

25. Whistle Blowing Policy

- 25.1 Who can use this policy?
- 25.2 What does this policy apply to?
- 25.3 Purpose of whistle blowing policy
- 25.4 Protecting the identity of whistle blowers
- 25.5 How will the Council protect whistle blowers?
- 25.6 Anonymous allegations
- 25.7 Untrue allegations
- 25.8 Role of trade unions and professional associations
- 25.9 How do workers blow the whistle?
- 25.10 How will the Council respond to whistle blowing?
- 25.11 Taking concerns further
- 25.12 Monitoring and reporting
- 25.13 Responsibility for this policy
- 25.14 How to respond to a whistleblowing concern – Flow chart

25.1 Who can use this policy?

This policy is for Council officers whether they be full or part-time employees, secondees, casual workers or volunteers, or contractors. Members of the public can use the Council's complaints procedure or complain to the ombudsman.

25.2 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, safeguarding concerns, theft or misuse of public money, breach of a legal obligation, a failure to follow the Council's finance, contract or other rules or a deliberate attempt to conceal any of these things.

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

If an employee raises a disclosure whilst they are subject to another of the Council's procedures, for example, Disciplinary, Dispute Resolution, Capability or

Absence Management Procedure, parallel investigations may be conducted. The Procedures already instigated will not, in most cases, be suspended. However, the employee's right to raise a concern under this Procedure will not be affected.

25.3 Purpose of whistle blowing policy

Officers with serious concerns about any of the Council's work or activities are expected to blow the whistle. This policy document makes it clear that an employee can do so without fear of victimisation, subsequent discrimination or disadvantage. 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 and in the public interest
- 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.

25.4 Protecting the identity of whistle blowers

The Council cannot guarantee to protect the identity of whistle blowers as it may, during an investigation, have to say where it got its information from and disclose the original complaint. The whistle blower may also have to act as a witness in any subsequent hearing.

25.5 How will the Council protect whistle blowers?

The Council will protect whistle blowers from reprisals as long as they had a reasonable belief that the allegations were true and made them in good faith. Reprisals will be treated seriously as a disciplinary offence and dealt with through the disciplinary procedure. Where workers blow the whistle but do not cite the policy they will still be protected under it.

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.

25.6 Anonymous allegations

This policy encourages workers to put their names to allegations but the Council may 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 obtained from a non-anonymous source.

25.7 Untrue allegations

Workers will not suffer reprisals for making allegations that turn out to be untrue, as long as they had a reasonable belief that the allegations were true and made them in the public interest.

Allegations that are made without a reasonable belief as to their truth or not made in the public interest are likely to be treated as a disciplinary offence and dealt with through the disciplinary procedure.

25.8 Role of trade unions and professional associations

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

25.9 How do workers blow the whistle?

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

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

(b) Putting concerns in writing

Whistle blowers should wherever possible put their concerns in writing, giving as much detail 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 raising their concern and it was made in the public interest. If a whistle blower does not feel they can put their concerns in writing, they can be interviewed instead (25.10(c)).

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

Whistle blowers should normally go to their line manager or head of service but if the whistle blower does not want to go to their line manager or head of service, they can go to the Chief Executive, a director, the Monitoring Officer, the Head of Financial Services or the Head of Business Improvement.

If the whistle blower suspects fraud or corruption, they can also go to the Council's internal auditors or to the Council's appointed external auditors who are currently Ernst and Young, LLP.

25.10 How will the Council respond to whistle blowing?

(a) Notification of allegation

Upon receipt of an allegation under this policy the person receiving the allegation must immediately notify the Monitoring Officer, the Head of Financial Services and the Head of Business Improvement (unless the allegation relates to one or more of them).

(b) Appointment of an officer to investigate

The person receiving the complaint will agree, in consultation with the Monitoring Officer, the Head of Financial Services and the Head of Business Improvement how (unless the allegation relates to one or more of them) the allegation will be investigated and write to the whistle blower within 10 working days. The letter should:

- acknowledge that the whistle blower has used the whistle blowing policy

- say how their concern will be dealt with and how long they think this will take
- tell them whether any initial enquiries have been made
- say what further action will be taken (or say why no further action will be taken)
- Tell them they have the right to bring someone with them to any meetings they have to attend about the allegation.

(c) Interviews

If the whistle blower has not put their concerns in writing, they may be interviewed. A summary of the interview will be made which should be signed by the person conducting the interview and the whistle blower.

(d) Further action

After preliminary investigation the Council will take further action if the investigation officer decides it would be in the public interest to do so. 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 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.

(f) Support

Whistle blowers are encouraged to obtain support and advice that may include their trade union representative or HR team contact, a designated representative for bullying and harassment or the charity Public Concern at Work (PCAW), the whistleblowing charity, which provides a confidential independent helpline for whistleblowers. Contact details are shown below.

Public Concern at Work (Independent whistleblowing charity)
Helpline: (020) 7404 6609
E-mail: whistle@pcaw.co.uk
Website: www.pcaw.co.uk

25.11 Taking concerns further

If a worker has sought advice and feels it is right to raise their concerns outside the Council, people they could approach include their local Council, their local councillor, the external auditor, the health and safety executive, a government

department, a solicitor, the police, an MP or a relevant professional body or regulatory organisation.

If a worker does raise their concerns outside the Council, they must do it without passing on confidential information. The Monitoring Officer can give advice on this.

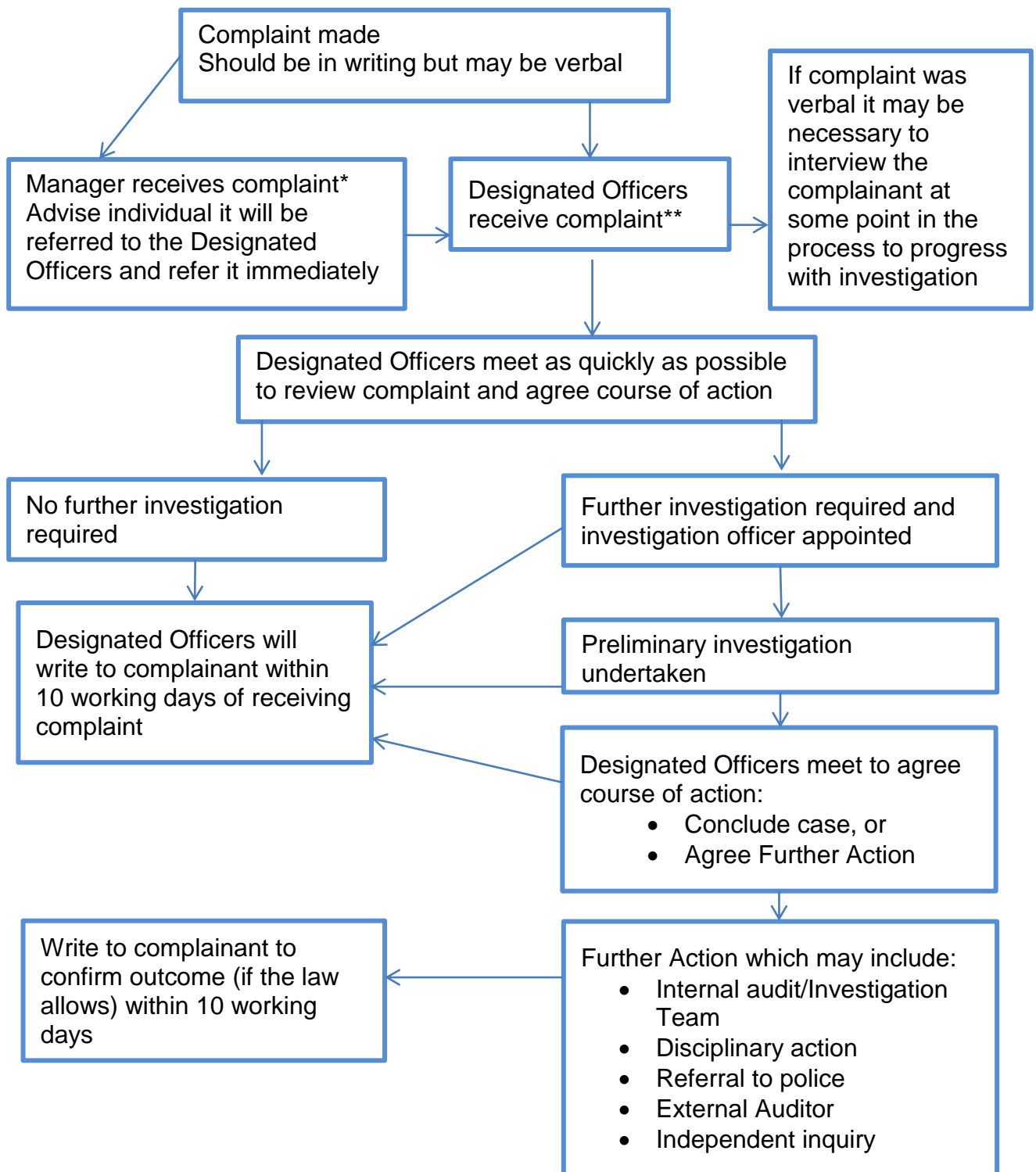
25.12 Monitoring and reporting

The Head of Financial Services will report to each meeting of the Audit and Governance Committee on the number (if any) of whistle blowing complaints made as part of the Council's anti-fraud and corruption awareness framework.

25.13 Responsibility for this policy

The Monitoring Officer has overall responsibility for this policy and how it is used and how the policy is working.

25.14 How to respond to a whistleblowing concern – Flow chart



* If there is any doubt as to whether the complaint could be considered to be whistleblowing the manager must refer it as such.
 ** Unless the complaint is about one or more of the Designated Officers when it should be referred to an Executive Director or the Chief Executive.
 This is an overview only and should be used in conjunction with the Whistleblowing Policy. Designated Officers are Head of Business Improvement, Head of Financial Services and Monitoring Officer.