

PE1488/D

UNISON Email of 28 November 2013

Dear Stuart

Please find below our response to the question asked by the Petitions Committee.

UNISON Scotland is sympathetic to the petition's aims.

Effective whistleblowing procedures are an essential part of good staff governance. Councils should be workplaces where staff are encouraged to speak out without risk of victimisation. Such an approach benefits the council, staff and the wider community.

While we deal with only a few cases each year, we are aware of surveys that indicate a high degree of dissatisfaction with the current provisions across all workplaces. In May of this year PCAW released a disturbing survey that indicated that 60% of whistleblowers received no response to their concerns from their managers; one in five were disciplined and 15% dismissed.

Most councils already have whistleblowing procedures in place. However, they are framed in the context of the current legislation. In addition, trade unions have to advise members within that context, because if members' actions fall outside the very limited protection in the legislation, they are not protected from dismissal. UNISON believes that the current UK legislation is complex and in need of reform. In particular, we are concerned about the recent amendment to PIDA (s43B) that introduced a public interest test. We believe that this amendment will lead to further legal uncertainty and discourage whistleblowing.

We would draw the Committee's attention to the recent [report](#) of the Whistleblowing Commission (November 2013). It covers many of our concerns and makes helpful recommendations including a code of practice that might be helpful in addressing this petition.

A number of the disclosures raised by the petitioner would not be 'qualifying disclosures' and therefore would fall outside the current statutory protection. In addition, the hotline procedure might fall outside the process set out in the legislation unless it was part of the council's internal procedures. This is because the legislation only provides for a disclosure outwith the employer in specific circumstances. We would therefore need to address any potential disconnect between the proposed procedure and the statutory protection from dismissal that is reserved to Westminster.

There are a number of other practical issues that would need to be addressed in any model procedure and if this matter was to proceed we would be pleased to support those discussions.

Dave Watson
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UNISON