Raising Concerns (formerly “Whistleblowing”) Policy (February 2025)

Legal Services, Governance

RAISING CONCERNS POLICY

1. Introduction 2
2. Aims and scope of this Policy 3
3. Who is covered by this Policy 4
4. Safeguards 4
5. How to raise a concern 5
6. How the Council, will respond 7
7. How to take it further 8
8. The Responsible Officer 9

Appendix A – List of Designated Officers 10

Appendix B – List of Regulatory Bodies 11

Version 3.0

RAISING CONCERNS 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 All of us might at some time have concerns about what is happening at work. Employees, members, or contractors are often the first to realise that there may be something seriously wrong within the Council. Usually, these concerns are easily resolved. However, when they are major concerns about serious malpractice, unlawful conduct, financial irregularities or dangers to the public or the environment, it can be difficult to know what to do. 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 Council. You 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 Lancaster City Council is genuinely committed to providing an environment of openness and accountability where individuals feel that they are able to raise concerns regarding serious malpractice. We would encourage all employees, members, or contractors 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. Therefore, the Council has introduced this policy and procedure to enable you to raise your concerns about such possible malpractice at an early stage and in the right way. If something is troubling you, which you think we should know about or look into, please use this procedure. If you follow its advice, the Council assures you that your concerns can be raised in confidence, as far as possible, and without any fear of reprisal. This policy is intended to encourage and enable employees, members, or contractors 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 and the Enterprise and Regulatory Reform Act 2013 have amended the Employment Rights Act 1996. The legislation provides protection for workers who raise legitimate concerns in the public interest about malpractice/wrongdoing. This Raising Concerns 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, Bribery and Corruption Policy. In some organisations a policy such as this is known as a "Whistleblowing Policy".

1.4 If in doubt – raise it.

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 procedures for raising concerns can be independent from line management

- Advise and remind employees that the detrimental treatment of colleagues who raise concerns may be considered a disciplinary matter

2.2 There is a difference between a grievance and a "raising concerns" disclosure.

2.3 A grievance will concern an employee personally, i.e. the individual may have a complaint about their working conditions, their pay or working hours or the amount of work that they are expected to do. This is not a "raising concerns" matter and should not be reported as such.

2.4 A disclosure will be made in the public interest and will concern the conduct of another person or persons in the workplace, whether or not that conduct affects the complainant personally.

2.5 There are existing procedures in place to enable you to lodge a grievance relating to your own employment. This 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

2.6 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 Raising Concerns 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;
- 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.

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

3. WHO IS COVERED BY THIS POLICY

3.1 This policy applies to all employees, elected Members and those contractually working for the Council on its premises, for example, volunteers, agency staff, builders and drivers. It also covers suppliers and those providing services under

a partnership arrangement with the Council. Members of the public are also encouraged to report their concerns via this Policy.

4. SAFEGUARDS

Preventing Harassment or Victimisation

4.1 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. If you raise a genuine concern under this policy, you will not be at risk of losing your job. Provided you are acting in good faith, it does not matter if you are mistaken; no action will be taken against you.

4.2 The Council has a “Dignity at Work Policy”. 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.

4.3 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 raising a concern. It should also be noted that these arrangements do not guarantee protection for any substantive misconduct which you may have been involved in.

Raising a Concern Openly

4.5 The best culture is where an employee who has a concern feels it is safe and acceptable to raise the concern openly (where those involved know what the issue is and who has raised it). This openness makes it easier for the Council to assess the issues, to work out how to investigate the matter, to get more information, to understand any hidden agendas, to avoid witch hunts and to minimize the risk of a sense of mistrust or paranoia developing.

Raising a concern confidentially

4.6 While openness is the ideal, the Council recognises that employees may nonetheless want to raise a concern in confidence under this policy. If you ask us to protect your identity by keeping your confidence, we will not disclose it without your consent unless required by law.

Anonymous Allegations

4.8 We hope you will feel able to put your name to your allegation as concerns expressed anonymously are much less powerful. However, they will be considered at the discretion of the Council.

4.9 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.

Untrue Allegations

4.10 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.

5. HOW TO RAISE A CONCERN

5.1 As a first step, we would hope that you feel able to raise concerns initially with:-

- your Supervisor;
- your Line Manager;
- your Chief Officer; or
- your trade union representative;

5.2 This may be done orally or in writing. At this stage you should indicate if you want to raise the matter in confidence so that appropriate arrangements can be made when taking a matter forward.

5.3 If your concern is serious or you suspect that your immediate management are involved, then please raise it with one of the designated officers listed at Appendix A.

5.4 Alternatively, you may wish to raise your concern with your local Councillor, who can then advise you on taking the matter forward and with whom it is most appropriate to do so.

5.5 Protect 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, 020 3117 2520, or by e mail, whistle@protect-advice.org.uk

5.6 Whilst it is not necessary to put concerns in writing, the Investigating Officer will need to keep details of the background and history of the concern. You will need to provide 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.

5.5 You are not expected to prove beyond reasonable doubt the truth of an allegation, but you will need to demonstrate to the person contacted that there are reasonable grounds for your concern

5.6 You can obtain help, advice and guidance on raising concerns from any of the officers listed in paragraph 5.1, or the designated officers (as appendix A).

5.7 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.

5.8 If you do not wish to raise the concern personally, you may invite your trade union, professional organisation or local Councillor to raise a matter on your behalf.

5.9 If you suspect malpractice of any kind you should not:

- Ignore the matter
- Approach or accuse individuals directly
- Try to investigate the matter yourself
- Convey your suspicions to anyone other than those with the proper authority to deal with the matter
- Be afraid of raising your concern, as this policy will afford you protection.

Raising a concern if you work for a Contracting Organisation or Agency or in a Shared Service

5.10 Contractor or Agency workers who become aware of possible malpractice within the Council should raise the problem in writing with the Procurement Manager, Chief Officer – Governance (Monitoring Officer), or the Chief Officer - Resources (s151 Officer)

5.11 Employees of a contracting organisation who become aware of possible malpractice within their own organisation should use their own internal procedures for reporting the matter. However, if the issue is not resolved and is affecting the delivery of the Council's services, then the problem should be raised as above.

5.12 Likewise, employees who work in a shared service but are not employed by this Council should initially raise any concerns under the relevant policy of their employing Council. However, if they feel unable to do so, or the issues is not resolved, and it affects this Council, then they should raise the matter with any of the officers designated in Appendix A.

Procedure for Members

5.13 Elected Members who have a genuine concern about malpractice should raise the concern with the Monitoring Officer.

Members of the Public

5.14 The Council encourages those external to the Council who suspect fraud and/or corruption to contact the Chief Officer – Resources (s151 Officer) or Chief Officer - Governance (Monitoring Officer).

6. HOW THE COUNCIL WILL RESPOND

6.1 It is a manager's responsibility:

- to deal with any concerns that are raised with them in accordance with this policy,
- to notify the Monitoring Officer of any concerns that are brought to the manager's
- attention which cannot be immediately resolved by the manager themselves,
- 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, and
- to ensure that anyone raising a concern in accordance with the terms of the policy is protected from reprisal.

6.2 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

6.3 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. equality 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.

6.4 Within five 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 (e.g. there is no substantive case, or the matter can be resolved without investigation, or other formal channels should be used to raise the issue.)

6.5 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.

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

6.7 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 “raising concerns” 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.

6.8 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.

6.9 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 decision will be made as to whether a referral should 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.

6.10 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. Outcomes of investigations will be reported to the Chair of the relevant Council body (for example, the audit or personnel committee).

6.11 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.

6.12 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.

7. HOW THE MATTER CAN BE TAKEN FURTHER

7.1 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).

Richard Lee (Director)
07788 718618 richard.lee@kpmg.co.uk
Tim Cutler (Partner)
07818 845252 tim.cutler@kpmg.co.uk

- Lancashire Constabulary (if you believe that a criminal act has been committed). Tel 101

- 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)
- A relevant professional or regulatory organisation (See Appendix B)

7.2 If you do take the matter outside the Council, you need to ensure that you do not disclose confidential information.

8. THE RESPONSIBLE OFFICER

8.1 The Chief Officer – Governance 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 the Monitoring Officer but in a form which does not endanger your confidentiality. The Monitoring Officer will report as necessary to the Council's relevant committee/body.

Appendix A

LIST OF DESIGNATED OFFICERS

Name	Position	Contact
Luke Gorst	Chief Officer – Governance and Monitoring Officer	01524 582024 lgorst@lancaster.gov.uk
Alex Kinch	Chief Officer – People and Policy	01524 582083 akinch@lanaster.gov.uk
Paul Thompson	Chief Officer – Resources and S151 Officer	01524 582603 pthompson@lancaster.gov.uk
Mark Davies	Chief Executive	01524 582066 mdavies@lancaster.gov.uk

Appendix B

LIST OF REGULATORY BODIES

Health and Safety Executive	www.hse.gov.uk tel: 0300 0031647 Redgrave Court Merton Rd Bootle Merseyside L20 LHS
The Environment Agency	enquiries@environment-agency.gov.uk tel: 03708 506506 National Customer Contact Centre PO Box 544 Rotherham S60 1BY
The Information Commissioner	https://ico.org.uk/ tel: 0303 123113 Wycliffe House Water Lane Wilmslow SK9 5AF
HM Revenues and Customs	www.gov.uk/government/organisations/hm-revenue-customs tel: 0800 788887 www.gov.uk/government/organisations/hm-revenue-customs
The Food Standards Agency	www.food.gov.uk helpline@food.gov.uk tel: 0330 332 7149 Floors 6 and 7, Clive House 70 Petty France London SW1H 9EX
Homes England	enquiries@homesengland.gov.uk tel: 0300 1234500 50 Victoria St Westminster London SW1H 0TL
Regulator of Social Housing	enquiries@rsh.gov.uk tel: 0300 1245225 Referrals and Regulatory Enquiries Team Regulator of Social Housing Level 2 7-8 Wellington Place Leeds LS1 4AP

Lancashire Supporting People	sp.team@lancashire.gov.uk tel: 01772 534266 The Supporting People Team Lancashire County Council Preston PR1 3EA

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1.0	11.10.11	Approved by Standards Committee on 11 October 2011.	-
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3.0	14.02.25	Minor amendments to the policy to ensure it is up to date with external auditor details. Amendment to policy approved by the Monitoring Officer	February 2027