



# **Whistleblowing Policy & Code of Practice**

**LANCASTER  
CITY COUNCIL**

*Promoting City, Coast & Countryside*

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# WHISTLEBLOWING POLICY

## IMPORTANT

### **This Policy affects you. Please read it carefully.**

The Law requires the Council to protect you should you raise a concern internally within the Council if you know or suspect that:

- **Possible corruption or malpractice is taking place**
- **The Law or Council rules are being broken**
- **The health and safety of any person is being endangered**
- **Damage to the environment is taking place**

## 1. INTRODUCTION

- 1.1 Employees are often the first to realise that there may be something seriously wrong within the Council. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. They may also fear harassment or victimisation. In these circumstances, it may appear easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 1.2 The Council is committed to the highest possible standards of openness, probity and accountability. In line with this commitment, the Council encourages all 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 employees can do so without fear of reprisals. This Whistleblowing Policy is intended to encourage and enable employees to raise serious concerns **within** the Council rather than overlooking a problem or blowing the whistle outside.
- 1.3 Employees should note that the law – through the Public Interest Disclosure Act – now requires the Council to protect employees should they raise a concern internally within the Council, if they know or suspect that any of the above matters are taking place. The Act also encourages the Council, as an employer, to establish a policy and procedure to allow employees to raise such concerns. This Whistleblowing Policy has been drawn up to enable you to raise concerns without fear of reprisal and to ensure that they are dealt effectively with by the Council.
- 1.4 This policy has been discussed with the relevant trade unions and professional organisations and has their support.

## 2. AIMS AND SCOPE OF THIS POLICY

- 2.1 This policy aims to:
  - Encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice;
  - 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 a reasonable belief that you have made any disclosure in good faith.

2.2 There are existing procedures in place to enable you to lodge a grievance relating to your own employment. The Whistleblowing Policy is intended to cover major concerns that fall outside the scope of other procedures. These include:

- ❑ Conduct which is an offence or a breach of law
- ❑ Disclosures related to miscarriages of justice
- ❑ Health and safety risks, including risks to the public as well as other employees
- ❑ Damage to the environment
- ❑ The unauthorised use of public funds
- ❑ Possible fraud and corruption
- ❑ Sexual or physical abuse of clients, or
- ❑ Other unethical conduct.

2.3 Thus, any serious concerns that you have about any aspect of service provision or the conduct of officers or members of the Council or others acting on behalf of the Council, can be reported under the Whistleblowing Policy. This may be about something that:

- ❑ Makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the Council subscribes to; or
- ❑ Is against the Council's Standing Orders and policies; or
- ❑ Falls below established standards of practice; or
- ❑ Amounts to improper conduct.

2.4 This policy does not replace the Council's complaints procedure.

### 3. **SAFEGUARDS**

#### 3.1 **Preventing Harassment or Victimisation**

3.2 The Council is committed to good practice and high standards and wants to be supportive of employees.

3.3 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. If what you are saying is true, you should have nothing to fear because you will be doing your duty to the Council and to the people you are providing a service to. The Council has a "*Preventing Harassment At Work Policy*", a copy of which has been issued to all employees. This policy makes it clear that the Council will not tolerate harassment or victimisation. The Council will take action to protect you when you raise a concern in good faith.

3.4 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you.

#### 3.5 **Confidentiality**

The Council will do its best to protect your identity when you raise a concern and do not want your name to be disclosed. It must be appreciated that the investigation process may reveal the source of the information and a statement by you may be required as part of the evidence.

#### 3.6 **Anonymous Allegations**

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 Council.

3.7 In exercising the discretion, the following factors will be taken into account:-

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

### 3.8 **Untrue Allegations**

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 an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

## 4. **HOW TO RAISE A CONCERN**

4.1 As a first step, you should normally raise concerns with:-

- your Line Manager;
- your Supervisor;
- your Service Head;
- your trade union representative;

If your concern is serious or you suspect that your immediate management are involved, then please raise it with either:

**Roger Muckle** Corporate Director (Central Services) and Monitoring Officer – ext. 2022

**Katie Wilson** Principal Personnel Officer – ext. 2039

**Derek Whiteway** Internal Audit Manager – ext. 2045

**Nadine Muschamp** Head of Financial Services and Section 151 Officer – ext. 2112

**Mark Cullinan** Chief Executive – ext. 2011

At the Town Hall, Lancaster.

Alternatively, if you prefer you may contact one of the following:

- The Chairperson of the Standards Committee**
- The organisation “Public Concerns at Work”**

4.2 If you are unsure who to raise your concern with, or would like any advice or assistance, please contact any of the above named Officers.

- 4.3 Alternatively, you may wish to raise your concern with your local Councillor or Committee Chair. That Councillor can then advise you on taking the matter forward and with whom it is most appropriate to do so.
- 4.4 Concerns are best raised in writing. You are invited to 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. If you do not feel able to put your concern in writing, you can telephone or meet the appropriate officer.
- 4.5 To help you raise a concern, attached to this Policy is a standard reporting form. If you have a concern, please complete this form and send it to the appropriate officer as shown. The earlier you express the concern, the easier it is for the Council to take action.
- 4.6 Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.
- 4.7 **YOU CAN OBTAIN HELP, ADVICE AND GUIDANCE ON RAISING CONCERNS FROM ANY OF THE OFFICERS NAMED ABOVE.**
- 4.8 You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.
- 4.9 If you do not wish to raise the concern personally, you may invite your trade union, professional association or local Councillor to raise a matter on your behalf.

## 5. **HOW THE COUNCIL WILL RESPOND**

- 5.1 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 District Auditor;*
  - form the subject of an independent inquiry*
- 5.2 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 which fall within the scope of specific procedures (e.g. discrimination issues) will normally be referred for consideration under those procedures.
- 5.3 Some concerns may be resolved by agreed action without the need for investigation.
- 5.4 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 whether further investigations will take place, and if not, why not.*

5.5 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.

5.6 When any meeting is arranged, you have the right, if you so wish, to be accompanied by a Union or professional association representative or a friend who is not involved in the area of work to which the concern relates.

5.7 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.

5.8 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.

## 6. **HOW THE MATTER CAN BE TAKEN FURTHER**

6.1 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:-

- The District Auditor (if you believe that there has been financial or procedural impropriety).
- A relevant professional bodies or regulatory organisations (if you believe professional misconduct has taken place).
- The Police (if you believe that a criminal act has been committed).
- Your Solicitor (if you believe that you have suffered loss as a result of what has happened and/or wish to receive further personal advice).

6.2 If you do take the matter outside the Council, you need to ensure that you do not disclose confidential information or that disclosure would be a breach of qualified privileged.

## 7. **THE RESPONSIBLE OFFICER**

7.1 The Corporate Director (Central Services) as Monitoring Officer has overall responsibility for the maintenance and operation of this policy. A record of concerns raised and the outcomes is maintained by him but in a form which does not endanger your confidentiality. He will report as necessary to the Council.

# CODE OF PRACTICE ON WHISTLEBLOWING

## 1. INTRODUCTION

1.1 “Whistleblowing” means action by an employee to disclose malpractice in the form of irregularity, wrong doing or serious failures of standards of work.

- 1.2 It is in the interests of all concerned – the Council, employees, whistleblowers and anybody accused of failure, that Whistleblowing is dealt with properly, quickly and discreetly.
- 1.3 This Code of Practice supplements the Council's policy on Whistleblowing.

## 2. **STATUS OF THE CODE OF PRACTICE**

- 2.1 The Code of Practice is complementary to the Council's Code of Conduct for Employees and the Council's Whistleblowing Policy.
- 2.2 This Code of Practice is based on the model as drawn up by the Local Government Association (LGA) and the Local Government Management Board (LGMB).

## 3. **PURPOSE AND SCOPE OF THE CODE**

- 3.1 The Council's Whistleblowing Policy is designed to allow employees to disclose malpractice internally, which is more likely to uphold the reputation of the Council and maintain public confidence than either public disclosures or allowing malpractice to fester.
- 3.2 The Council is committed to the highest possible standards of openness, probity and accountability. In accordance with this commitment, the Council encourages employees and others with serious concerns about aspects of the Council's work and to come forward and voice those concerns.
- 3.3 An employee's concerns about malpractice may in this context include a reasonable belief that one or more of the following has occurred or is likely to occur:
  - Conduct which is a criminal offence or a breach of law
  - Disclosure related to miscarriages of justice
  - Dangerous procedures risking health and safety, including risks to the public as well as other employees
  - Damage to the environment
  - The unauthorised use of public funds
  - Fraud and corruption
  - Sexual or physical abuse of clients; or
  - Other unethical conduct.
- 3.4 The overriding concern for the Council and its employees is that it would be in the public interest for the malpractice to be corrected and, if appropriate, sanctions applied.



## 4. LANCASTER CITY COUNCIL'S WHISTLEBLOWING POLICY

### 4.1 The Council's Whistleblowing Policy:-

- (a) sets out who and what it applies to;
- (b) provides for matters to be dealt with quickly;
- (c) makes clear the Council is committed to tackling malpractice;
- (d) ensures that employees know that malpractice will be dealt with seriously;
- (e) ensures that as much as possible is done to ensure confidentiality for the whistleblower;
- (f) ensures that allegations and responses to them are properly recorded;
- (g) sets out the relationship between the policy and other Council procedures (e.g. that whistleblowing will not halt disciplinary or redundancy procedures against the whistleblower);
- (h) is capable of independence from line management;
- (i) reminds employees that in exceptional circumstances, matters can be raised externally.

## 5. PROCEDURE

### 5.1 Where an employee has concerns about malpractice and is not appropriate to raise them through other procedures such as grievance procedures, they should be raised with either:

- (a) their line manager, supervisor or Service Head; or failing that
- (b) a nominated officer of the Council; or failing that
- (c) their trade union representative; or failing that
- (d) the Chairperson of the Standards Committee; or failing that
- (e) an independent person or organisation designated for the purpose by the Council.

### 5.2 The Whistleblowing Policy sets out the actions that will be taken when concerns or allegations are raised which are within the policy.

### 5.3 When it is apparent from investigation that the person making the disclosure has acted frivolously, maliciously or for personal gain, the Council may decide to take disciplinary action. (Disciplinary codes may need to be amended or clarified accordingly.)