



Whistleblowing Policy

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Introduction

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.

This Policy makes it clear that you can express your concerns without fear of victimisation, subsequent discrimination or disadvantage. This Policy is intended to encourage and enable employees to raise serious concerns within the Council rather than overlooking a problem or “blowing the whistle” outside. It is also designed to protect employees from malicious allegations.

Purpose and aim of the policy

This Policy aims to:

- Encourage employees, Members and contractors to feel confident in raising serious concerns and to question and act upon concerns about practice.
- Provide an avenue for raising concerns and receiving feedback on any action taken.
- Make sure responses are received to concerns and that there are mechanisms to pursue them if the whistleblower is not satisfied.
- Reassure whistleblowers that they will be protected from possible reprisals or victimisation if they have a reasonable belief that they 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 employees to lodge a grievance relating to their own employment. The Whistleblowing Policy is intended to cover major concerns that fall outside the scope of other procedures. These include:

- Conduct which is an offence or a breach of law.
- Disclosures related to miscarriages of justice.
- Health and safety risks, including risks to the public as well as other employees.
- Damage to the environment.
- The unauthorised use of public funds.
- Possible fraud and corruption.
- Sexual or physical abuse of clients.
- Other unethical conduct.



Therefore, any serious concerns about any aspect of service provision or the conduct of officers or members of the Council or others acting on behalf of the Council can be reported 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 Strategy, and makes it clear that concerns can be raised without fear of reprisals.

This Policy does not replace the Council's Complaints Procedures, the Grievance Procedure or other statutory reporting procedures applying to some departments. Officers and Members are responsible for making service users aware of the existence of these procedures.

Whistleblowing Guidance for officers has been compiled to assist with ensuring that disclosures are dealt with correctly. This Guidance is an appendix to this 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 the identity of the whistleblower if they 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 the whistleblower may be asked to come forward as a witness

Policy details

The Whistleblowing Guidance gives details to officers on the processes to follow in raising a disclosure, and to those officers who receive disclosures. It outlines the steps to be taken by the individual who wishes to make a disclosure, the actions to be taken by managers receiving such a disclosure and the process which will be followed to investigate the concern.

Performance and risk management

Whistleblowing issues received will 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 Monitoring Officer has delegated responsibility for the maintenance and operation of this Code to the Head of Governance and Assurance. The Head of Governance and Assurance 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 Monitoring Officer has a statutory duty to take action where the Council is involved in maladministration or illegality. The Head of Legal (General) is the Deputy Monitoring Officer.

Breaches and non-compliance

The Council is committed to good practice and high standards and wants to be supportive of employees.

The Council recognises that the decision to report a concern can be a difficult one to make. If what is reported is true, there should be nothing to fear because by reporting the concern the whistleblower will be doing their duty to their employer and those for whom they are providing a service.

The Council will not tolerate any harassment or victimisation, including informal pressures, from whatever source within the Council, and will take appropriate action to protect a whistleblower when they raise a concern in the public interest. Any employee who causes detriment, bullying or harassment to someone who makes a disclosure under this Policy will be subject to disciplinary proceedings.



Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect the whistleblower.

If the investigation concludes that the whistleblower

- did not have a reasonable belief that their allegations tended to show the wrongdoing, or
 - did not make their allegations (whether they are true or not) in the public interest,
- the allegations may not be pursued and/or disciplinary action may be taken against them

Information and training

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

- Director of Legal and Democratic Services (Monitoring Officer): Tel 643616
- Head of Governance and Assurance: 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 December 2016.

Contact information

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

- Chief Executive: Tel. 643546
- Strategic Director – Resources: Tel. 643552
- Director of Legal and Democratic Services (Monitoring Officer): Tel 643616
- Head of Governance and Assurance: Tel. 643280

The officer responsible for this Policy is the Council's Monitoring Officer, the Director of Legal and Democratic Services.

Help messages

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