

Whistleblowing Policy

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Contents

1.	Introduction	2
2.	Aims and scope of this policy	2
3.	Safeguards – our assurances to you	4
3.1	Protection from harassment or victimisation	4
3.2	Confidentiality	4
3.3	Anonymous allegations	4
3.4	Unsubstantiated allegations	5
4.	How to raise a concern.....	5
5.	Councillors	6
6.	How the council will respond and handle the matter.....	6
7.	How you can take the matter further.....	7
8.	Administration	8
	Useful documents	8
	Useful websites	8

1. Introduction

- 1.1 A whistleblower is a term used for a person who works in or for an organisation and raises an honest and reasonable concern about a possible fraud, crime, danger or other serious risk that could threaten colleagues, service users, customers, members of the public or the success and reputation of the organisation. Staff, councillors and others closely involved with us (contractors, suppliers of goods and services and partner organisations) are often the first to know when someone within or connected to the council is doing something improper or illegal (malpractice). However, they may be reluctant to report the matter because they feel they may be disloyal to colleagues or 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 This policy sets out how issues can be raised in good faith and without fear of recrimination to help ensure that the council operates in a safe and ethical manner. It is recognised that most cases will need to be dealt with confidentially. The council is committed to the highest possible standards of openness, propriety and integrity. In line with that commitment, we encourage anyone with serious concerns about any aspect of our work to come forward and voice those concerns.
- 1.3 We recognise that the decision to report a concern can be a difficult one to make. This policy sets out to make it clear that such concerns can be raised in confidence without fear of harassment, victimisation, discrimination or disadvantage.
- 1.4 The policy applies to all members of the council, all employees of the council, contractors working for the council, including on the council's premises, suppliers and those providing services under a council contract.

2. Aims and scope of this policy

- 2.1 This Whistleblowing Policy is primarily for raising a concern which affects the interests of others, such as service users, the public, colleagues, or the council itself.
- 2.2 This policy aims to:
 - encourage you to feel confident in raising serious concerns and to question and act upon concerns
 - provide avenues for you to raise those concerns and receive feedback on any action taken
 - ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied
 - reassure you that you will be protected from possible reprisals or victimisation if you have raised any concern in good faith.

- 2.3 There are existing procedures in place to enable staff to lodge a grievance relating to their employment or the way they have been treated. In these circumstances, please refer to the council's grievance procedure. The policy is also not designed to be used for matters which do not impact upon the general interest of the public or service users (for example, a disagreement with a colleague).
- 2.4 This Whistleblowing Policy is intended to cover concerns that fall outside the scope of the other procedures (for example, complaints and grievance), including concerns about:
- conduct which is an offence or a breach of the law
 - disclosure related to miscarriages of justice
 - health and safety risks, including risks to the public as well as to other employees
 - damage to the environment
 - the unauthorised use of public funds
 - possible fraud and corruption and approaches of bribery
 - physical or sexual abuse of clients
 - breaches of the council's constitution and policies
 - anything that makes you feel uncomfortable in terms of known standards or the standards you believe the council subscribes to
 - concealing information about any of these matters.
- 2.5 The Whistleblowing Policy is not designed to be used by members of the public to raise concerns about council services or the activities of council staff. Instead, members of the public should use the council's complaints policy. Further information on this can be found on the council's website or by contacting the council's customer services team.
- 2.6 Members of the public may feel that their complaint falls outside the council's complaints policy (for example, allegations of illegal practice, fraud or corruption). If members of the public hold such concerns, they are entitled to raise these with the council, via the Section 151 Officer, Monitoring Officer or Chief Executive, who will then determine the most appropriate course of action to consider these on a case-by-case basis and notify the member of the public concerned. Please be aware that it may not be possible or appropriate to investigate such complaints if it is either a police or a civil matter for which the council is not responsible.

3. Safeguards – our assurances to you

3.1 Protection from harassment or victimisation

3.1.1 The council recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The Public Interest Disclosure Act 1998 (the act) protects whistleblowers from any reprisals provided that they:

- disclose the information in good faith
- believe it to be substantially true
- do not act maliciously or make false allegations
- do not seek personal gain.

3.1.2 If you raise a concern which you believe to be true, you have nothing to fear. We understand that deciding to blow the whistle is not easy and we will take action to protect you from any harassment, victimisation or bullying.

3.1.3 If you work for the council, you should also know that any allegation you make will not influence, or be influenced by, any related disciplinary action against you or any redundancy procedures that may affect you. This does not mean that, if you are already the subject of disciplinary or other employment related procedures, those procedures will be halted if you blow the whistle.

3.2 Confidentiality

3.2.1 With these assurances, we hope you will feel able to raise your concerns openly with us. Once a concern has been raised, we need to ensure that it is then treated in confidence, and information only shared with those who need to know, to ensure that it can be properly investigated.

3.2.2 However, we recognise that there may be some circumstances when you would prefer to speak to someone in confidence and we will keep your concerns confidential if that is what you want. In this case, we will not reveal your name or position without your permission or unless we have to by law.

3.2.3 It must be appreciated, however, that the investigation process may reveal the source of the information and a statement may be required as part of the evidence. In addition, a person who is the subject of a complaint may, by law, be allowed access to certain information so that they can respond to the complaint.

3.3 Anonymous allegations

3.3.1 Because we will protect you (see paragraph 3.1 to 3.2 above), we encourage you to give your name when you make an allegation. Concerns expressed anonymously can be more challenging to investigate, but they may be considered at the discretion of the council.

3.3.2 In exercising this discretion, the factors to be taken into account would include:

- the seriousness of the issues raised
- the credibility of the concern
- the likelihood of confirming the allegation from attributable sources.

3.4 Unsubstantiated allegations

If you make an allegation which you believe is true, but it is not confirmed by our investigation, no action will be taken against you. However, if you make an allegation which you know to be untrue, we will take appropriate action which may include disciplinary or legal action if the allegations are malicious or vexatious.

4. How to raise a concern

4.1 As a first step, you should normally raise concerns with your immediate manager, supervisor or director. This depends, 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 one of the following:

- Chief Executive
- Section 151 Officer
- Monitoring Officer.

All concerns raised under this policy will be referred without delay to the Monitoring Officer. If the concern relates to the Monitoring Officer, the concern will be referred to the Chief Executive. Please remember that the earlier you raise a concern, the easier it is to resolve it. You do not need to have firm evidence of malpractice before raising a concern. However, we do ask that you explain as fully as you can the information or circumstances that gave rise to your concern.

4.2 Concerns are better raised in writing, giving the background, history and reason for the concern, together with names, dates, places and as much information as possible. If you do not feel able to put your concern in writing, you can telephone or meet the officer to whom you intend to report your concerns.

4.3 The reporting route for concerns will depend on the seriousness and sensitivity of the issues and who is thought to be involved. Alternatively, you may wish to email your concerns confidentially to whistleblower@westsuffolk.gov.uk

4.4 You may also choose to invite a representative of a trade union or professional association to raise a matter on your behalf. This could be useful, particularly if you wish to remain anonymous. Advice and guidance on how to pursue matters of concern can also be sought from the Monitoring Officer.

- 4.5 If you do not feel able to report your suspicions to anyone within the council, you can talk to our external auditors – relevant local office address details are shown below.

Ernst and Young
One Cambridge Business Park
Cambridge
CB4 0WZ

Telephone: 01223 394400

- 4.6 Alternatively, you can contact Public Concern at Work, an independent charity that provides free advice to those who wish to express concerns about fraud or other serious malpractice. Its address is:

CAN Mezzanine
7-14 Great Dover Street
London SE1 4YR

Telephone: 020 7404 6609
Email: whistle@pcaw.org.uk

5. Councillors

Councillors, when acting in their role as a councillor, are subject to a code of conduct. The Monitoring Officer is responsible within the council for considering complaints that a councillor has breached the code of conduct in line with specific procedures. If you have any concerns about the actions or behavior of a councillor, these should be referred to the Monitoring Officer in the first instance, using the webform available on the council's website, or via councillor.conduct@westsuffolk.gov.uk

6. How the council will respond and handle the matter

- 6.1 The way we deal with the concern will depend on what it involves. In order to protect individuals and the council, we will first make enquiries to decide whether we should carry out an investigation and, if so, how we should go about it.
- 6.2 The Chief Executive, the Monitoring Officer and the Section 151 Officer will determine what steps they consider necessary by way of investigation and report, depending upon the nature of the concern, including whether the member of staff or other should be notified if they have been subject to a whistleblowing allegation or concern. Your concern may be investigated by management, our internal auditors, or through the disciplinary process, or we may refer it to:
- the police
 - our external auditor (refer to paragraph 4.5 for contact details)

- an independent investigator
- any combination of the above.

Throughout all our enquiries and any investigation, our main concern will be to put the interests of the public first.

- 6.3 If your concern or allegation relates to, for example, discrimination issues and can be handled under any other procedure or policy, we will pass it on to the relevant person and let you know.
- 6.4 Some concerns may be resolved by agreed action without the need for investigation.
- 6.5 Wherever possible, we will aim to acknowledge concerns received in writing within 10 working days. The acknowledgement will:
- indicate how the matter is proposed to be dealt with
 - give an estimate of how long it will take to provide a final response
 - advise whether any initial enquiries have been made
 - advise whether further investigations will take place and, if not, why not.
- 6.6 It is difficult to set further timescales as they depend on the nature of the allegation and the type of investigation we need to carry out.
- 6.7 The amount of contact you will have with the officers considering the issues will depend on the nature of your concern, the potential difficulties involved and the clarity of the information you have given.
- 6.8 If you have a meeting with investigating officers, you can be accompanied by a friend or a representative from a trade union or professional association.
- 6.9 We recognise that you need to be assured that the matter has been properly addressed. We will usually give you feedback on the progress and outcomes of any investigation, subject to any legal constraint.
- 6.10 We will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, we will give you advice if you are required to give evidence in criminal or disciplinary proceedings. Also, meetings may, if necessary, be arranged off site with you, if you so wish.
- 6.11 The council believes that everyone has the right to be treated fairly and will apply this principle to those who are the subject of someone voicing their concern.

7. How you can take the matter further

- 7.1 We hope this policy gives you the reassurance you need to raise a concern internally and that you will be satisfied with any action we take. If you are not, and you want to take the matter outside the council, the following are possible contact points:

- the external auditor (refer to paragraph 4.5 above for contact details)
- relevant professional bodies or regulatory organisations
- a solicitor
- the police.

7.2 We also recognise that there may be circumstances where you can report matters to outside bodies, such as the Health and Safety Executive or other appropriate regulators.

7.3 If matters are taken outside the council, you should ensure that this does not result in disclosing confidential information.

8. Administration

8.1 The Monitoring Officer is responsible for the maintenance and operation of the policy and may report to the Performance and Audit Scrutiny Committee, where appropriate, on the use of the policy.

8.2 A record of concerns raised and the outcomes is maintained in accordance with data retention guidelines, but in a form which does not endanger confidentiality or data protection. The Service Manager (Internal Audit) will be informed of the outcome of all whistleblowing allegations.

8.3 This policy will be reviewed as required to confirm it remains accurate and up to date.

Useful documents

- Anti Fraud and Anti Corruption Strategy
- Codes of Conduct (Members and Employees)
- Constitution
- Financial Procedural Rules
- Complaints Procedure

Useful websites

- Public Concern at Work: <http://www.pcaaw.org.uk/>
- GOV.UK – Whistleblowing for employees:
http://www.direct.gov.uk/en/Employment/ResolvingWorkplaceDisputes/Whistleblowingintheworkplace/DG_175821