

Protection of the Whistleblower Act
Internal Procedures for receiving and dealing with disclosures
Ministry for Finance and Employment

Reference is made to the Protection of the Whistleblower Act (Cap 527) and OPM Circular 18/2013, which outlines the need for each Ministry to establish internal procedures to receiving and dealing with disclosures.

The Whistleblowing Reporting Officer (WRO) for the Ministry for Finance and Employment is Martin Spiteri (Director General, Strategy and Support). The function of the WRO is to receive and deal with internal disclosures reports of improper practices. The following is to be noted by all members of staff.

A. *How to submit internal disclosures*

- 1) By sending email to whistleblower.mfin@gov.mt;
- 2) By post;
- 3) In person to the WRO.¹

The written disclosure should provide a brief description of the improper practice that is being reported and should include as much information as possible. The whistleblower may wish to fill in the form provided in Annex 1. It is important to note that concerns should be raised in **good faith**.

Prohibition of disclosure of whistleblower identity: Article 6 of the Act prohibits the disclosure of the identity of the whistleblower, therefore no information that identifies the whistleblower shall ever be disclosed, “*unless the whistleblower expressly consents in writing to the disclosure of that information*”.

Anonymity: Article 11 of the Protection of the Whistleblower Act states that “*disclosures made anonymously shall not be considered as protected disclosures in terms of this Act*”. The WRO may still consider such disclosures, but if they are deemed as being defamatory or libellous, they will be discarded.

¹ If a disclosure is made verbally, the WRO will ensure that it is noted down in writing and that its contents are approved by the person making the submission.

B. Actions that may be taken

In considering an internal disclosure the WRO, after discussion with the Permanent Secretary and any experts he/she may wish to consult on the matter, may take a number of different actions:

- i) Corrective action may be implemented by the concerned entity without the need for investigation by the Ministry;
- ii) Investigation may be conducted by the Ministry;
- iii) The case may be referred to the Police.

C. Disclosure Process Flow (1)– Corrective action by entity

1. Contact is made by the Whistleblower;
2. In case of a written submission, the WRO will issue an acknowledgment within a maximum of 2 working days;
3. A written report will be compiled by the WRO including suggested follow-up action if applicable. This report will be submitted to the Permanent Secretary, MFIN within a reasonable timeframe from the date of the disclosure. The whistleblower will be notified of the action;
4. The Permanent Secretary will review the report and consult with any experts as deemed necessary;
5. The entity involved in the disclosure will receive the report and will be asked to provide its feedback within a reasonable timeframe. The whistleblower is notified of this action by the WRO;
6. The entity provides feedback and starts corrective action. The whistleblower is notified by the WRO.

D. Disclosure Process Flow (2) – Internal Investigation

1. Steps 1 and 2 (as above);
2. A written report will be compiled by the WRO suggesting that an internal investigation by the Ministry is launched. This report will be submitted to the Permanent Secretary, MFIN within a reasonable timeframe from the date of the disclosure. The whistleblower will be notified of the action;
3. When investigations are concluded a report with findings will be drawn up by the WRO, outlining the validity of the disclosure and recommendations for further action;
4. Permanent Secretary will review the report and decide on further action to be taken;
5. The Whistleblower is informed in writing of the outcome of the investigation and the proposed actions to be taken.

E. Disclosure Process Flow (3) – Police Investigation

1. Steps 1 and 2 as above;
2. The WRO will suggest to the Permanent Secretary that a Police investigation is launched and the whistleblower will be notified of the action.

Please ensure that all above procedures are adhered to in the event that an internal disclosure is to be submitted.

It is to be noted that internal disclosures may also be made directly to the Head of the Organisation, in this case the Permanent Secretary, in the event that the complaint is against, or is in any way related to the actions of the WRO, or as otherwise outlined in the provisions of Article 14 of the Protection of the Whistleblower Act.

If no satisfaction is gained from the outcome of an internal disclosure, the whistleblower may direct his/her submission to the Cabinet Office, which has been assigned the functions of the External Disclosure Whistleblowing Unit within the Government of Malta, as specified in Article 16 (d) of the Protection of the Whistleblower Act.

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MINISTRY FOR FINANCE
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Annex 1
Submitting an Internal Disclosure

To be submitted to the Whistleblowing Reporting Officer, Ministry for Finance and Employment.

For use by any employee wishing to submit an internal disclosure. Please read the whistleblowing internal procedures prior to filling in this form. If you require assistance in completing the fields hereunder, please contact the Whistleblowing Reporting Officer who will guide you with further details.

Full Name _____

Position/Grade _____

Please describe the nature of your concern

(Please provide descriptions of your concerns including detailed information such as dates of events, names of those involved, meetings or correspondence that have taken place, reference to relevant documents or policies.)

Signature _____ Date of Submission _____

Signature of WRO _____

Date of Receipt _____

Annex 2
Incidents often reported by Whistleblowers

