

PE1488/C

David Stewart MSP
Convenor
Public Petitions Committee
Scottish Parliament
EH99 1SP

27 November 2013

Dear David

CONSIDERATION OF PETITION PE1488

Thank you for your letter of 30 October asking for the Scottish Government's views on Petition PE1488, which calls on the Scottish Parliament to urge the Scottish Government to support the introduction of whistleblower hotlines for local authority staff.

Local Authorities in Scotland are already expected to have in place appropriate policies on whistleblowing. Paragraph 10 of Chapter 1 of the Guidance on Best Value under the Local Government in Scotland Act 2003, published in 2004, places an expectation on councils "*That effective procedures are in place to help ensure that members and employees comply with relevant codes of conduct and policies. This includes ensuring that appropriate policies on fraud prevention, investigation and whistleblowing are established.*" In addition, Audit Scotland have published "Whistleblowing: An employee's guide to what to do if you suspect fraud or corruption", which includes local authority staff.

Local Authorities are independent corporate bodies with their own powers and responsibilities and are entirely separate from the Scottish Government. As long as they act lawfully, it is up to each local authority how it manages its day to day business and decision making processes and the Scottish Government has no general powers that would allow them to intervene. It is therefore for each council to ensure that it has appropriate policies on whistleblowing, and the content of those policies.

The current guidance allows each council to develop policies that are suitable to local circumstances. Edinburgh Council, for instance, is introducing a whistleblowing hotline of its own. I think this approach is right and it is not the job of the Scottish Government to micro-manage councils: instead councils should decide for themselves what

arrangements to put in place. The important thing is they comply with the Best Value Guidance.

You also asked for the Scottish Government's views on the discussion that took place on 29 October at the Petitions Committee. This was an interesting discussion and clearly several members had sympathy with the concerns of the petitioners, though they did not necessarily support their specific proposals.

It is important that councils have proper whistleblowing policies in place, and I am pleased the Committee has taken an interest in this issue. I feel the main value of this discussion will be to encourage councils to consider, and where necessary improve, their policies and practices with regard to whistleblowing, and in particular their implementation of the Best Value Guidance.

I hope this reply is helpful.

DEREK MACKAY