

Appendix 1



# **Whistleblowing Policy**

**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, members, or contractors 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 malpractice in the form of irregularity, wrongdoing or serious failures of standards of work, to come forward and voice those concerns. 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 Public Interest Disclosure Act 1998 provides protection for good faith whistleblowing on malpractice/wrongdoing. 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 with effectively by the Council. This Policy supports the Council's Anti Fraud and Corruption Policy.
- 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 misconduct or malpractice;
  - ❑ Provide avenues for you to raise those concerns internally and receive feedback on any action taken, and to provide information about how, in exceptional circumstances, matters can be raised externally;

- ❑ Reassure you that genuine concerns will be taken seriously and in the interests of all concerned will be dealt with properly, quickly and discreetly;
- ❑ 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 as much as possible will be done to protect confidentiality, and 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;
- ❑ Reassure you that whistleblowing procedures can be independent from line management

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 concerns may 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
- ❑ Non-compliance with Council rules, policies and procedures
- ❑ Unauthorised use or misuse of the Council's financial or other resources, including information
- ❑ Possible fraud and corruption
- ❑ Sexual or physical abuse of clients,
- ❑ Other inappropriate or unethical conduct, or
- ❑ The deliberate concealment of information about any of the above.

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 law or against Council's Procedural Rules or Financial Regulations and Policies; or
- ❑ Falls below established standards of practice; or
- ❑ Amounts to improper conduct.

The overriding concern should be that it would be in the public interest for the malpractice to be corrected and, if appropriate, sanctions applied.

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 This does not mean if you are already the subject of any disciplinary or redundancy procedures, that those procedures will be halted as a result of the whistleblowing..

### 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. However, 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; or
- your trade union representative;

If your concern is serious or you suspect that your immediate management are involved, then please raise it with one of the following officers:

Sarah Taylor                      Head of Legal and Human Resources and Monitoring Officer – ext 2025

Elaine Frecknall                  Human Resources Manager – ext 2076

Derek Whiteway                  Internal Audit Manager – ext. 2028

Nadine Muschamp                Head of Financial Services and Section 151 Officer – ext. 2117

- 4.2 Alternatively, you may wish to raise your concern with your local Councillor or the Chairman of the Standards Committee, who can then advise you on taking the matter forward and with whom it is most appropriate to do so.
- 4.3 Public Concern at Work is a registered charity that promotes accountability and good governance in organisations and responsibility amongst individuals. It can give you free, confidential advice at any stage about how to raise a concern about serious malpractice/wrongdoing at work. It may be contacted by telephone, 0207 404 6609, or by e mail, [helpline@pcaw.co.uk](mailto:helpline@pcaw.co.uk)
- 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. The earlier a concern is expressed, the easier it is to take action.
- 4.5 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.
- 4.6 **YOU CAN OBTAIN HELP, ADVICE AND GUIDANCE ON RAISING CONCERNS FROM ANY OF THE OFFICERS NAMED ABOVE.**
- 4.7 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. However, you should be careful not to convey the concern to anyone other than someone who has a right to know or the proper authority to deal with the concern. If the concern relates to fraud, you need to be careful that the individual against whom the concern is raised is not accidentally “tipped off”, as incriminating evidence could be destroyed.
- 4.8 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 It is a manager’s responsibility:
- to deal with any concerns that are raised with the manager in accordance with this Policy,
  - to ensure that concerns are treated seriously and investigated as appropriate,
  - to ensure that appropriate arrangements are made if the individual wishes to raise the matter in confidence,
  - to ensure that anyone raising a concern in accordance with the terms of the Policy is protected from reprisal, and
  - to notify the Monitoring Officer of any concerns that are brought to the manager’s attention.
- 5.2 The action taken by the Council will depend on the nature of the concern. The matters raised may:
- be resolved by agreed action without the need for investigation
  - be investigated internally;

- be referred to the Police;
- be referred to the External Auditor; or
- form the subject of an independent inquiry

5.3 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. During these initial inquiries, the officer concerned may seek advice from more senior officers, the Monitoring Officer and/or other relevant specialists or professionals within the Council as appropriate whilst protecting details relating to the concern (including your identity) as far as possible.

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, and who is dealing 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 (eg there is no substantive case, or the matter can be resolved without investigation, or other formal channels should be used to raise the issue.)

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 Where an investigation is appropriate, the Monitoring Officer will appoint an appropriate Investigating Officer who will investigate the facts surrounding the initial concern and report his/her findings to the Monitoring Officer. In some circumstances the Investigating Officer may seek information from other officers of the Council or individuals outside the Council. Those asked to provide information will be informed:

- that the information is being requested in connection with an investigation in response to a whistleblowing complaint;
- of the way in which the information they provide is likely to be used;
- that they have a right to a formal meeting and representation if they wish;
- of the need to maintain confidentiality .

5.8 The Monitoring Officer is responsible for deciding at which point the individual against whom the concern is raised is to be notified of the concern raised and the evidence supporting it. Where the individual has not been notified and the Investigating Officer feels that the investigation cannot progress without such notification, he/she will liaise with the Monitoring Officer.

- 5.9 If at any time in the course of the investigation there is evidence of criminal activity, the Investigating Officer will inform the Monitoring Officer and a referral will be made to the Police. If at any time there appears to be evidence of a disciplinary case to answer, the Monitoring Officer will refer the matter to the relevant manager to be dealt with in accordance with the Council's Disciplinary Policy and Procedure.
- 5.10 On completion of the investigation, the Investigating Officer will report the facts and his/her conclusions to the Monitoring Officer, who will decide what further action, if any, is required.
- 5.11 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.
- 5.12 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. Where working practices have been found to be at fault, you will be informed as to what action has been taken to correct them. However, it may not be possible to tell you the precise action being taken where this would infringe a duty of confidence owed by the Council to someone else.

## 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 External Auditor (if you believe that there has been financial or procedural impropriety).
  - A relevant professional body or regulatory organisation (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.

## 7. **THE RESPONSIBLE OFFICER**

- 7.1 The Head of Legal and Human Resources as Monitoring Officer has overall responsibility for the maintenance and operation of this policy, and will receive copies of all correspondence and documentation relating to any concern raised under the policy. A record of concerns raised and the outcomes will be maintained by her but in a form which does not endanger your confidentiality. She will report as necessary to the Council's Standards Committee, whose Terms of Reference include monitoring and reviewing as necessary the operation of the Council's Whistleblowing Policy.