

Whistleblowing



What is Whistleblowing?

Whistleblowing is the term used when a member of staff passes on information concerning wrongdoing. The wrongdoing will typically (although not necessarily) be something they have witnessed at work.

To be covered by whistleblowing law, the staff member who makes the disclosure must reasonably believe two things. The first is that they believe they are acting in the public interest. This means that personal grievances and complaints are not usually covered by whistleblowing law.

The second thing that the staff member must reasonably believe is that the disclosure tends to show past, present or likely future wrongdoing falling into one or more of the following categories:

- criminal offences (for example, types of financial impropriety such as fraud or sexual assault)
- failure to comply with an obligation set out in law (for example, any form of discrimination, bullying and harassment or victimisation)
- miscarriages of justice (i.e. corruption, bribery, etc.)
- endangering of someone's health and safety
- damage to the environment
- covering up wrongdoing in the above categories

To assist in identifying that you have a valid whistleblowing claim you may wish to seek advice first, suggested points of contact are detailed at the bottom of this policy.

Whistleblowing law is located in the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998).

Scope

Staff are encouraged and, indeed, expected to raise any concern that they may have, without fear of recrimination. Any concerns raised will be treated in the strictest confidence and will be properly investigated.

The aim of this Policy is to encourage those who work for the Council and have serious concerns about any aspect of the Council's work, to come forward and report their concerns at the earliest opportunity; so that they can be properly investigated.

Who can raise a concern under this policy?

This policy applies to the following:

- Employees of the Council
- Employees of contractors working for the Council, for example, agency staff, builders and drivers
- Those providing services under a contract or other agreement with the Council, and
- Voluntary workers working with the Council

What concerns can be reported under this policy?

Any serious concerns that a staff member has:

- about service provision or the conduct of officers or members of the Council, or others acting on behalf of the Council; and
- which falls within the six qualifying categories listed under the introduction to this policy.

Please be advised that to raise a concern under the Whistleblowing policy you must be driven by the underlying concern that if you don't whistleblow then this may affect other people too (or, in other words, that you believe that you are acting in the public interest).

If this is not the case, then the case cannot be handled under this policy and will need to be processed in accordance with the appropriate policy.

Some of the other areas that your concern may fall into are:

- Disciplinary [policy](#).
- Grievance [policy](#).
- Discrimination, Bullying and Harassment [policy](#).
- Mediation [policy](#).
- [Code of Conduct](#)

How to raise a concern

To raise a concern you can either do so by calling our confidential external whistleblowing hotline, Safecall, on 0800 915 1571 or by completing and submitting the online form located [here](#).

Safecall provide a 24 hour a day, 7 days a week service via a freephone number. When contacting Safecall you will be put in touch with an operator who is trained to receive a report about concerns in the workplace.

If you are a manager and a member of staff reports a concern to you, you should take one of two actions:

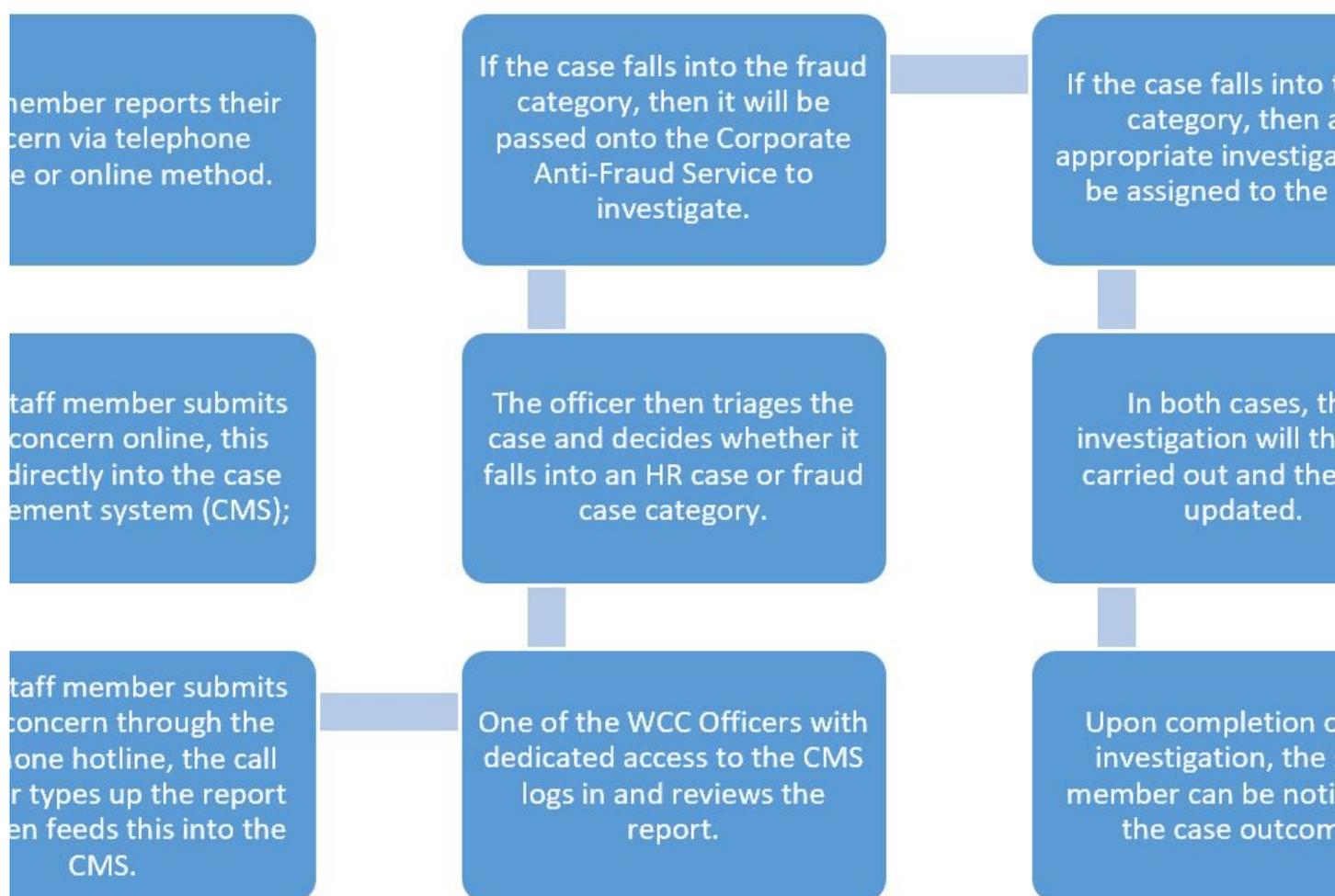
- Offer to log the concern with Safecall on the staff member's behalf; or
- Advise the member of staff to raise their concern with Safecall as per the instructions above.

When raising your concern you should do so as early as possible and try to provide as much detail as possible, especially:

- The nature of your concern and why you believe it to be true
- The background and history of the concern (giving relevant dates)

Although you are not expected to prove beyond doubt the truth of your suspicion, you will need to demonstrate you have a genuine concern relating to suspected wrongdoing or malpractice within the Council and there are reasonable grounds for your concern.

Once you raise your concern the process is as follows:



Confidentiality

All concerns will be treated in confidence and every effort will be made not to reveal your identity. If disciplinary or other proceedings follow the investigation, it may not be possible to take action as a result of your disclosure without your help, so you may be asked to come forward as a witness.

Anonymity

This policy encourages you to put your name to your allegation whenever possible. It is possible for you to maintain full anonymity, but if you do not tell us who you are it will be much more difficult for us to

protect your position or to give you feedback.

Concerns expressed anonymously are much less powerful, but they will be equally taken into consideration by the Council, who will consider factors such as:

- The seriousness of the issue raised
- The credibility of the concern, and
- The likelihood of confirming the allegation from other sources

Untrue allegations

If you make an allegation in good faith and reasonably believing it to be true, but it is not confirmed by the investigation, the Council will recognise your concern and you have nothing to fear.

However, if you make an allegation frivolously, maliciously or for personal gain, appropriate action will be taken that could include disciplinary action.

What will the Council do?

The Council will respond to your concerns as quickly as possible. Do not forget that testing your concerns is not the same as either accepting or rejecting them.

The overriding principle for the Council will be the public interest. In order to be fair to all employees, including those who may be wrongly or mistakenly accused, initial enquiries will be made to decide whether an investigation is appropriate and; if so, what form it should take.

The investigation may need to be carried out under terms of strict confidentiality, i.e. by not informing the subject of the complaint until (or if) it becomes necessary to do so.

Where appropriate, the matters raised may:

- be investigated by management, internal audit and fraud, or through the disciplinary/grievance process
- be referred to the police
- be referred and put through established child protection/abuse procedures

It is likely that you will be interviewed to ensure that your disclosure is fully understood. Any meeting can be arranged away from your workplace.

What you can expect

Throughout the process of addressing your concern you can expect:

- your concern to be taken seriously
- to be given full support from senior management
- that the Council will do all it can to help you through the investigation
- to be notified of the case outcome if you wish so

Please be advised that we will feedback as much as we can when notifying you of the outcome following the investigation of your reported concern, but in certain cases it might not be possible to provide

specific details around the actions which have been taken.

Independent advice

Unison 0845 355 0845 freephone 08000 857 857

GMB 020 7736 5683

Public Concern at Work <http://www.pcaw.co.uk/>

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