

OFFICIAL

## Whistleblowing Policy

### 1. What is 'Whistleblowing'?

- 1.1 Whistleblowing encourages and enables employees to raise any serious concerns they may have, rather than overlooking a problem. Serious concerns include: criminal activity; not complying with legal requirements; miscarriages of justice; putting an individual's health or safety at risk including residents, clients and members of the public; and damage to the environment.
- 1.2 Employees are often the first to realise that there is something wrong within the Council. However, they may be reluctant to say anything or raise their concerns as they feel that speaking up would be disloyal to their colleagues or to the Council; or they may feel that they would be victimised for doing so.
- 1.3 The Public Interest Disclosure Act 1998 (PIDA) offers all employees legal protection against any detriment, or unfair dismissal, as the result of speaking out about crime, fraud, miscarriages of justice, dangers to health and safety, breaches of civil service code or risks to the environment.

### 2 Our Commitment

- 2.1 We are committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees, and others that we deal with, who have serious concerns about any aspect of our work to come forward and tell us about those concerns.
- 2.2 If any employee raises their concerns in the public interest (not for personal gain) and they reasonably believe that the information they are giving is true and in good faith, our Whistleblowing policy aims to ensure that they receive support; and their concerns are properly investigated and addressed.
- 2.3 We will publicise this policy across the Council on a regular basis, so all our staff are aware of the support available and what is required of them.

### 3 Who does the Policy apply to?

- 3.1 The policy applies to all our employees. This includes temporary and agency staff, 'as and when' employees, authorised volunteers or work experience staff. It also applies to contractors working for us on our premises e.g. agency staff, builders, and drivers. It also covers suppliers and those providing services under a contract with us in their own premises, for example, care homes and children's centres. The policy also covers our Members.
- 3.2 This policy has been shared with the relevant trade unions and professional organisations and has their support.

OFFICIAL

#### 4 Our aims

- To encourage everyone to feel confident in raising concerns; and to act upon their concerns about potential wrongdoing;
- To provide ways for all staff to raise concerns in confidence and receive appropriate feedback on any action taken;
- To ensure that staff receive a response to their concerns; and that staff are aware of how to pursue them if they are not satisfied; and
- To reassure everyone they will be protected from possible reprisals, or victimisation, if they have a reasonable belief that they have made a disclosure, which is in the public interest.

#### 5 How to raise a concern

- 5.1 As a first step, any concerns should normally be raised with your immediate supervisor/manager. However, if the concern is serious, relates to a sensitive matter, or your line manager may be involved, you should approach a senior manager, or Assistant Director/Director within your service area.
- 5.2 Our Financial Regulations state that the Head of Audit and Risk Management should be told of any concerns that relate to financial or accounting irregularities or suspected irregularities. This policy allows the opportunity to raise your concerns about any financial matters directly to the Head of Audit and Risk Management.
- 5.3 If your concern is not about financial issues, you may also raise it with the Chief People Officer or Council's Monitoring Officer.
- 5.4 PIDA encourages staff to approach their employer in the first instance: this way you are legally protected; and any subsequent disclosure of the same information you make externally will be protected. However, the government advises that if you felt that your employer would cover your concerns up, or would treat you unfairly, or they have not resolved the issue when they have been told about it previously; you can make a referral to a 'prescribed person' and some examples of these are listed at the end of this policy.
- 5.5 Alternatively, you could ask your Trade Union to raise the matter on your behalf; or seek advice from your professional organisation, if you are a member of one.
- 5.6 Other procedures are available, for example the Grievance procedure which relates to complaints about your own employment. This policy also does not replace other corporate complaints procedures, which are for public use.

OFFICIAL

## **6 How we will respond to concerns raised under this policy**

- 6.1 We will aim to review your concerns and complete any investigations required as quickly as possible. It is not possible to say how every concern will be treated but as a general guide, within ten working days of the concern being raised, we will:
- Assess the complaint and identify the most effective process to use to investigate the allegations raised;
  - Notify the Head of Audit and Risk Management that a concern has been raised to ensure it is recorded properly in accordance with this policy;
  - Write to the person raising the concern (as long as the concern has not been raised anonymously) to acknowledge their complaint and indicate how the matter raised will be dealt with;
  - Indicate a likely timescale to complete the investigation; and
  - Provide individuals with information on staff support mechanisms that are available.

## **7 Confidentiality – Protection for Whistleblowers**

- 7.1 We want to protect anyone who raises a concern; including keeping their identity confidential if this is what the employee wants. All concerns will be treated in confidence and we will make every effort not to reveal people's identity, but please consider that we may need to provide a witness statement if the matter is subject to a disciplinary process, or referred to the police.
- 7.2 This policy encourages you to put your name to your concern whenever possible. Please note that:
- Staff must believe the disclosure of information is in the public interest;
  - Staff must believe it to be true;
  - Staff must not act maliciously; or knowingly make false allegations; and
  - Staff must not seek any personal gain.

## **8 Safeguards and Victimisation**

- 8.1 We recognise that the decision to report a concern can be a difficult one to make. If what you are saying is true, or you believe it to be true, you should have nothing to fear as you will be acting in the best interests of the Council and everyone we provide a service to.
- 8.2 We will not tolerate any harassment or victimisation (including informal pressures); and we will take appropriate action, including disciplinary procedures, to protect you when you raise a concern which is in the public interest.
- 8.3 If you make an allegation, which you think is genuine but is not proven, no action will be taken against you. However, where there is clear evidence that

OFFICIAL

you have made a malicious allegation then action may be taken against you under the Disciplinary procedure.

- 8.4 We want to encourage our staff to put their name to their concerns so we can investigate them properly. However, some people may wish to remain anonymous. In these circumstances, we will still consider concerns raised, taking into account the seriousness of the issues raised and the credibility of the concern, but our ability to take the matter further may be restricted if anonymity needs to be maintained.

## 9. Monitoring

- 9.1 The Council's Monitoring Officer, is responsible for the maintenance and operation of this policy. The Head of Audit and Risk Management will maintain a record of concerns raised and the outcomes (but in a form which does not breach your confidentiality) and will report as necessary to the Council.
- 9.2 The Monitoring Officer and Head of Audit and Risk Management will liaise with the Chief People Officer when the policy is subject to review in order to ensure all relevant employment requirements are taken into account.

## WHISTLEBLOWING - GUIDANCE NOTES FOR MANAGERS

When staff suspect or discover something is wrong, they are encouraged to report this to their manager. This gives managers the chance to correct any potential or actual malpractice before the issue escalates. Please note that if there are allegations of potential fraud, or financial irregularity, then these must be reported to the Head of Audit and Risk Management in line with the Council's Financial Regulations.

Victimising or deterring staff from raising legitimate concerns is a serious disciplinary offence. Whistleblowers are also afforded protection under the Public Interest Disclosure Act. Therefore, managers must ensure that anyone who makes a complaint have confidence that it is going to be properly investigated and addressed; and they will suffer no detriment as a result of speaking out.

Managers must respect the confidentiality of any staff raising concerns if they (the staff) want this. However, managers should advise staff that during the investigation the source of the information may need to be revealed and the individual may be required to provide a statement, or appear as a witness in any disciplinary or police investigation. You should advise the employee that they will be supported in these processes, if required. You should also advise the employee of any other support processes that are available to them.

In all cases where an employee uses the Council's Whistleblowing policy to raise their concerns, the person receiving the concern must notify the Head of Audit and

OFFICIAL

Risk Management. They are the Council's nominated officer for recording any Whistleblowing referrals and are required to maintain a log, which ensures confidentiality, and provide periodic information on the use of the Whistleblowing policy.

### Investigating Referrals

Managers need to review an employee's concerns raised under the Whistleblowing Policy and complete any investigations required as quickly as possible. As a general guide, within ten working days of the concern being raised, the manager should:

- Formally acknowledge the concern to the employee, or their Trade Union/ professional organisation;
- Undertake an initial review of the concerns (or refer the matter to the Head of Audit and Risk Management where fraud is alleged);
- Appoint an independent and impartial manager to undertake an investigation;
- Agree a timescale to complete the investigation with the investigating manager and advise the employee, or their representative, of the likely timescale;
- Conduct an investigation under the Whistleblowing Policy, following the same process as the Disciplinary Procedures for investigating cases of misconduct/ gross misconduct;
- An investigation may conclude that, potentially, there has been a breach of the Council's Code of Conduct and Disciplinary Rules. In these circumstances, you should invoke the disciplinary process; and
- Subject to any legal constraints, inform the employee, or Trade Union/ professional organisation, of the progress and outcome of any investigation.

### Examples of Relevant Prescribed Persons

If you decide to blow the whistle to a 'prescribed person' rather than your employer, the government has produced a [Prescribed Persons List](#).

More information on Whistleblowing can be found on the GOV.UK website: [www.gov.uk/whistleblowing](http://www.gov.uk/whistleblowing)

Examples of prescribed persons include:

*Her Majesty's Chief Inspector of Education, Children's Services and Skills ("the Chief Inspector")* about matters relating to the regulation and inspection of establishment and agencies for children's social care services.

Ofsted

Piccadilly Gate

Store Street

Manchester M1 2WD

Tel: 0300 123 3155

Email: [whistleblowing@ofsted.gov.uk](mailto:whistleblowing@ofsted.gov.uk)

OFFICIAL

***Care Quality Commission*** about the provision of health care on the NHS or independent health care services.

CQC National Customer Service Centre

Citygate

Gallowgate

Newcastle upon Tyne

NE1 4PA

Tel: 03000 616161

[www.cqc.org.uk](http://www.cqc.org.uk)

***The Health and Safety Executive*** about health or safety at work or the health and safety of the public.

Health and Safety Executive

Rose Court

2 Southwark Bridge

London

SE1 9HS

Online form: [www.hse.gov.uk/contact/workplace-complaint.htm](http://www.hse.gov.uk/contact/workplace-complaint.htm)

Tel: 0300 0031647

[www.hse.gov.uk](http://www.hse.gov.uk)

***The Comptroller and Auditor General*** about the proper conduct of public business, value for money, fraud and corruption in relation to the provision of public services.

The Comptroller and Auditor General

National Audit Office

157-197 Buckingham Palace Road

London SW1W 9SP

Tel: 020 7798 7999

[www.nao.org.uk/contact-us](http://www.nao.org.uk/contact-us)