

26. Whistle blowing policy

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26.1 Who can use this policy?

This policy is for council officers only. Members of the public can use the council's complaints procedure or complain to the ombudsman.

26.2 What does this policy apply to?

This policy applies to anything illegal, improper, unethical or wrong that is done by:

- officers
- councillors
- co-opted committee members
- anyone representing the council
- partner organisations
- contractors, consultants or other suppliers.

Examples would include a criminal offence, fraud or corruption, damage to the environment, theft or misuse of public money or failure to follow the council's finance, contract or other rules.

The council has other policies and procedures, for example on recruitment and selection, discipline, grievances and diversity. The whistle blowing policy should only be used when other policies are inappropriate.

26.3 Purpose of whistle blowing policy

Officers with serious concerns about any of the council's work are expected to blow the whistle. This policy:

- encourages officers to blow the whistle within the council rather than say nothing or take their concerns elsewhere

- protects whistle blowers from reprisals as long as they have acted honestly
- provides a procedure for whistle blowing
- ensures whistle blowers get a response
- gives advice on what to do if the response is not good enough.

26.4 How will the council protect whistle blowers?

The council will protect whistle blowers from reprisals as long as they have acted honestly. Reprisals will be treated as a serious disciplinary offence and dealt with through the disciplinary procedure.

The council will try to minimise any difficulties resulting from whistle blowing. For example, it will advise whistle blowers about the procedure if they have to act as witnesses.

26.5 Protecting the identity of whistle blowers

The council will do its best to protect the identity of whistle blowers. But it may have to say where it got its information from during an investigation and the whistle blower may have to act as a witness.

26.6 Anonymous allegations

This policy encourages officers to put their names to allegations but the council will sometimes investigate allegations made anonymously. In deciding whether to investigate an anonymous allegation, the council will consider how serious it is, whether it is believable and whether evidence can be got from a non-anonymous source.

26.7 Untrue allegations

Officers will not suffer reprisals for making an allegation that turns out to be untrue, as long as they believed it and did not make it maliciously.

Allegations that are deliberately false or malicious will be treated as a disciplinary offence through the disciplinary procedure.

26.8 Role of trade unions and professional associations

Officers can raise concerns themselves or ask their trade union or professional association to act on their behalf. Whistle blowers can bring with them to meetings a trade union or professional association representative or a friend.

26.9 How do officers blow the whistle?

(a) Saying that the whistle blowing procedure is being used

The whistle blower should make it clear from the start that they want to use the whistle blowing procedure.

(b) Putting concerns in writing

Whistle blowers should normally put their concerns in writing, giving as much detail as possible and including relevant dates. Whistle blowers are not expected to prove that their allegations are true but they need to show that there are reasons for concern. If a whistle blower does not feel they can put their concerns in writing, they can be interviewed instead – see 26.10(b).

(c) Who should whistle blowers go to with their allegations?

Whistle blowers should normally go to their line manager.

If the whistle blower does not want to go to their line manager, they can go to the chief executive, a strategic director, the monitoring officer or the human resources business manager.

If the whistle blower suspects fraud or corruption, they can go to the internal auditors.

26.10 How will the council respond to whistle blowing?

(a) Appointment of an officer to investigate

The council will appoint an investigating officer and tell the whistle blower who this is.

(b) Interviews

If the whistle blower has not put their concerns in writing, the investigating officer will interview them. The investigating officer will write a summary of the interview, which will be signed by the investigating officer and the whistle blower.

(c) Initial enquiries

The investigating officer will make some initial enquiries to decide:

- whether to investigate further and
- what form any further investigation should take.

(d) Further action

The council will take further action if the investigating officer decides it would be in the public interest and the allegation cannot be dealt with under other council procedures. Further action may include:

- arranging an investigation by management or internal auditors
- arranging a disciplinary process
- referring allegations to the police
- referring allegations to the external auditor

- arranging an independent inquiry if the allegations are very serious or complicated.

(e) Response to whistle blower within 10 working days

Within 10 working days of this policy being used, the investigating officer will write to the whistle blower:

- acknowledging that they have used the whistle blowing policy
- saying how their concern will be dealt with and how long they think this will take
- telling them whether any initial enquiries have been made
- saying what further action will be taken (or saying why no further action will be taken)
- telling them they have the right to bring someone with them to any meetings they have to attend about the allegation.

(f) Response to whistle blowers at the end of the investigation

If the law allows, the council will tell the whistle blower the outcome of any investigation within 10 working days of it ending.

26.11 Taking concerns further

If an officer has sought advice and feels it is right to raise their concerns outside the council, people they could approach include their local councillor, the external auditor, the health and safety executive, a government department, a solicitor, the police or an MP.

If an officer does raise their concerns outside the council, they must do it without passing on confidential information. The monitoring officer can give advice on this.

26.12 Responsibility for this policy

The monitoring officer and the standards committee have overall responsibility for this policy and how it is used. The standards committee will review how the policy is working.