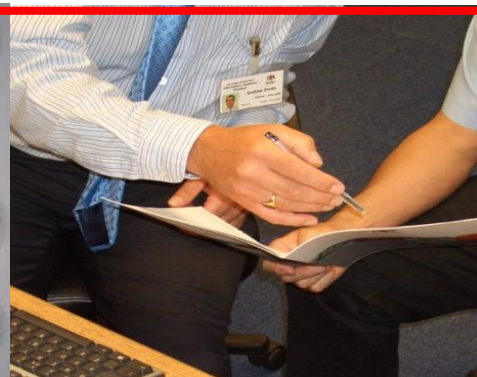




**Isle of Man
Government**

Reiltys Ellan Vannin



Consultation on an updated Isle of Man Government Whistleblowing Policy

June 2021

Office of Human Resources
Cabinet Office

1. Aim

This consultation, issued by the Office of Human Resources, Cabinet Office, seeks your views on an updated draft Isle of Man Government Whistleblowing Policy and Procedure.

2. How to respond

Responses may be made via the Isle of Man Government Consultation Hub, or alternatively in writing by email or post to:

IRP.OHR@gov.im

Industrial Relations and Policy Team
3rd Floor
Illiam Dhone House
2 Circular Road
Douglas
IM1 1AG

When responding, please state whether you are responding as an individual or representing the views of an organisation. If responding on behalf of a larger organisation, please make it clear who the organisation represents and, where applicable, how the views of the members were assembled.

3. Freedom of information

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the Freedom of Information Act 2015 (FOIA).

If you want information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory code of practice with which Public Authorities must comply and which deals, amongst other things, obligations of confidence.

In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information, we will take full account of your explanation, but we cannot give assurances that confidentiality will be maintained in all circumstances.

An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department. The Department will process your personal data in accordance with the Data Protection Act 2018 and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. A copy of the Act is available here:

https://legislation.gov.im/cms/images/LEGISLATION/PRINCIPAL/2018/2018-0010/DataProtectionAct2018_2.pdf

4. Data Protection

The Office of Human Resources, Cabinet Office is carrying out this consultation to seek the views of the public on an updated draft Isle of Man Government Whistleblowing Policy.

This consultation and the processing of any personal data that it entails is necessary for the exercise of Governmental functions. If your response to the consultation contains any information that allows you to be identified, the Cabinet Office will, under data protection law, be the controller for this information.

As part of this consultation, you may wish to provide your name and address or if responding by email, you will provide your email address. We may use this information in order to contact you should we have any follow up questions about your response. You do not have to give us this personal information. If you do provide it, we will use it only for the purpose of asking follow-up questions relating to the consultation subject.

The Office of Human Resources, Cabinet Office's Privacy Notice has more information about your rights in relation to your personal data, how to make a complaint and how to contact the Data Protection Officer, you can access this here:

<https://hr.gov.im/privacy-notice/>

Your information will be held securely and destroyed within 1 month after the consultation has been completed.

5. Why we are Consulting

The Tynwald Select Committee on Whistleblowing stated in its [Report](#) that whilst "the Isle of Man Government Policy is not particularly out of step with policies elsewhere", it was:

- Not as clear as it could be, there is significant repetition, overly legalistic wording, few practical examples and insufficient detail about the time frame and investigation process; and
- The tone is negative and alarmist and as such less likely to encourage a culture of open raising of concerns

The Minister for Policy and Reform gave a commitment in the House of Keys on 4 May 2021 to progress a revised policy as quickly as possible. Therefore, the Office of Human Resources has re-organised and re-written the existing policy with the aim of having an updated policy agreed and in place pending more wholesale changes that may be required in a year or two once the revised legislative framework is in place, as per the agreed recommendations from the Select Committee.

The proposed draft updated Isle of Man Government Whistleblowing Policy improves the process so that it:

- a) Makes it clearer as to who is responsible for managing a whistleblowing concern (by specifying a designated manager as responsible for managing cases and reporting the outcome to chief officers at the conclusion of an investigation);

- b) Separates the document into a statement of policy and principles and a separate appendix containing a formal procedure (where the focus is on addressing the whistleblowing concern itself rather than action against any respondents);
- c) Restricts what can be subject to a whistleblowing concern to only those matters which in law are regarded as protected disclosures (otherwise other procedures should be used such as Fairness at Work or Discipline).

Feedback on the draft updated Isle of Man Government Whistleblowing Policy, stating any concerns, observations or issues that may be perceived would be welcomed.

6. Next Steps

Following this consultation exercise, the comments, views or ideas provided will be considered by the Office of Human Resources, Cabinet Office and will be used to determine any further amendments or additions to the updated Whistleblowing Policy.