

Whistle-Blowing Policy

This 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. A separate Whistle-Blowing Guide is also available, to be read in conjunction with this policy.

This policy covers all staff except school employees, for whom locally managed school policies and procedures' apply.

The policy will be subject to a formal review on a two-yearly basis and will be kept under review by the Head of HR.

**May 2014
(Reviewed March 2017)**

Contents

- Policy
- Procedure
- Responsibilities

Whistle-Blowing Policy

1. Concerns raised under this policy can include:
 - Conduct which is against the law, a miscarriage of justice or fails to meet a legal obligation;
 - Financial irregularities including fraud, corruption or unauthorised use of public funds;
 - Failure to observe health and safety regulations, or actions which involve risks to the public or other employees;
 - Action causing major harm to the environment;
 - Employees claiming benefits to which they are not entitled;
 - Sexual, racial, physical or other abuse of service users;
 - Other causes of malpractice, negligent, unprofessional or unethical behaviour;
 - The conduct of contractors and/or suppliers to the council.
 - Concealment of any of the above.
2. The council will support and protect whistle-blowers who raise a concern under this policy, in accordance with the safeguards contained in the Public Interest Disclosure Act.
3. Allegations should only be made where the whistle-blower reasonably believes that the disclosure is in the public interest.
4. All reported wrong-doings will be treated in absolute confidence, with every effort made by the council not to reveal a whistle-blower's identity if they so wish. However, it may be necessary for the whistle-blower to become an identified witness at an appropriate time, particularly if it has not been possible to substantiate the allegations by other means. The implications of this and the appropriate support/protection arrangement will be discussed with the whistle-blower.
5. Whistle-blowers are encouraged to put their name to allegations. Anonymous allegations will be investigated but are much less powerful and are more difficult for the council to act upon.
6. If the council finds that allegations have been made maliciously or for personal advantage, action will be taken against an employee making the allegation in accordance with the Managing Employee Performance Policy.
7. This policy is not a substitute for the council's other policies and procedures on matters such as personal grievances, bullying and harassment, health and safety, safeguarding issues (children and/or adults) or complaints. It should also not be used to raise matters relating to an employee's own terms and conditions of service.

Whistle-Blowing Procedure

1. Raising a concern

- 1.1 The Code of Conduct for employees makes it clear that the council expects employees who have serious concerns about aspects of work, or practices which affect the integrity of the council, or the safety of its employees or the general public, to come forward and voice those concerns.
- 1.2 In most situations, an employee should raise their concerns in the first instance with their line manager. If an employee feels unable to tell their immediate line manager, the employee could raise their concerns with another manager, a more senior manager or Employee Relations.
- 1.3 When raising an issue, it is important to make it clear that it is as part of the Whistle-Blowing Policy. Concerns such as complaints or safeguarding adults/children issues should be raised under those specific policies.
- 1.4 All cases raised under this policy must be registered immediately with the Head of HR. To do this, concerns should be raised in writing to the HR Employee Relations team. In the case of financial irregularity e.g. fraud, corruption or unauthorised use of public funds, the manager should also contact the Audit Manager.
- 1.5 Employee Relations will contact one of the following senior managers as appropriate:
 - Head of HR;
 - Departmental Director;
 - Monitoring Officer and Head of Legal & Democratic Services;
 - Chief Executive.
- 1.6 In some situations, an employee may wish to take advice from and/or involve a colleague or Trade Union representative. They may also be present during any subsequent interview or meeting.
- 1.7 Where an issue is raised about another employee's conduct, following an initial investigation under the Whistle-Blowing policy, the matter may then be dealt with by management as part of an appropriate HR procedure e.g. Managing Employee Performance or Bullying and Harassment.
- 1.8 Employees raising concerns under this policy and managers to whom allegations are disclosed must maintain confidentiality in all areas, including amongst service users and other employees.
- 1.9 In considering anonymous allegations, the council will take the following factors into account:
 - The seriousness of the matter raised.
 - The credibility of the allegation.
 - The likelihood of obtaining information which could confirm the allegation.

2. Response

- 2.1 Depending on the nature of the alleged wrong-doing, the council will arrange for the matter to be:
 - Investigated internally by departmental management, Internal Audit or a senior manager from another department, and/or:
 - Referred to the External Auditor to be investigated; and/or
 - Referred to the appropriate external enforcement agency e.g. Health and Safety Executive, Environmental Agency, or the appropriate Government Department.
- 2.2 In some situations, the problem may be resolved without the need for an investigation e.g. if urgent action is needed to secure relevant information or to protect the safety of individuals, action will be taken immediately.
- 2.3 The Head of HR will write to the complainant within 10 working days of the concern being raised to acknowledge receipt of the concern and to indicate how the council proposes to deal with the matter.
- 2.4 Employee Relations will monitor the situation on behalf of the Head of HR and ensure that the matter is progressed.
- 2.5 The investigating officer will inform the employee raising the concern with initial feedback on the actions being taken and the likely timescales, within 20 working days of the complaint being made. Thereafter, feedback will be provided on an agreed, regular basis.
- 2.6 Subject to any legal constraints, the council will inform the whistle-blower of the outcome of the investigation.
- 2.7 If the employee, when informed of the response to the complaint is dissatisfied, they should put their concerns in writing to the leader of the council, who will arrange for the concerns to be further considered.

3. Support

- 3.1 The council will identify an individual to provide support and advice to the whistle-blower throughout the investigation and during any subsequent developments.
- 3.2 A contact/liaison officer will be provided to an employee under investigation as part of a whistle-blowing complaint.
- 3.3 If the whistle-blower feels victimised or harassed as a result of raising a concern in accordance with this procedure, they should advise the person identified in 3.1 and/or HR Employee Relations.
- 3.4 If a whistle-blower is dissatisfied with the application of this policy, they should contact HR Employee Relations.
- 3.5 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.

- 3.6 Alternatively, if you do not feel able to discuss any concerns that you may have with HR or the counselling service, then you could contact the charity Public Concern at Work on 020 7404 6609 or email: whistle@pcaw.org.uk who will provide advice on how to proceed.

4. External disclosures

- 4.1 If the whistle-blower is dissatisfied with the council's response throughout its internal procedures, they could then consider contacting an external organisation. These could include:
- Environment Agency;
 - External Auditor;
 - Health & Safety Executive;
 - Care Quality Commission (CQC);
 - Ofsted.
- 4.2 Advice should be taken before making an external disclosure and the internal procedure should normally have been followed first.
- 4.3 The council would not expect whistle-blowers to make disclosures to the press.
- 4.4 The Public Interest Disclosure Act 1998 provided some employment protection rights to individuals who 'blow the whistle' outside their organisation. However, the types of information and the situations in which concerns are disclosed externally are tightly defined in the legislation. The Act only protects those making disclosures which are considered to be in the public interest.
- 4.5 In exceptional circumstances the council reserves the right to take action in accordance with the Managing Employee Performance Procedure against an employee where an external disclosure is made without first using the internal process. This would be, for example, in cases when the council finds that an employee has made allegations maliciously or for personal advantage,

5. Other workers and suppliers

- 5.1 This policy applies to council employees and other workers, including freelance staff, temporary and agency staff, trainers, volunteers, consultants, contractors and Members.
- 5.2 This policy applies to all employees in organisations who work in partnership with the council who wish to raise a concern.
- 5.3 The policy is also available to suppliers. They should raise any issues with the Client Officer, or if not appropriate, the Head of HR or HR Employee Relations.
- 5.4 The policy will be published to all such groups and should a member of these groups wish to raise a concern, the procedures in this document should be followed.

- 5.5 The policy is not to be used by members of the public to pursue complaints about services. These should be dealt with through the council's Complaints Procedure.

Responsibilities

Managers

- Ensure their staff (including agency staff, contractors, volunteers, consultants, etc.) are aware of and follow council financial, health and safety and other procedures;
- Register whistle-blowing cases brought to their attention immediately with the Head of HR;
- Provide support to any employee making a whistle-blowing complaint.

Directors

- Respond to whistle-blowing submissions positively within the timescales set out within this policy.

Employees

- Raise serious concerns about aspects or work or practices which affect the integrity of the council or the safety of employees or the public.

Human Resources

- The Head of HR has overall responsibility for overseeing the Whistle-Blowing procedure and agreeing actions;
- HR Employee Relations to record and deal with whistle-blowing issues.
- The Head of HR will write to the complainant within 10 working days of the concern being raised;
- HR will provide support and advice to managers as required; including attendance at meetings as necessary.