***Appendix 2:* Consideration of other Policies**

The Whistleblowing procedure is intended to cover major concerns that fall outwith the scope of other policies or procedures and is intended to have a wider application covering other forms of malpractice. As malpractice is not easily defined, the following is a list of examples – although this list is not exhaustive.

* Fraud
* Financial irregularities
* Corruption
* Bribery
* Dishonesty
* Acting contrary to code of ethics
* Criminal activities
* Creating or ignoring a serious health and safety risk or risk to the environment.

It should be noted that whistleblowing disclosures are protected where they concern –

* An action or omission that took place in the past;
* Improper conduct occurring in the present; or
* The prospect or likelihood of an action or omission occurring in the future.

**Difference between a Grievance and Whistleblowing concern**

It should be recognised that there is a difference between a grievance and a whistleblowing concern. A whistleblowing concern is regarding the conduct of another individual in the workplace which the complainant genuinely believes falls within the whistleblowing criteria. Whistleblowing is where a concern is raised in relation to danger or illegality which affects others e.g. customers, the public or an employer. Usually the individual raising the concern is not directly affected by the danger or illegality and they would rarely have personal interest in the outcome. They are merely trying to alert others and act as a messenger so that the matter can be addressed. They are not required to prove the malpractice, but must have a genuine belief and raise the concern in accordance with this policy and procedure.

A grievance concerns an individual personally, regarding being poorly treated or possibly involving a breach of their individual employment rights and where they would seek redress or justice for themselves. They would therefore have a vested interest in the outcome. The following are examples of grievances –

* Issues regarding pay or hours of work;
* The allocation of work or workload;
* Working environment or working conditions;
* Issues relating to relationships with colleagues;
* Complaints about type of work or duties an individual is asked to carry out e.g. something outwith their contract of employment;
* Complaints about insufficient training.

**Existing Policies and Procedures**

The Council has other existing policies and procedures in place to assist employees to raise concerns regarding the following types of issues which should be considered prior to the Whistleblowing policy:

* If an individual observes themselves, or has evidence that someone is being bullied or harassed, this should be reported through the Managing Bullying and Harassment Policy and Procedure.
* Issues relating to Child Protection should be referred to the Protecting Children in Aberdeen City Policy.
* Financial irregularities should be dealt with through referring to the Council’s Financial Regulations.
* The Whistleblowing policy does not apply to complaints made by the general public. Any complaints from the general public should be dealt with through the External Corporate Complaints procedure. (Refer to separate statutory procedures for Social Care related complaints by service users).

This is a not an exhaustive list. It is the final determination of the Monitoring Officer to decide whether a complaint falls under the Whistleblowing policy and procedure and whether protection under the policy applies.