

WHISTLEBLOWING POLICY

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July 1999	1		New Code to meet requirements of Public Interest Disclosure Act 1998
25 October 2006	2		Revisions to Code
2 December 2010	3		Major revision and name change
11 December 2013	4		Major revisions to policy
14 May 2015	5		New corporate policy template
5 August 2016	6		Out of date contact details corrected
27 July 2017	7		Additional contacts re Safeguarding
November 2017	8		Review of Policy

14 November 2019	9		Out of date contact details corrected. Additional contact re Modern Slavery added
16 July 2021	10		Updated phone numbers.
3 November 2022	11		Full rewrite using up to date industry standard template

Equality impact assessment record	
Date of assessment	25 November 2022
Summary of actions from EIA	<p>Large print, audio tape, computer disc or Braille availability options stated.</p> <p>The policy is applicable to all workers, employees, officers, consultants, self-employed contractors, casual workers, agency workers, volunteers and interns, and is available to all.</p>

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1. About this policy

- 1.1 We are committed to conducting our business with honesty and integrity, and we expect all colleagues to maintain high standards in accordance with our Code of Conduct. However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring and to address them when they do occur.
- 1.2 The purpose of this policy is:
 - (a) To encourage colleagues to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected.
 - (b) To provide colleagues with guidance as to how to raise those concerns.
 - (c) To reassure colleagues that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.
- 1.3 This policy has been implemented following consultation with the Policy Working Group.
- 1.4 This policy does not form part of any contract of employment or other contract to provide services, and we may amend it at any time following consultation with the Policy Working Group.

2. Who does this policy apply to?

- 2.1 This policy applies to all employees, officers, consultants, self-employed contractors, casual workers, agency workers, volunteers and interns.

3. Who is responsible for this policy?

- 3.1 The Audit and Governance Committee has overall responsibility for the effective operation of this policy, and for reviewing the effectiveness of actions taken in response to concerns raised under this policy.
- 3.2 The Monitoring Officer has day-to-day operational responsibility for this policy and you should refer any questions about this policy to them in the first instance. The Monitoring Officer must ensure that regular and appropriate training is provided to all managers and other colleagues who may deal with concerns or investigations under this policy.

- 3.3 This policy is reviewed at least annually by the Audit & Governance Committee.
- 3.4 All colleagues are responsible for the success of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing. Colleagues are invited to comment on this policy and suggest ways in which it might be improved. Comments, suggestions and queries should be addressed to the Monitoring Officer who will involve the Audit & Governance Committee where appropriate.

4. What is whistleblowing?

- 4.1 **Whistleblowing** is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include:

- (a) criminal activity;
- (b) failure to comply with any legal obligation;
- (c) miscarriages of justice;
- (d) danger to health and safety, including risks to the public as well as colleagues;
- (e) damage to the environment;
- (f) fraud, corruption and bribery;
- (g) facilitating tax evasion;
- (h) financial fraud or mismanagement;
- (i) breach of our internal policies and procedures including our Employee's and Councillors' Codes of Conduct;
- (j) conduct likely to damage our reputation or financial wellbeing;
- (k) unauthorised disclosure of confidential information;
- (l) negligence; and
- (m) the deliberate concealment of any of the above matters.

- 4.2 A **whistleblower** is a person who raises a genuine concern relating to any of the above. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of our activities (a **whistleblowing concern**) you should report it under this policy.

- 4.3 This policy should not be used for complaints relating to your own personal circumstances, such as the way you have been treated at work. In those cases you should use the Grievance Procedure or Bullying, Harassment, Victimisation and Discrimination Policy (or other appropriate policy).

- 4.4 If a complaint relates to your own personal circumstances but you also have wider concerns regarding one of the areas set out at paragraph 4.1 above (for example, a

breach of our internal policies), you should discuss with the Monitoring Officer which route is the most appropriate.

- 4.5 If you are uncertain whether something is within the scope of this policy you should seek advice from Monitoring Officer, whose contact details are at the end of this policy.

5. Raising a whistleblowing concern

- 5.1 We hope that in many cases you will be able to raise any concerns with your line manager or the HR Department. You may tell them in person or put the matter in writing if you prefer. They may be able to agree a way of resolving your concern quickly and effectively. In some cases they may refer the matter to the Monitoring Officer.
- 5.2 However, where the matter is more serious, or you feel that your line manager or the HR Department has not addressed your concern, or you prefer not to raise it with them for any reason, you should contact the Monitoring Officer (contact details are set out at the end of this policy), who may respond directly, or delegate to a deputy.
- 5.3 We will arrange a meeting with you as soon as possible to discuss your concern. You may bring a colleague or union representative to any meetings under this policy. Your companion must respect the confidentiality of your disclosure and any subsequent investigation.
- 5.4 We will take down a written summary of your concern and provide you with a copy after the meeting. We will also aim to give you an indication of how we propose to deal with the matter.

6. Confidentiality

- 6.1 We hope that colleagues will feel able to voice whistleblowing concerns openly under this policy. However, if you want to raise your concern confidentially, we will make every effort to keep your identity secret. If it is necessary for anyone investigating your concern to know your identity, we will discuss this with you.
- 6.2 We do not encourage colleagues to make disclosures anonymously, although we will make every effort to investigate anonymous disclosures. You should be aware that proper investigation may be more difficult or impossible if we cannot obtain further information from you. It is also more difficult to establish whether any allegations are credible. Whistleblowers who are concerned about possible reprisals if their identity is revealed should come forward to the Monitoring Officer or one of the other contact points listed in paragraph 5 and appropriate measures can then be taken to preserve confidentiality. If you are in any doubt, you can seek advice from your union or Protect, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are at the end of this policy.

7. Investigation and outcome

- 7.1 Once you have raised a concern, we will carry out an initial assessment to determine the scope of any investigation. We will inform you of the outcome of our assessment. You may be required to attend additional meetings in order to provide further information.
- 7.2 In some cases we may appoint an investigator or team of investigators including colleagues with relevant experience of investigations or specialist knowledge of the subject matter. The investigator (or investigators) may make recommendations for change to enable us to minimise the risk of future wrongdoing.
- 7.3 We will aim to keep you informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent us giving you specific details of the investigation, an outcome or any disciplinary action taken as a result. You should treat any information about the investigation as confidential.
- 7.4 If we conclude that a whistleblower has made false allegations maliciously, the whistleblower will be subject to disciplinary action.

8. If you are not satisfied

- 8.1 While we cannot always guarantee the outcome you are seeking, we will try to deal with your concern fairly and in an appropriate way. By using this policy, you can help us to achieve this.
- 8.2 If you are not happy with the way in which your concern has been handled, you can raise it with the Monitoring Officer. Alternatively, you may contact the Audit & Governance Committee or our external auditors. Contact details are set out at the end of this policy.

9. External disclosures

- 9.1 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases you should not find it necessary to alert anyone externally.
- 9.2 The law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. We strongly encourage you to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Protect, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern. Their contact details are at the end of this policy.

- 9.3 Whistleblowing concerns usually relate to the conduct of our colleagues, but they may sometimes relate to the actions of a third party, such as a customer or client, supplier or service provider. In some circumstances the law will protect you if you raise the matter with the third party directly. However, we encourage you to report such concerns internally first, in line with this policy. You should contact your line manager or the HR Department or the Monitoring Officer for guidance.

10. Protection and support for whistleblowers

- 10.1 It is understandable that whistleblowers are sometimes worried about possible repercussions. We aim to encourage openness and will support colleagues who raise genuine concerns under this policy, even if they turn out to be mistaken.
- 10.2 Whistleblowers must not suffer any detrimental treatment as a result of raising a concern. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform the Monitoring Officer immediately. If the matter is not remedied you should raise it formally using our Grievance Procedure.
- 10.3 You must not threaten or retaliate against whistleblowers in any way. If you are involved in such conduct you may be subject to disciplinary action.

11. Contact information for a concern re Safeguarding

If an employee has a concern in relation to malpractice or ill treatment of an adult or child by a member of colleagues, it must be reported to:

Adult Safeguarding: Head of Service, Adult Safeguarding & Professional Standards: Tel 642962

Children's Safeguarding: Head of Children's Quality Assurance - the Council's Local Authority Designated Officer (LADO): Tel 642673

12. Contact information for a concern re Modern Slavery

If an employee has a suspicion in relation to a case of modern slavery/human trafficking then under Section 52 of the Modern Slavery Act 2015 it must be notified to the Home Office. For support in these situations you must contact the Council's Cohesion and Integration Manager Tel: 643044.

13. Contacts

Monitoring Officer	Emily Feenan Tel: 01332 643611
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	Email: emily.feenan@derby.gov.uk
External auditors	Ernst & Young https://www.ey.com/en_gl/connect-with-us
Chair of the Audit Committee	Cllr Joanna West Tel: 01332 643640/07812 300215 Email: joanna.west@derby.gov.uk
Protect (Independent whistleblowing charity who offer a confidential helpline)	Helpline: 0203 117 2520 Email: info@protect-advice.org.uk Website: https://protect-advice.org.uk/contact-protect-advice-line/