviour of an employee or member outside of work may give rise to concern as to their ability to do their job or hold their office

Whistleblowers are protected by law and should not lose their job or be treated unfairly as a result of their actions.

## **Disclosure**

A disclosure may be defined as;

Concerns or issues disclosed under the following categories, but should not be seen as exhaustive;

- a criminal offence,
- the breach of a legal obligation,
- a miscarriage of justice,
- a danger to the health or safety of any individual or individuals,
- damage to the environment,
- deliberate covering up of information tending to show any of the above matters.

Examples of protected disclosures include;

- fraud,
- financial mismanagement or corruption,
- physical or emotional abuse of individuals
- health and safety issues concerning the workplace that puts the safety of workers or visitors at risk,
- breaches of legislation,
- damage to the environment,
- a breach of Financial Regulations,
- payments in exchange for awarding contracts and/or offering, taking or soliciting bribes,
- concealment of any of the above.

Remember this list is not exhaustive. If the proposed disclosure does not match any of the above, then other options including grievance procedures and the Complaints Policy are available.

## **Reasonable belief**

When making a disclosure, there must be a reasonable belief that the information 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, the belief does not need to be correct, but it must show that the belief was held, and that it was reasonable in the circumstances at the time of disclosure.

It is important to demarcate between belief, and mere suspicion. The latter might best be described as a hunch, or inkling. Belief is more founded in clear circumstantial fact, which warrants further investigation from a sound baseline.

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

It is important to understand that there is a PUBLIC INTEREST test applied to instances of whistleblowing. Instances must be clearly a matter of public concern rather than narrow issues, for example related to a breach of employment contract.

---

## **PROTECTION AGAINST DETRIMENT AND DISMISSAL**

There are different protections depending on whether a whistleblower is an employee or a worker.

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'.

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

### **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.

Employees who believe they have been unfairly dismissed for making a protected disclosure may apply to the Employment and Equality Tribunal for interim relief.

If the Tribunal considers there is a strong likelihood that the claim will succeed, it may order that:

The employee is reinstated to their former position, or

The employee continues to receive full pay from Ramsey Town Commissioners while the case is being heard.

This provision is designed to protect whistleblowers from financial hardship and ensure fairness during the legal process

Employees seeking interim relief should act promptly, as applications must be made within 7 days of the effective date of dismissal.

---

## **Anonymous disclosures**

RTC believe in a workplace where it is safe to challenge and to have a voice. In addition, as protection for Whistleblowers raising a genuine concern are protected in law, it is considered desirable that names are disclosed. However, there may be special or unusual circumstances where a Whistleblower considers 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 direct from the source. It can also be difficult to update. This must not however discourage individuals from making an anonymous disclosure if they feel that this is the best course. The disclosure will be given the same consideration regardless of whether or not a name is provided.

---



## **Confidentiality**

Where a Whistleblower identifies themselves 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 of protection and maintenance of confidentiality, any whistleblowing disclosure will be handled in a sensitive and confidential manner - reprisals will not be tolerated.

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

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

Action taken because 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 a disclosure is made in confidence under this policy and there has been a request to protect an identity, every effort will be made to do so. However, due to the nature of the investigation process it may be vital to proceedings that a statement is required to be included in evidence. At this point, confidentiality of identity cannot be guaranteed.

## **Privacy Notice**

Ramsey Town Commission is a Controller for the purposes of the 2018 Data Protection legislation and will request and retain relevant information in order to investigate any issue raised through this procedure. This information will not be shared with any other organisation without consent.

To investigate the matter fully it may be necessary to divulge information to other Commission staff. This will only be done if absolutely necessary.

The Commission's Privacy Notice may be viewed on the website here [https://www.ramsey.gov.im/media/1357/rtc\\_privacy-policy-17-april-2019.pdf](https://www.ramsey.gov.im/media/1357/rtc_privacy-policy-17-april-2019.pdf) A hard copy can be made available

The Commission's Data Protection Officer can be contacted by email [enquiries@rtc.gov.im](mailto:enquiries@rtc.gov.im) or by telephone on 810100.

---

## MAKING A DISCLOSURE

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

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.

Ramsey Town Commissioners will not tolerate harassment or victimisation by members of staff and will take appropriate action, including the application of disciplinary procedures, to protect those who make a disclosure in good faith.

### Support

Concerns could be discussed with a work colleague who may also have knowledge of the matters to be raised. Joint disclosure can be an option. The earlier concerns are expressed, the easier it will be to take action.

At all stages of the procedure, Whistleblowers, if they so wish, can be accompanied by a trade union/staff association representative or a work colleague.

Support is also available from external bodies;

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@protectadvice.org.uk](mailto:Whistle@protectadvice.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>

Members of a trade union or staff association can also contact local representatives.

## Reporting Concerns

In the first instance, Whistleblowers are encouraged to raise concerns with their line manager. If this is not an option they are comfortable with then concerns should be reported to one of the following people or bodies:-

- a) the Town Clerk,
- b) Deputy Town Clerk,
- c) the Chairman of Ramsey Town Commissioners,
- 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 2025.

If the concern involves the Town Clerk or Deputy Town Clerk, then the report can be made to any of the persons described at parts (c) to (e) above. If it is preferred to raise the matters with someone outside of Ramsey Town Commissioners then these are also appropriate points of contact.

## Describing Concerns

A concern which is reported 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 unsure whether concerns relate to the matters described above, judgment should be exercised as to whether to take action. Outside of the above, it may not be regarded as a protected disclosure.

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 are likely to have led to the concern,
4. the reasons why there are concerns about making the disclosure.

There is a need to show to the person contacted that there are grounds for concern, but it is not expected to prove the truth of an allegation.

Wherever possible, factual information should be provided in the disclosure. For example; *'I have witnessed the finance manager, John Doe, altering financial reports on March 5th to hide losses'*, rather than a general or broad allegation like *'The finance department is involved in fraudulent activities.'* This will help the receiver of the report to take appropriate action.

## **Next Steps**

The receiver will take ownership of, and manage the concern through this process. If this is not possible, they will arrange for another appropriate person to do so. The person who manages the concern is referred to as the 'Designated Manager'.

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

It is at this stage the Whistleblower will be asked if they are content for their identity to be disclosed during the investigation and if not, they will be advised of the confidentiality provisions of this policy and 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 parties and a copy provided.

## **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 Department of Infrastructure,
- e) form the subject of an independent investigation,
- f) be subject to any combination of the above.

## **Progress Reports**

The Designated Manager will write;

- a) within 10 days to formally acknowledge that the disclosure has been received,
- b) indicate how the matter will be dealt with,
- c) advise 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 formulate a final response, and a commitment to provide progress updates on at least a monthly basis.

The Designated Manager will take steps to help minimise any difficulties which may be experienced 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 In the case of being required to give evidence in criminal or disciplinary proceedings, the Designated Manager will arrange 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 the Town Clerk and/or the Ramsey Town Commissioners Establishment Committee/Board 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 the Whistleblower will not be given a copy of the full investigation report, their input must be valued and respected and they must be kept as fully informed as possible. Therefore, subject to any legal or other constraints, they will be informed about the investigation and its outcome. However, should the outcome lead to disciplinary proceedings they will not be informed about a disciplinary process in respect of another employee.

#### **Where concerns are not confirmed**

If concerns are made with reasonable belief but cannot be confirmed by an investigation, no action will be taken against the Whistleblower.

However, a matter was raised that was known to be false and/or where it is suspected that there has been commission of or an 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.

### **Dissatisfaction with the outcome**

If dissatisfied with the outcome, a serving employee or worker can raise a Grievance using the appropriate procedure as per their terms and conditions of employment, or any other relevant complaints procedure.

Those who are not current employees or workers can raise a complaint with the 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 with Ramsey Town Commissioners HR consultants to ensure that professional working relationships can be restored.