



# Whistleblowing Policy

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## **Whistleblowing Policy**

### **What is Whistleblowing?**

Whistleblowing encourages and enables employees to raise serious concerns **within** the Council rather than overlooking a problem or 'blowing the whistle' outside. Employees are often the first to realise that there is something seriously wrong with an organisation. However, they may not express their concerns as they feel that speaking up would be disloyal to their colleagues or to the Council.

### **Our commitment**

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, without fear of reprisal. All applicable and genuine disclosures are protected.

### **Who does the Policy apply to?**

The policy applies to all employees, (including those designated as casual, temporary, agency, authorised volunteers or work experience), and those contractors working for the Council, such as staff employed by outsourced functions, agency staff, builders. The policy also applies to Members.

### **The aims of the Policy**

- To encourage you to feel confident in raising concerns and to question and act upon concerns about practice.
- To provide avenues for you to raise concerns in confidence and receive feedback where appropriate or permissible on any action taken.
- To ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied.
- To reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made a disclosure in good faith.

### **What types of concern are covered?**

To qualify for protection under the Public Interest Disclosure Act 1998, the disclosure must relate to one or more of the following:

- that a criminal offence has been committed, is being committed or is likely to be committed,
- that a person has failed, is failing or is likely to fail to comply with any legal obligation to which he is subject,
- that a miscarriage of justice has occurred, is occurring or is likely to occur,

- that the health or safety of any individual has been, is being or is likely to be endangered,
- that the environment has been, is being or is likely to be damaged, or
- that information tending to show any matter falling within any one of the preceding points has been, is being or is likely to be deliberately concealed.

For the purposes of protection, it is immaterial whether the relevant failure occurred, occurs or would occur in the United Kingdom or elsewhere, and whether the law applying to it is that of the United Kingdom or of any other country or territory.

A disclosure of information is not a qualifying disclosure if the person making the disclosure commits an offence by making it.

A disclosure of information in respect of which a claim to legal professional privilege could be maintained in legal proceedings is not a qualifying disclosure if it is made by a person to whom the information had been disclosed in the course of obtaining legal advice.

It should be noted that there is a difference between grievance and protected disclosure – a grievance relates to an employee personally, whereas a disclosure relates to, for example, a criminal offence of another person in the workplace.

### **Safeguards and victimisation**

The Council recognises that the decision to report a concern can be a difficult one to make. If you believe what you are saying is true, you should have nothing to fear because you will be doing your duty to your employer and those for whom you provide a service. The Council will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith.

### **Confidentiality**

All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At the appropriate time, however, you may need to come forward as a witness. This policy encourages you however to put your name to your concern whenever possible. Please note that:

- Staff must disclose the information in good faith.
- Staff must believe it to be substantially true.
- Staff must **not** act maliciously or make false allegations (this will be viewed as gross misconduct).
- Staff must **not** seek any personal gain.

### **How to raise a concern**

As a first step, you should normally raise concerns with your immediate line manager or their superior. This may depend, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that management is involved you should approach a more senior level of

management within your Directorate. It is the Manager's responsibility to ensure the concern is treated seriously such as, provide in confidence facilities if required, investigate and report appropriately.

Members should raise concerns with the Monitoring Officer, Chief Executive, Directors or with Internal Audit.

Contractors should raise concerns with the Council officer acting as the contract or project manager or with Internal Audit.

The Financial Regulations require that the Director of Resources shall be notified of all financial or accounting irregularities or suspected irregularities. This policy does not supersede that requirement; it does in fact provide the opportunity to raise concerns directly to Internal Audit through the designated number.

**To make a confidential call please ring the dedicated Whistleblowing Hotline free phone number 0800 389 2330. This is an independent service which offers complete anonymity. Concerns can also be raised via the confidential reporting facility on the Council's website.**