



## **WHISTLEBLOWING POLICY**

### **Version Control**

<b>Version Number</b>	<b>Detail</b>
Original	January 2008
Revised V1	January 2011
Revised V2 due	1 <sup>st</sup> July 2013

# **WHISTLEBLOWING POLICY**

## **1. Introduction**

- 1.1 All of us at one time or another have concerns about what is happening at work. Usually these concerns are easily resolved. However, when they are about unlawful conduct, financial malpractice or dangers to the public or the environment, it can be difficult to know what to do.
- 1.2 You may be worried about raising such issues or may want to keep the concerns to yourself, perhaps feeling it's none of your business or that it's only a suspicion. You may feel that raising the matter would be disloyal to colleagues, managers or to the organisation. You may decide to say something but find that you have spoken to the wrong person or raised the issue in the wrong way and are not sure what to do.
- 1.3 Ashfield District Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we encourage employees and others with serious concerns about any aspect of the Council's work to come forward and voice those concerns. It is recognised that certain cases will have to proceed on a confidential basis. This policy document makes it clear that staff can do so without fear of reprisals. This Whistleblowing Policy is intended to encourage and enable staff to raise serious concerns **within** the Council rather than overlooking a problem or reporting it outside.

## **2. Aims of this Policy**

- 2.1 This policy aims to:-
  - encourage you to feel confident in raising concerns at the earliest opportunity,
  - provide avenues for you to raise concerns and receive feedback on any action taken,
  - allow you to take the matter further if you are dissatisfied with the Council's response, and
  - reassure you that you will be protected from reprisals or victimisation for whistleblowing in good faith.

## **3. Scope of this Policy**

- 3.1 This Policy is intended to enable those who become aware of wrongdoing in the Council affecting some other person or service, to report their concerns at the earliest opportunity.
- 3.2 The Policy is not intended to replace existing procedures:-
  - If your concern relates to your own treatment as an employee, you should raise it under the existing grievance or harassment procedures.
  - If a member of the public has a concern about services provided to him/her, it should be raised as a complaint to the Council.

3.3 Under this Policy you should report any serious concerns that you have about service provision or the conduct of officers or members of the Council or others acting on behalf of the Council that:-

- make you feel uncomfortable in terms of known standards,
- are not in keeping with the Council's Standing Orders and policies,
- fall below the established standards of practice; or
- Is improper behaviour.

The concern may be something that relates to:-

- conduct which is an offence or a breach of the law,
- disclosures relating to miscarriages of justice,
- the deliberate breaching of a Council policy or official code or regulation,
- misuse of public funds or other assets,
- possible fraud or corruption,
- the endangering of health & safety of the public and/or other employees,
- damage to the environment,
- the deliberate concealment of information which would constitute evidence of any of the above.

#### **4. Who can raise a concern under the Policy?**

4.1 The Policy applies to all:

- employees of Ashfield District Council,
- employees of contractors working for the Council including agency staff,
- employees of suppliers,
- employees of Partnership Units where the Council is the Accountable Body.

#### **5. Safeguards**

##### **Harassment or Victimisation.**

5.1 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 Council will not tolerate harassment or victimisation and will take action to protect you when you raise a concern in good faith. The Council's disciplinary procedures will be used against any employee who is found to be harassing or victimising the person raising the concern or who has disclosed the name of the whistleblower to any person other than those named in this document.

## **Confidentiality**

- 5.2 The Council will do its best to protect a person's identity when a concern is raised. During the course of an investigation attempts will be made to find independent corroborating evidence to allow a person's identity to remain confidential. However, it must be recognised that in some circumstances identities will have to be revealed to the person the allegation is made against and those making the allegation may be asked to provide written or verbal evidence in support of the allegation. If the matter is reported to the Police or another external body they may be unable to guarantee to withhold a person's identity.
- 5.3 If a person's identity is to be disclosed, he or she will be told before the disclosure and the reasons why disclosure is necessary. The Council will offer advice and guidance on the procedures and arrangements in the event of a person having to give evidence to an external body or in Court.

## **Anonymous Allegations.**

- 5.4 This policy encourages you to put your name to your allegation. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the Monitoring Officer in consultation with the Chief Executive Officer.
- 5.5 In exercising the discretion, the factors to be taken into account would include:-
- the seriousness of the issues raised;
  - the credibility of the concern; and
  - the likelihood of confirming the allegation from attributable sources.

If you choose to use this method of reporting, the allegation should contain as much information as possible to ensure the allegation is considered as a credible concern that requires further investigation.

## **Untrue Allegations.**

- 5.6 If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make malicious or vexatious allegations, disciplinary action may be taken against you. It will be a matter for the Monitoring Officer to form a view of whether an allegation has been made maliciously or vexatiously and to refer his view to the relevant Head of Service if disciplinary action needs to be considered.

## 6. How To Raise A Concern

### **Make an immediate note of your concern**

- 6.1 Note all relevant details. Set out the background and history of the concern, giving names, dates and places where possible, and the reason why you are particularly concerned about the situation.

### **Reporting your concern**

- 6.2 You should normally raise concerns with your immediate line manager or the Head of Service. Alternatively due to the seriousness and sensitivity of the issues involved or who is thought to be involved in the malpractice, you should take the matter directly to one of the following:-

<b><u>Position</u></b>	<b><u>Contact (External)</u></b>	<b><u>Contact (Internal)</u></b>
CHIEF EXECUTIVE	(01623) 457250	Ext 4250
MONITORING OFFICER	(01623) 457009	Ext 4009

If you suspect fraud or corruption you may also approach the officers detailed below. This is consistent with the Council's Financial Regulations and the Anti-Fraud and Corruption Strategy.

<b>Position</b>	<b>Contact (External)</b>	<b>Contact (Internal)</b>
DEPUTY CHIEF EXECUTIVE	(01623) 457200	Ext 4200
CHIEF INTERNAL AUDITOR	(01623) 457222	Ext 4222

- 6.3 Concerns are better raised in writing, however if you do feel unable to do so, you can telephone or meet the appropriate officer. All correspondence should be addressed to the appropriate officer tabled above and marked 'Strictly Private and Confidential' and sent to:

Ashfield District Council  
Council Offices  
Urban Road  
Kirkby-in-Ashfield  
Nottingham  
NG17 8DA

- 6.4 The earlier you express the concern, the easier it is to take action.
- 6.5 Although you are not expected to prove the truth of an allegation, you will need to demonstrate to the person contacted that there are sufficient grounds for your concern.

- 6.6 You may wish to consider raising your concern with a colleague first and you may find it easier to do so if there are two (or more) of you who have shared the same experience or concerns.
- 6.7 You may invite your trade union or professional association to raise a matter on your behalf. It is expected that in the first instance the procedure detailed at 6.2 will be followed.

## **7. How The Council Will Respond**

- 7.1 The action taken by the Council will depend on the nature of the concern. The matters raised may:-
- be investigated internally;
  - be referred to the Police;
  - be referred to the external auditor;
  - form the subject of an independent inquiry.
- 7.2 In order to protect individuals and the Council, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of specific procedures (for example, discrimination issues) will normally be referred for consideration under those procedures.
- 7.3 Some concerns may be resolved by agreed action without the need for investigation.
- 7.4 Where the concern has been raised includes a contact name and address, then within ten working days of a concern being received, the Council will write to you:-
- acknowledging that the concern has been received;
  - indicating how it proposes to deal with the matter;
  - giving an estimate of how long it will take to provide a final response;
  - telling you whether any initial enquiries have been made, and
  - telling you if further investigations will take place, and if not, why not.
- 7.5 The amount of contact between the officers considering the issues and you, will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from you.
- 7.6 When any meeting is arranged, you have the right, if you so wish, to be accompanied by a Trade Union or professional association representative or a workplace colleague who is not involved in the area of work to which the concern relates.
- 7.7 The Council will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, the Council will advise you about the procedure.

7.8 The Council accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will receive information about the outcomes of any investigations.

## **8. How The Matter Can Be Taken Further**

8.1 This policy is intended to provide you with an avenue to raise concerns *within* the Council. The Council hopes you will be satisfied. If you are not, and if you feel it is right to take the matter outside the Council, the following are possible contact points:-

- a Councillor of Ashfield District Council;
- the local Audit Commission representative at:-

Audit Commission  
Littlemoor House  
Littlemoor  
Eckington  
Sheffield  
S21 4EF

Telephone: 0844 7984300 or contact the Audit Commission's confidential public interest disclosure line 0845 052 2646

- relevant professional bodies or regulatory organisations;
- your solicitor;
- the Police.

If you raise concerns outside the Council you should ensure that it is to one of these prescribed contacts. A public disclosure to anyone else could take you outside the protection of the Public Disclosure Act and of this Policy. When raising a concern externally remember to make it clear that you are raising the issue as a whistleblower; this gives you additional statutory rights.

You should not disclose information that is confidential to the Council or to anyone else, except to those included in the list of contacts.

## **9. The Responsible Officer**

9.1 The Monitoring Officer has overall responsibility for the maintenance and operation of this policy. This officer maintains a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report these to the Standards Committee once a year. The Whistleblowing Policy will also be reviewed on bi- annual basis.