

OFFICIAL

## Whistleblowing Policy

### 1. What is 'Whistleblowing'?

- 1.1 Whistleblowing encourages and enables workers (regardless of their employment type) to raise any serious concerns they may have, rather than overlooking a problem. Serious concerns covered by this policy include:
- a criminal offence, for example fraud
  - someone's health and safety is in danger
  - risk or actual damage to the environment
  - a miscarriage of justice
  - a company is breaking the law, e.g. does not have the right insurance
  - you believe someone is covering up wrongdoing
- 1.2 There are instances not covered by the whistleblowing law for example personal grievances such as: bullying, harassment, discrimination, unless your particular case is in the public interest. There are other relevant policies and procedures to refer to in these instances [HR Policies and Procedures Library | Intranet](#)
- 1.3 Workers 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.
- 1.4 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.
- 1.5 In order to qualify for a protection, you must make a 'protected disclosure'. This has three main elements to it:
- You must provide information of a concern that you 'reasonably believe' shows a category of wrongdoing set out in the law;
  - You must reasonably believe that the concern is in the public interest;
  - You must raise your concern in accordance with the law – either internally to your employer or externally to an outside body.

Further information can be found here: <https://protect-advice.org.uk/pida/>

### 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

OFFICIAL

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 worker raises their concerns in the public interest and they reasonably believe that the information they are giving is true, 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 workers are aware of the support available and what is required of them. There is also further procedural guidance available to managers and workers.

**3. Who does the Policy apply to?**

- 3.1 The policy applies to all our workers. You are considered a worker if you have a contract or other arrangement to do work or services personally for a reward, this can be direct with the Council or through a third party. The types of protection the Council can provide may be influenced by the contractual relationship with the worker.

**4. This policy aims to:**

- 1. encourage all improper, unethical or inappropriate behaviour to be identified and challenged at all levels in the organisation;
- 2. ensure all employees feel supported in speaking up in confidence and reporting matters they suspect may involve anything improper, unethical or inappropriate;
- 3. provide a clear procedure for reporting concerns and receive feedback on any action taken;
- 4. manage all disclosures in a timely, consistent and professional manner;
- 5. provide assurance that all disclosures will be taken seriously, treated in confidence and managed without fear of retaliation; and
- 6. re-assure employees that they will be protected from possible reprisals or victimisation if they have reasonable belief that they have made a disclosure that 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

OFFICIAL

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. Alternative contacts if required are the Deputy Head of Audit & Risk Management or the Director of Finance. If your concern is not about financial issues, you may also raise it with the Chief People Officer or Council's Monitoring Officer – The Assistant Director Legal and Governance.

- 5.3 If you need confidential advice or support regarding your concerns and who to talk to the Head or Deputy Head of Audit & Risk Management would be happy to have a confidential conversation to support you. Often even if this policy is not applicable the concerns are of an interest to Internal Audit.
- 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.

## **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
  - Provide individuals with information on staff support mechanisms that are available.

OFFICIAL

**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. The requirement of anonymity needs to be highlighted straight away in the referral process. 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.

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

8.4 We want to encourage our employees 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 to the Statutory Officers Group and to Audit Committee.



OFFICIAL

- 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.