

**1. Policy Statement**

- 1.1. You may often be the first to realise that there may be something seriously wrong with an aspect of the Council's work. Your concerns might relate to matters that could affect the Council itself, the Council's employees or the wider public. However, you may not express your concerns because you feel that speaking up would be disloyal to your colleagues or the Council. You may also fear reprisals, such as harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may be a suspicion of malpractice.
- 1.2. The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we encourage employees and others, with serious concerns about any aspect of the Council's work, to come forward and voice those concerns. It is recognised that certain cases will have to proceed on a confidential basis. This Whistleblowing Policy is intended to encourage and enable you to raise serious concerns **within** the Council rather than overlooking a problem, and makes it clear that you can do so without fear of retribution or any risk of losing your job.
- 1.3. This Policy has been agreed with the local representatives of Unison. The policy has been written in accordance with the requirements of the Public Interest Disclosure Act 1998, which protects workers making disclosures about matters of concern where they may have reasonable grounds for believing they are true. The Chief Executive has overall responsibility for the maintenance and operation of this policy. They will maintain a record of concerns raised and the outcomes (in a form which does not endanger your confidentiality) and will report as necessary to the Council.
- 1.4. This Policy will be made available to all staff on commencement of employment and is available on the Council's intranet, the Wire. Employees who have a visual impairment or whose first language is not English will have the Policy explained by their Line Manager. Employees with disabilities will have appropriate adjustments made or suitable help given during the process. Those responsible for operating the Policy will receive appropriate training.
- 1.5. This policy can be used by any person who works or has worked for the Council regardless of whether:
  - the work was full or part-time
  - the work was temporary or permanent
  - an employment agency was involved
  - the person involved was a trainee or on work experience
  - the person involved was working for a contractor

- 1.6 This policy is not intended to address grievances relating to individual employment for which a separate policy exists i.e. Grievance Procedure.

## **2. Aims and Scope of this Policy**

- 2.1. This policy aims to:

- encourage you to feel confident about raising serious concerns and to question and act upon concerns about potential malpractice.
- provide avenues for you to raise those concerns and receive feedback on any action taken.
- allow you to take the matter further if you are dissatisfied with the Council's response.
- reassure you that you will be protected from reprisals or victimisation for whistleblowing in good faith.

- 2.2. The concern may be about something that:

- is unlawful or illegal.
- is a breach of legal duty owed by the Council.
- is a miscarriage of justice.
- is against the Council's Standing Orders or policies.
- amounts to improper conduct.
- falls below established standards.
- endangers the health and safety of any person.
- might cause damage to the environment.
- attempts to conceal any of the above.

## **3. Policy Standards**

- 3.1. Harassment or Victimisation

The Council recognises that the decision to report a concern may be a difficult one, not least because of the fear of possible reprisal. The Council will not tolerate harassment or victimisation and will take action to protect you when you raise a concern in good faith. (See the Council's Dignity at Work Policy).

- 3.2. Confidentiality

The Council will do its best to protect your identity when you raise a concern and do not want your name to be disclosed. It must be appreciated that the investigation procedure may reveal the source of the information and a statement by you may be required as part of the evidence.

- 3.3. Anonymous Allegations

This policy encourages you to put your name to your allegation. Concerns expressed anonymously are inevitably less powerful but will be considered at the discretion of the Council depending on the seriousness of the issues raised, the credibility of the concern and the likelihood of confirming the allegation from attributable sources.

- 3.4. Untrue Allegations  
If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make malicious or vexatious allegations, disciplinary action may be taken against you.
- 3.5. Protection of Safeguards  
You cannot be required to waive your right to the protection of this policy. The Council will not ask you to agree not to use this Whistleblowing Policy.
- 3.6. Employment Law  
The Council acknowledges that you should not be dismissed solely or mainly because you made an allegation of the type above against the Council. If you were to be dismissed in those circumstances, it is likely to be viewed as an unfair dismissal by an Employment Tribunal.

#### **4. Procedure**

- 4.1. As a first step, you should normally raise concerns with your immediate manager or their superior. This depends, however, on the seriousness and sensitivity of the issues and who is thought to be involved. For example, if you believe that management is involved, you should approach your Head of Service or the Chief Executive.
- 4.2. Concerns are better raised in writing. You are invited to set out the background and history of the concern, giving names, dates and places where possible, and the reason why you are particularly concerned about the situation. If you do not feel able to put your concern in writing, you can telephone or meet the appropriate officer.
- 4.3. The earlier you express your concern, the easier it is to take action.
- 4.4. Although you are not expected to prove the truth of an allegation, you will need to demonstrate to the person contacted that there are sufficient grounds for your concern.
- 4.5. Advice and guidance on how matters of concern may be pursued can be obtained from your line manager or HR
- 4.6. You may invite your trade union or professional association to raise the matter on your behalf.

#### **5. The Council's Response**

- 5.1. The action taken by the Council will depend on the nature of the concern. The matters raised may:
- be investigated internally
  - be referred to the police
  - be referred to the external Auditor
  - form the subject of an independent inquiry

- 5.2. In order to protect yourself and the Council, initial enquiries will be made to decide whether an investigation is appropriate and if so what form it should take.
- 5.3. Some concerns may be resolved by agreed action without the need for investigation.
- 5.4. Within ten working days of a concern being received, the appropriate officer will write to you:
  - acknowledging that the concern has been received
  - indicating how the appropriate officer proposes to deal with the matter
  - giving an estimate of how long it will take to provide a final response
  - telling you if any initial enquiries have been made
  - telling you whether further investigations will take place, and if not, why not

With your permission, this letter will be copied to the Chief Executive for their records and so that they can ensure the problem is resolved satisfactorily.

- 5.5. The amount of contact between the officers considering the issues and you, will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from you.
- 5.6. When any meeting is arranged, you have the right, if you so wish, to be accompanied by a union or professional association representative or a colleague who is not directly involved in the area of work to which you are related.
- 5.7. The Council will take steps to minimise any difficulties that you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, the Council will advise you about procedure.
- 5.8. The Council accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will receive information about the outcomes of any investigations.
- 5.9. If you are not satisfied with the initial outcome, you should raise the matter internally with the Monitoring Officer, prior to raising the matter externally. The Monitoring Officer will then follow appropriate procedures to deal with the matter.

## **6. Independent Advice**

- 6.1 If you are unsure whether to use this procedure or you want independent advice at any stage, you may contact:
  - the independent charity Public Concern at Work on 0207 404 6609. Their lawyers can give you free confidential advice at any stage about how to raise a concern about serious malpractice at work.
  - the Unison Whistleblowers helpline on 0800 597 9750.

## 7. Further Steps

This policy is intended to provide you with an avenue for raising concerns **within** the Council.

- The Council hopes you will be satisfied. If you are not, and you feel it is right to take the matter outside the Council, the following are possible contacts:
- Your local Council member (if you live in the area of the Council).
- The Council's approved auditor, as defined by the Audit Commission.
- Relevant professional bodies or regulatory organisations.
- Your solicitor.
- The Police.
- Your local Citizens Advice Bureau.

You need to ensure that you do not disclose confidential information or that disclosure would be 'privileged' and you should check this point with your contact.