

Whistle-Blowing Guide

The Whistle-Blowing Policy sets out the process for a protected disclosure of information to be made in situations where employees and other workers/suppliers covered by this policy have reasonable belief that there is serious wrong-doing at work by other employees, managers, Councillors, suppliers, contractors or others acting on behalf of the council and that this disclosure is in the public interest.

This guide supports the policy by providing information, guidance and confirmation of actions that should be undertaken when making or dealing with whistle-blowing disclosures.

This guide does not cover school-based employees, for whom separate policies apply. This guide will be kept under review by the Head of HR.

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Definitions

Whistle-Blowing – a protected disclosure of information where employees and other workers (i.e. agency staff, trainers, volunteers, consultants, contractors and councillors) have reasonable belief that there is serious wrong-doing at work by other employees, managers, councillors, suppliers, contractors or others acting on behalf of the council and that the disclosure is in the public interest.

Complaint - A complaint is an expression of dissatisfaction about the council's action or lack of action, the standard of service, or where a concern has been previously raised with the council and was not resolved to the satisfaction of the complainant.

Safeguarding Adults - The safeguarding adults procedure aims to provide a system that can be used by a range of organisations or individuals to report and respond to situations where it is suspected, alleged or known that a vulnerable adult has been abused.

Safeguarding Children - Child protection is about the safeguarding of children who are being abused or are in danger of being abused. The council has multiple groups and agencies dedicated to the safeguarding of children. Children's services, health services, police and voluntary groups, and groups concerning children, parents, carers and schools all work together to ensure that children are safe and protected.

The Whistle-Blowing policy should be followed for whistle-blowing disclosures. For complaints, safeguarding adults and safeguarding children issues, separate policies and procedures exist which should be followed in these cases.

Please note: The Complaints Procedure does not cover employee concerns covered by Whistle-Blowing, Bullying and Harassment or Grievance Procedures

Whistle-Blowing Guide

1. When whistle-blowing should be used

- 1.1 The Whistle-Blowing policy allows for a protected disclosure of information to be made in situations where employees have a reasonable belief that there is serious wrong-doing in respect of work or practices which affect the integrity of the council or the safety of its employees or the general public and that the disclosure is in the public interest.
- 1.2 The wrong doing could be by other employees, managers, councillors, suppliers, contractors or others acting on behalf of the council.
- 1.3 Concerns could be about acts or omissions, which have led, or could lead to, future wrong-doing within the council. Examples are provided within the Whistle-Blowing Policy.

2. Who can use the whistle-blowing policy?

- 2.1 The policy applies to council employees and other workers, including:
- Agency staff;
 - Trainers;
 - Volunteers;
 - Consultants;
 - Contractors;
 - Freelance staff;
 - Councillors (Members) of South Gloucestershire Council.
- 2.2 The policy also applies to:
- employees of organisations who work in partnership with the council;
 - suppliers.
- 2.3 Managers must ensure that all of the above groups are aware of the Whistle-Blowing Policy and this guide and that these documents are made available to these groups.

3. Raising a concern

- 3.1 The person raising a concern should firstly consider if the concern should be treated as a whistle-blowing disclosure, a complaint or a safeguarding issue. The definitions above should help inform this decision but if in doubt, please contact Employee Relations.
- 3.2 If it is decided that the issue falls under the Whistle-Blowing policy, the whistle-blower must make it clear in their disclosure that it is being raised as part of the Whistle-Blowing Policy.
- 3.3 Concerns must be raised internally in the first instance, by contacting Employee Relations, preferably in writing. In the case of financial irregularity e.g. fraud, corruption or unauthorised use of public funds, the manager should also contact the Audit Manager. It would be helpful if as much information as possible is provided at this early stage.
- 3.4 If the whistle-blower believes it necessary, for good reason, to take the matter up outside of Employee Relations, they should contact one of the following senior managers:
- Head of HR.
 - Departmental Director.
 - Monitoring Officer and Head of Legal & Democratic Services.
 - Chief Executive.
- 3.5 In some situations an employee may wish to take advice from and/or involve a colleague or Trade Union representative. These may also be present during any subsequent meetings or interviews.

4. Recording whistle-blowing disclosures

- 4.1 Employee Relations will record whistle-blowing disclosures on a register, after checking that it does fall under the whistle-blowing policy.

- 4.2 The process for raising a whistle-blowing concern is detailed in the Whistle-Blowing Policy.
- 4.3 For Children, Adults & Health Department Provider Services employees who need to raise concerns about their own employer, a separate process is in place.

5. Anonymous allegations

- 5.1 Anonymous allegations are those which are unsigned and unidentifiable.
- 5.2 All allegations will be investigated, although whistle-blowers need to be aware that anonymous allegations are much less powerful and are more difficult for the council to act upon. The Whistle-Blowing Policy encourages whistle-blowers to put their name to the allegation.

6. Investigating a whistle-blowing disclosure

- 6.1 Depending upon the nature of the alleged serious wrong-doing, the Head of HR will arrange for the matter to be investigated internally or referred to an appropriate external body.
- 6.2 In some situations the problem may be resolved without the need for a major investigation.
- 6.3 Investigations will be planned and controlled to ensure a thorough and speedy conclusion.
- 6.4 It is essential that the interests of the employee who is the subject of investigations are safeguarded in terms of confidentiality and supported throughout the process.
- 6.5 In all types of investigation there should be effective safeguarding of evidence/records and the need not to breach RIPA (Regulation of Investigatory Powers Act 2000) requirements if covert surveillance is required or being considered.
- 6.6 The investigating officer will prepare a report to the Director at the end of the investigation which states the findings and recommended action to be taken, including the following:
- How the investigation arose;
 - Allegations made;
 - The employees investigated and their jobs;
 - How the investigation was undertaken;
 - Facts and evidence identified, including prime documents or certified copies;
 - Notes of interviews;
 - Any financial implications, including losses and recovery arrangements;
 - A summary of the findings and conclusions;
 - Recommended action.
- 6.7 Where a whistle-blower raises an issue about another employee's conduct then, following an initial investigation of the matter under the Whistle-Blowing Policy, the matter may, if considered appropriate, be dealt with by

management, as part of an appropriate HR procedure, e.g. the Managing Employee Performance or Bullying and Harassment.

- 6.8 Where alleged fraud is involved, the investigation should take account of the Anti-Fraud, Bribery and Corruption Strategy.
- 6.9 Where the whistle-blower has indicated that he/she has provided information in confidence, nothing in the report should identify the whistle-blower.
- 6.10 Where the issue under investigation is a potential misconduct matter, HR advice must be sought on the operation of employee performance procedures.
- 6.11 Managers need to ensure that any recommended action is implemented and the whistle-blower kept appropriately informed.

7. Unsatisfactory results

- 7.1 If the whistle-blower is dissatisfied with the outcome, they should put their concerns in writing to the leader of the council for further consideration.
- 7.2 If the whistle-blower is dissatisfied with the council's response during the internal processes, they could consider contacting an external organisation e.g. Environment Agency, Health & Safety Executive, but they should take advice before making an external disclosure.
- 7.3 Whistle-blowers are not expected to make disclosures to the press.

8. Support and safeguards for whistle-blowers

- 8.1 The whistle-blower will be supported and protected from harassment or victimisation and any such claims investigated.
- 8.2 The council will provide support to whistle-blowers and employees under investigation as part of a whistle-blowing complaint, as per the policy.
- 8.3 All reported wrong-doings will be treated in absolute confidence, with every effort made by the council not to reveal an employee's identity if they so wish. However, an employee may need to become an identified witness, particularly if it has not been possible to substantiate the allegations by other means. The implications of this and the setting up of appropriate support or protection arrangements will be carefully and sensitively discussed with the whistle-blower by management.
- 8.4 Employees raising concerns under the Whistle Blowing Policy, and managers to whom allegations are disclosed, must ensure that they maintain confidentiality in all areas, including amongst service users and other employees.
- 8.5 A free, personal and confidential counselling service is available to all council employees. This service is aware of the council's whistle blowing policy and can offer initial advice to signpost employees appropriately. For further information and contact details, please see the Staff Counselling Leaflet.

9. Other policies, procedures and documents

- Complaints

- Safeguarding Adults
- Safeguarding Children
- Anti-Fraud, Bribery and Corruption Strategy
- Managing Employee Performance
- Bullying and Harassment
- Grievance