

# Whistleblowing Policy

Document owner	Janie Berry, Director of Governance
Document author	Richard Boneham, Head of Audit Partnership
Document manager	As above
Approved by and when	Audit & Accounts Committee
Date of document	November 2017
Version	Version 8
Document classification	Internal
Document distribution	Internal
Document retention period	Until date of next review
Location	iDerby
Review date of document	November 2020

**If you require this document in large print, on audio tape, computer disc or in Braille please contact the document manager.**

Date Issued	Version	Status	Reason for change
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5 August 2016	6		Out of date contact details corrected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



Equality impact assessment record	
Date of assessment	
Summary of actions from EIA	



<b>Contents</b>	<b>Page</b>
Introduction	4
Purpose and aim of the policy	4
Scope	4
Related Council strategies, policies, and procedures	5
Legislation, guidance and standards	6
Policy statement	6
How to raise a concern	7
Performance and risk management	7
Communicating the policy	7
Information and training	7
Evaluation and review	8
Contact information	8
Help messages	8



## Introduction

The Council knows that it faces the risk that something may go wrong or that someone may ignore our policies, our procedures or the law resulting in some very serious consequences. Experience shows that staff, or others who work on behalf of an organisation, often have worries or suspicions and could, by reporting their concerns at an early stage, help put things right or identify and stop potential wrongdoing.

**A Whistleblower** is generally a term used for a person who works in or for an organisation and raises an honest and reasonable concern about a possible fraud, crime, danger or other serious risk that could threaten colleagues, service users, customers, members of the public or the success and reputation of the organisation

We welcome all genuine concerns and will treat your issues seriously - this policy explains how to raise a concern, the types of activity you should report, the protection we can provide, confidentiality, our response and how you can take matters further, if necessary.

This Policy makes it clear that you can express your concerns without fear of victimisation, subsequent discrimination or disadvantage. This Policy is intended to give staff the opportunity to raise serious concerns within the Council instead of feeling they have to overlook a problem or “blow the whistle” outside. It is also designed to protect employees from malicious allegations.

## Purpose and aim of the policy

This Policy aims to:

- Encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice.
- Provide an avenue for you to raise those concerns and receive feedback on any action taken.
- Make sure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied.
- Reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made any disclosure in the public interest

## Scope

The Policy applies to all employees, partnering organisations and those contractors working for the Council on Council premises, for example, agency staff, builders, drivers and cleaners. It also covers suppliers and those providing services under a contract with the Council in their own premises, for example, care homes, as well as volunteer workers working within the Council. It does not apply to ex-employees.

There are existing procedures in place to enable you to lodge a grievance relating to your own employment. The Whistleblowing Policy is intended to cover major concerns that fall outside the scope of other procedures. These include:



- Conduct which is a criminal offence or a breach of law.
- A breach of our Code of Conduct for staff or Councillors
- Disclosures related to miscarriages of justice.
- Health and safety risks, including risks to the public as well as other employees.
- Damage to the environment. (e.g. land, buildings, highways, water, air, waste, energy, transport, natural habitat etc.)
- The unauthorised use of public funds.
- Possible fraud and corruption.
- Sexual or physical or verbal abuse of clients, colleagues, volunteers or employees.
- Unethical or improper conduct.
- Failure to follow the Council's policies and procedures
- Services that fall seriously below approved standards or practice

Therefore, you can report any serious concerns that you have about any aspect of service provision or the conduct of officers or members of the Council or others acting on behalf of the Council under the Whistleblowing Policy. This may be about something that:

- Makes you feel uncomfortable in terms of known standards you experience or the standards you believe the Council subscribes to.
- Is against the Council's Constitution and policies.
- Falls below established standards of practice.
- Amounts to improper conduct.

### **Related Council strategies, policies, and procedures**

This Policy links with the Council's Anti-Fraud and Corruption Policy, and makes it clear that concerns can be raised without fear of reprisals.

These procedures are in addition to the Council's Complaints Procedures and other statutory reporting procedures applying to some departments. You are responsible for making service users aware of the existence of these procedures.

Our Whistleblowing arrangements **do not** replace the following:

- Joint Adult's and Children's Safeguarding Policy
- Corporate Complaints Procedure
- Disciplinary Policy
- Grievance Policy



## Legislation, guidance and standards

The Public Interest Disclosure Act 1998 protects workers who speak out in the public interest about fraudulent, criminal or dangerous activities, wrong doings or malpractice at work. Additionally, the Enterprise and Regulatory Reform Act 2013 has updated some elements of the Employee Rights Act 1996 in respect of protected disclosures.

## Policy statement

Employees are often the first to realise that there may be something seriously wrong within an organisation. However, they may not express their concerns because they fear harassment or victimisation. They may also feel that speaking up would be disloyal to their colleagues or to the organisation. In these circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.

The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, we expect employees, and others that we deal with, who have serious concerns about any aspect of the Council's work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.

All concerns will be treated in confidence and we will make every effort not to reveal your identity if you so wish. However, confidentiality cannot be guaranteed, as courts, tribunals and other bodies can order the council to disclose documents and other information provided to it. At the appropriate time you may be asked to come forward as a witness.

We will not tolerate any harassment or victimisation (including informal pressure) and we will take action to protect you when you raise a concern believed to be in the public interest. We will take any disciplinary or corrective action should anyone attempt to victimise the whistleblower or prevent concerns being raised.

We do not encourage anonymous reporting as the concerns are more difficult to investigate and are generally less powerful. We would like you to put your name to the allegations whenever possible and remind you of the protection we can provide if we know who you are.

Anonymous whistleblowing referrals will be considered at the discretion of the officers handling your concern, in consultation with the service area, where appropriate. This discretion will be based on the:

- seriousness of the issues raised
- credibility of the concern
- likelihood of confirming the allegation from an attributable source evidence base

It may be that our investigations do not confirm your allegation. We take all concerns seriously and can assure you that no action will be taken against you if you have raised a concern in the genuine belief that it is, or may be, true.

If we find that you have maliciously made a false allegation we will take action and you will not be eligible for protection under PIDA.



## **How to raise a concern**

We encourage you initially to raise your concern internally – this allows the Council the opportunity to right the wrong and give an explanation for the behaviour or activity. We also advise staff to report any allegation to their line manager. We recognise that your first actions will depend upon the seriousness and sensitivity of the issues and who you believe to be involved. We advise that you make it clear that you are raising your concerns under the Council's whistleblowing arrangements – this will help managers respond in line with this policy.

Our response will depend on the nature of the concern raised and may be:

- advice only
- resolved by agreed action without the need for investigation
- investigated internally (by management, internal audit, corporate fraud team or other independent investigators)
- referred to the relevant safeguarding team (child protection or vulnerable adults)
- referred to the Police
- referred to the external auditor
- the subject of an independent inquiry

## **Performance and risk management**

The number of whistleblowing reports received may be reported to the Audit and Accounts Committee, as they may highlight where there are potential risks to the Council which require mitigation.

## **Communicating the policy**

The Director of Governance and Monitoring Officer has delegated responsibility for the maintenance and operation of this Policy to the Head of the Audit Partnership. The Head of Audit Partnership maintains a record of concerns raised and the outcomes, in a form which does not endanger your confidentiality, and will report as necessary to the Audit and Accounts Committee, and where necessary Full Council.

The Director of Governance and Monitoring Officer has a statutory duty to take action where the Council is involved in maladministration or illegality. The Head of Legal is the Deputy Monitoring Officer

## **Information and training**

You can get more information on this policy and how it affects you from:

- Director of Governance and Monitoring Officer: Tel 643616
- Head of Audit Partnership: Tel. 643280



**Evaluation and review**

This Policy will be reviewed as required, and every 3 years in any event by the Audit and Accounts Committee

The policy will be subject to review by 30 November 2020.

**Contact information**

You can get advice/guidance on how to pursue matters of concern from:

- Chief Executive: Tel. 643546
- Director of Governance and Monitoring Officer: Tel 643616
- Head of Audit Partnership: Tel. 643280

**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 staff, 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

The officer responsible for this Policy is the Council's Monitoring Officer, the Director of Governance.

**If you require this document in large print, on audio tape, computer disc or in Braille please contact the document manager**

