

## **WHISTLEBLOWING POLICY**

### **1.0 INTRODUCTION**

- 1.1 Individuals working within or for an organisation are often the first to realise that there may be something seriously wrong within it. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the organisation. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 1.2 Whistleblowing is the term used when someone who works within or for an organisation raises a concern about a possible fraud, crime, danger or other serious risk that could threaten customers, colleagues, the public or the organisation's own reputation. Whistleblowing is more formally known as 'making a disclosure in the public interest'.
- 1.3 The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees, elected members, agency workers, and contractors who have serious concerns about any aspect of the Council's work, to come forward and voice those concerns.
- 1.4 The Council will not tolerate anyone being prevented or deterred from making disclosures under this policy or being mistreated because they have raised a genuine concern.
- 1.5 This policy sets out the ways in which individuals may raise concerns that they have and explains how those concerns will be dealt with. It also gives protection to the person raising concerns.
- 1.6 This policy applies to anyone who works for the Council. This includes employees, elected members, agency workers, contractors, volunteers, and former employees. It also covers suppliers and those providing services under a contract with the Council in their own premises, for example, care homes.
- 1.7 This policy has been developed taking into account:
  - The Public Interest Disclosure Act 1998, which protects whistle-blowers who report concerns, from subsequent harassment, victimisation and other unfair treatment arising out of the disclosure. The Act is incorporated into the Employment Rights Act 1996, which already protects employees who take action over, or raise concern about, health and safety at work.
  - The sections of the Enterprise and Regulatory Reform Act 2013 relating to protected disclosures.
  - The relevant provisions contained within the Freedom to Speak Up policy for the NHS.

- 1.8 This policy has been discussed with the relevant trade unions and has their support.

## **2.0 AIMS OF THIS POLICY**

- 2.1 This policy aims to:

- encourage individuals to feel safe and confident in raising serious concerns about practice and procedures
- provide avenues for individuals to raise those concerns and receive feedback on any action taken
- ensure that all matters raised are captured and considered appropriately
- ensure that individuals receive a response to their concerns and are aware of how to respond if not satisfied with the response
- reassure individuals that they will be protected from possible reprisals or victimisation from those working within or for the Council if they have a reasonable belief that they have made any disclosure in good faith

- 2.2 This policy supports the Policy of Conduct for Local Government Employees which states that:

*“Employees will be expected through agreed procedures and without fear of recrimination to bring to the attention of the appropriate level of management any deficiency in the provision of service. Employees must report to the appropriate manager any impropriety or breach of procedure.”*

## **3.0 SCOPE OF THIS POLICY**

- 3.1 It is important to know the difference between ‘whistleblowing’ and a ‘grievance.’ Whistleblowing has a public interest aspect to it and relates to raising a concern about wrongdoing, risk or malpractice that affects others. A grievance by contrast has no public interest factors, as it is a complaint about a particular employment situation. A grievance should be reported using the Grievance Policy.

- 3.2 This policy is not a substitute for, and does not replace, other relevant policies within the Council. Where the concerns raised relate to a breach of one of those policies they will be investigated under that policy. This policy is not intended to be used where other more appropriate procedures are available. These may include, but are not limited to:

- Disciplinary Procedure
- Child and Adult Safeguarding Policies and Procedures
- Dignity at Work Policy
- Grievance Procedure
- Single Equalities Scheme
- Corporate Complaints Policy

3.3 Specific examples of concerns that could be raised under this policy could include:

- Concerns relating to matters covered by internal Council policies and procedures, such as:
  - Actions or behaviour that make you feel uncomfortable in terms of falling below established standards of practice or which amount to improper conduct
  - Actions in breach of the Council's Standing Orders and policies
  - Damage to the environment
  - Dangerous procedures or practices risking health and safety, including risks to the public, service users and to other employees
  - Other unethical conduct
- Concerns relating to matters that may, following investigation, need to be dealt with under policies and procedures external to the Council, such as:
  - Conduct which is a criminal offence or a breach of the law
  - Disclosures related to miscarriages of justice
  - The unauthorised use of public funds
  - Fraud and corruption
  - Sexual or physical abuse of service users

3.4 The above examples are known as qualifying disclosures under the Public Interest Disclosure Act 1998. The examples provided are not meant to be exhaustive. The overriding concern should be that it is in the public interest for the potential malpractice to be corrected and sanctions taken if need be.

3.5 This policy will be referenced where relevant in the awarding of Council contracts.

#### **4.0 SAFEGUARDS AND PROTECTION**

4.1 The Council recognises that the decision to report a concern can be difficult. Appropriate action will therefore be taken to protect individuals when they raise a concern which they have a reasonable belief to be in the public interest.

4.2 Employment procedures or investigations that are already underway will normally not be interrupted by investigations resulting from concerns raised under this policy. However, the Council will treat each case on its own merits and determine the most appropriate course of action. For example, internal processes may need to be halted if a matter needs to be referred to the police.

4.3 Whistleblowers receive protection under The Public Interest Disclosure Act (PIDA). To benefit from those protections whistleblowers are required to show that they reasonably believed that the disclosure they made was in the public interest. This should be done through the evidence they present when raising

their concern(s). The procedure for raising concerns is set out in Section 7 of this policy.

- 4.4 If an allegation is made that is reasonably believed to be in the public interest, but it is not confirmed by the investigation, no action will be taken against the person making the allegation.
- 4.5 Disciplinary action may however be taken if an investigation establishes that an allegation has been made vexatiously, maliciously or for personal gain.
- 4.6 If a case progresses to an employment tribunal, compensation may be awarded if the Council breaches the Public Interest Disclosure Act 1998, following a successful claim for 'detrimental treatment' of a person raising a concern.

## **5.0 CONFIDENTIALITY**

- 5.1 The most important aspect of your raising concerns under this policy is the information that you can provide, not your identity.
- 5.2 All concerns will be treated in confidence and every effort will be made not to reveal the identity of the person making the allegation if they so wish (subject to any legal requirements or decisions).
- 5.3 Anonymity cannot always be guaranteed however if a person needs to come forward as a witness. For example, if a hearing is needed, either by law, or under a Council procedure, the employee disclosing the concern may be required to give evidence.
- 5.4 The employee disclosing a concern should ensure that they only inform the person(s) identified in part 7 of this policy.
- 5.5 If the nature of the concerns raised requires disclosure to other people to investigate, then the individual who made the original disclosure will be informed that this needs to happen.

## **6.0 ANONYMOUS ALLEGATIONS**

- 6.1 This policy encourages those making the allegation to put their name to your disclosure and receive the protection of PIDA whenever possible. Concerns expressed anonymously are much less powerful but will be considered where there is enough detail to justify further investigation.
- 6.2 Any anonymous concerns or allegations received under this policy will be referred to the Head of Internal Audit and will be logged and investigated as far as possible under the process outlined in section 8 of this policy.

## **7.0 HOW TO RAISE A CONCERN**

- 7.1 The person raising a concern should normally do so with their immediate manager or the supervisor of their manager. This can often be the simplest way of resolving matters.

- 7.2 However, there are other options to raise concerns depending upon what feels most appropriate in the circumstances. For example, if the person raising the concern believes that their own manager is involved they should approach one of the following persons:
- Director and Monitoring Officer (Legal and Democratic Services)
  - Head of Internal Audit
  - Head of HR Operations
  - Chair of the Audit and Governance Board (who can be contacted either by email or by letter addressed to the Chair of the Audit and Governance Board and sent to the Municipal Building, Kingsway, Widnes, WA8 7QF)
- 7.2 These individuals may also provide advice and guidance on matters of concern under this policy.
- 7.3 Concerns may be raised verbally or in writing. Individuals who wish to make a written report are invited to use the following format:
- the background and history of the concern (giving relevant dates)
  - the reason why you are particularly concerned about the situation
- 7.4 The earlier a concern is expressed, the easier it is for the Council to act. Although a person is not expected to prove beyond doubt the truth of an allegation, they should demonstrate to the person contacted that there are reasonable grounds for the concern.
- 7.5 The person raising the concern is able to invite a trade union representative, professional association representative, or a colleague to be present during any meetings or interviews in connection with the concerns raised.
- 7.6 Wherever possible, concerns or allegations should be reported internally. There may however be occasions where the person making the allegation is unwilling or unable to report the matter internally. In such instances there are a number of agencies to which concerns can be reported. Details of these agencies can be accessed at the following link: [List of prescribed people and bodies](#)
- 7.7 A whistleblowing advice line ran by the NSPCC is also available to provide support to individuals wishing to raise concerns over how child protection issues are being handled in their own or other organisations. The NSPCC Whistleblowing Advice Line can be reached on 0800 028 0285.
- 7.8 The NSPCC advice line is not intended to replace any current practices or responsibilities of organisations working with children. The helpline advisors would encourage professionals to raise any concerns about a child to their own employer in the first instance. However, the advice line offers an alternative route if whistleblowing internally is difficult, or if professionals have concerns around how matters are being handled.

- 7.9 Quality and safety concerns relating to health and social care can also be raised with the [Care Quality Commission](#) (CQC). Further details about how the CQC handles concerns can be found [here](#).

## **8.0 HOW THE COUNCIL WILL RESPOND**

- 8.1 The Council will respond to any concerns raised under this policy. All allegations and concerns raised under this policy will be formally recorded and logged in a secure register held by the Responsible Officer (or their designated representative) identified in section 9 of this policy.
- 8.2 Matters raised may be:
- Investigated by management
  - Investigated by internal audit
  - Progressed through internal procedure
  - Referred to the police
  - Referred to the external auditor
  - The subject of an independent enquiry
  - Dealt with via any other appropriate procedure, for example, child protection, abuse of vulnerable adults' procedure etc.
- 8.3 In order to protect anybody accused of misconduct, an initial investigation will be made to decide whether a full investigation is appropriate and, if so, what form it should take. If appropriate, Human Resources will be informed.
- 8.4 Some concerns may be resolved following an initial investigation without the need for full investigation.
- 8.5 Within ten working days of a concern being raised, the person making the allegation may be invited to a meeting in person to discuss your concern.
- 8.6 The Council will write to the person making the allegation:
- indicating how it plans to deal with the matter
  - giving an estimate of how long it will take to provide a full response
  - supplying information on staff support mechanisms, for example welfare or Occupational Health
- 8.7 The amount of contact between the person making the allegation and any officers considering the issues will depend on the nature of the matters raised, the potential difficulties involved, and the clarity of the information provided.
- 8.8 If, following initial investigation, a formal investigation of an allegation is required under this policy, this will be conducted in line with the process set out within the relevant Council procedure.

- 8.9 The Council will attempt to minimise any difficulties which may be experienced as a result of raising a concern. For instance, if a person is required to give evidence in criminal or disciplinary proceedings the Council will arrange for them to receive advice about the procedure. It is important for individuals to understand that making a disclosure does not give them an automatic right to anonymity. It does however provide protection from harassment or victimisation, which the Council will not tolerate from anyone working within or for the Council.
- 8.10 If urgent action is required, such as an urgent health and safety, or safeguarding concern, this will be taken before any investigation is conducted.
- 8.11 The process explaining how a whistleblowing disclosure will be dealt with is provided in the form of a flowchart at Appendix 1 of this policy.
- 8.12 The Council is committed to learning from concerns that are raised and to use them to improve the services it provides and the environment in which Council employees work. Changes will be made where they are needed, and lessons will be shared across the Council as appropriate.
- 8.13 Summary details of all whistleblowing disclosures received by the Council will be reported annually to the Audit and Governance Board. The report will include details of the action taken in respect of each disclosure received. Details will not be disclosed of the names of the people who made the disclosures.

## **9.0 THE RESPONSIBLE OFFICER**

- 9.1 The Head of Internal Audit has overall responsibility for the maintenance and operation of this policy and will maintain a record of all concerns raised and any outcomes. This record will be in a form which does not compromise your confidentiality and may be officially delegated to a named officer to maintain. The Head of Internal Audit will report as necessary to the Council.

## **10.0 HOW THE MATTER CAN BE TAKEN FURTHER**

- 10.1 If the person making the allegation feels it is right to take the matter outside the Council, the following are possible contact points:
- the external auditor
  - Citizens' Advice Bureau
  - relevant professional bodies or regulatory organisations
  - a relevant voluntary organisation
  - the police
  - organisations prescribed from time to time by the Secretary of State for the purpose of protected disclosure under the Public Interest Disclosure Act (see link to prescribed persons and bodies at section 7.6 of this policy)

- 10.3 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any potential wrongdoing in the workplace. In the majority of cases it should not be necessary to alert anyone externally.
- 10.4 If the matter is taken outside the Council, confidential information should not be exposed, for example such as that covered by the Data Protection Act 2018 (GDPR). It is advised that advice is sought before reporting a concern externally. The independent whistleblowing charity, [Protect](#) operates a confidential hotline (020 3117 2520) and can provide advice as necessary.

## **11.0 REVIEW OF THE POLICY**

- 11.1 This policy will be reviewed annually, and changes made to the policy as deemed appropriate following necessary consultation with interested parties.





# Halton Borough Council Whistle Blowing Policy

## Flow Chart

