

WHISTLEBLOWING POLICY (HRP61)

1 Introduction

- 1.1 Uttlesford District Council seeks to ensure that all of its activities are conducted to a high standard and with integrity. In the event that employees or members of the public become aware of activities that give cause for concern, the following Whistleblowing Policy, or code of practice, will be followed. This policy acts as a framework to allow concerns to be raised confidentially and provides for a thorough and appropriate investigation of the matter to bring it to a satisfactory conclusion.
- 1.2 Throughout this policy the term Whistleblower denotes the person raising the concern or making the complaint.
- 1.3 The Council is committed to tackling fraud and other forms of malpractice and treats these issues seriously.
- 1.4 The Council recognises that some concerns may be extremely sensitive. It has therefore, developed a system that allows for the confidential raising of concerns within the Council environment but also has recourse to an external party outside the management structure of the Council.
- 1.5 The Council is committed to creating a climate of trust and openness. A person who has a genuine concern or suspicion can raise the matter with full confidence that it will be appropriately considered.

2 Policy statement

- 2.1 Uttlesford District Council is committed to achieving the highest possible standards of service, including honesty, openness and accountability, and recognises that employees have an important role to play in achieving this goal.
- 2.2 All of us at one time or another have concerns about what is happening at work. Usually these concerns are easily resolved. However, when you are troubled about something that involves a danger to the public or colleagues, misconduct or financial malpractice, it can be difficult to know what to do.
- 2.3 You may be worried about raising such an issue, 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, to managers or to the Council. You may have said something but found that you have spoken to the wrong person or raised the issue in the wrong way and are not sure what, if anything, to do next.
- 2.4 The Council has introduced this policy to enable everyone to blow the whistle safely so that such issues are raised at an early stage and in the right way. We know from experience that to be successful we must all try to deal with issues on their merits. The Council welcomes your genuine concerns and is committed to dealing

responsibly, openly and professionally with them. Without your help, we cannot deliver a safe service and protect the interests of the public, staff and the Council. If you are worried, we would rather you raised it when it is just a concern than to wait for proof.

- 2.5 If something is troubling you, which you think we should know about or look into, please use this procedure. If, however, you are aggrieved about your personal position, there are existing procedures in place to enable you to lodge a grievance relating to your own employment (Grievance Policy HRP3). This Whistleblowing Policy is intended to cover major concerns that fall outside the scope of other procedures.
- 2.6 The Council has a Counter Fraud & Corruption Strategy, Money Laundering Procedures and a Bribery Act Policy which are available on the Council's website.
- 2.7 The Counter Fraud & Corruption Strategy sets out the ways in which the Council prevents, detects and investigates fraud and corruption and a concern about fraud and corruption or where a concern relates to an employee or Member of the Council failing to comply with the Money Laundering Procedures or the Bribery Act Policy these can be raised in accordance with this Whistleblowing Policy.

3 Objective

- 3.1 The objective of this Whistleblowing Policy is to:
- encourage you to feel confident in raising concerns;
 - provide avenues for you to raise those concerns and receive feedback on any action taken;
 - enable people to confidentially raise concerns within the Council environment;
 - ensure you receive a response to your concerns and that you can pursue them if you are not satisfied with the Council's response;
 - reassure you that you will be protected from reprisals or victimisation for reporting in good faith.

4 Scope

- 4.1 Members of the public, Members, Council employees including contractors and partners are covered by this Whistleblowing Policy.
- 4.2 This policy applies to contractors working for the Council on Council premises, for services under a contract or in partnership with the Council in their own premises.
- 4.3 This policy is in addition to the Council's grievance procedures and other statutory reporting procedures that may apply to some sections.
- 4.4 This Policy is not part of the disciplinary procedures, although disciplinary action may result from the use of this policy.

5 What types of activity would whistleblowing apply?

5.1 This Whistleblowing Policy is intended to cover major concerns that fall outside the scope of other procedures. The types of activity or behaviour that the Council considers should be dealt with under this policy 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 members of staff;
- bullying; harassment or intimidation
- any form of discrimination;
- other unethical conduct;
- that information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed.

5.2 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 this Whistleblowing Policy. This may be about something that:

- makes you feel uncomfortable in terms of known standards, your experience or the standards to which you believe the Council subscribes; or
- is against the Council's procedures and policies or falls below established standards of practice; or
- amounts to improper conduct; or
- may constitute a criminal offence.

6 Raising unfounded malicious concerns

6.1 Individuals are encouraged to come forward in good faith with genuine concerns with the knowledge they will be taken seriously. If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you.

6.2 If, however, you make an allegation that is malicious or frivolous or for personal gain, disciplinary action may be taken against you (Disciplinary Policy HRP1).

7 Harassment or victimisation

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

7.2 The Council recognises that the decision to report a concern can be a difficult one to make. If what you are saying is true, you should have nothing to fear because you will be doing your duty to your employer and those for whom you provide a service.

7.3 The Council will not tolerate any harassment or victimisation (including informal pressure) and will take appropriate action to protect you when you raise a concern in good faith.

8 Main principles

8.1 The following important principles are contained within this Policy:

- a) This policy is complementary to the Council's Code of Conduct for Members and Procedures relating to Member complaints;
- b) The Chief Executive has overall responsibility for the maintenance and operation of this policy;
- c) It contains the provisions that are required from the Public Interest Disclosure Act 1998, and requirements under the common law "duty of care", for example
 - To draw attention to any matter considered damaging to the interest of service users, carers or colleagues;
 - To put forward suggestions which may improve quality of service;
 - To correct any statutory omission;
 - To prevent malpractice;
 - That the Council is committed to tackling malpractice and that employees know that any matter regarding malpractice and other illegal acts will be dealt with seriously;
 - If a matter raised results in any disciplinary action, the Council's disciplinary procedure will apply.

9 What protection does the whistleblower have?

9.1 The Public Interest Disclosure Act 1998 has given protection to Whistleblowers from victimisation and dismissal. This Act has support of both the employers' organisations and Trade Unions.

9.2 The Council will not tolerate any harassment or victimisation (including informal pressures).

9.3 Under the Act, the Whistleblower will be required to resolve their concerns directly with the Council. Employees will be protected from victimisation if in the last resort they have to take their concerns to an outside body.

9.4 A disclosure will be protected if the Whistleblower has an honest and reasonable suspicion that the malpractice has occurred, is occurring or is likely to occur. The Whistleblower will also be protected if they make their disclosures to an external body

as long as they honestly and reasonably believe that the allegations are substantially true.

- 9.5 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary, grievance, capability or redundancy procedures.

10 Support for employees

- 10.1 It is recognised that raising concerns can be difficult and stressful. Advice and Support is available via an employee's line manager, Human Resources or Trade Union representative. It must be recognised that employees who are subject to investigation following concerns being raised will also be entitled to support from the same sources, although not from the same individuals.

- 10.2 As an employee you can also discuss your concerns with Protect (formally Public Concern at Work), which is a charity that provides free and strictly confidential legal help. They operate a helpline on 020 3117 2520 or can be e-mailed at whistle@protect-advice.org.uk. More information is on their website at www.pcaw.org.uk

- 10.3 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 arrange for you to receive advice about the procedure.

- 10.4 Help will be provided to you in order to minimise any difficulties which you may experience. This may include advice on giving evidence if needed. Meetings may, if necessary be arranged off-site with you and with you being represented, if you so wish.

- 10.5 An employee who is not satisfied with the action taken by the Council and feels it right to question the matter further may consider the following possible contact points:

- the Council's External Auditor
- the employee's Trade Union
- the Citizens Advice Bureau and / or law centre firm
- relevant professional bodies or regulatory organisations
- the Local Government Ombudsman
- the Information Commissioner
- the Police and/ or Health and Safety Executive

11 Confidentiality

- 11.1 Wherever possible the Council seeks to respect the confidentiality and anonymity of the Whistleblower and will as far as possible protect you from reprisals. The Council will do its best to protect your identity if you raise a concern and do not want your name disclosed. However, it must be appreciated that the investigation process may

reveal the source of the information and a statement by the Whistleblower may be required as part of the evidence in criminal proceedings or Employment Tribunals.

- 11.2 The Council will endeavour to ensure your identity will not be disclosed to third parties without a court order.
- 11.3 The Council will not tolerate any attempt to victimise you or attempts to prevent concerns being raised and will consider any necessary disciplinary or corrective action appropriate to the circumstances.
- 11.4 The confidentiality of service users will not be compromised as employees have a duty in law and within their professional codes of conduct to maintain this.
- 11.5 Where the procedure allows a matter to be taken outside the Council, you should not disclose confidential information unless the information relates to the matter under investigation and until the internal procedures have been exhausted. No confidential information shall be disclosed externally in a frivolous or vexatious manner.

12 Anonymous allegations

- 12.1 This policy encourages you to give your name when making an allegation. Concerns expressed anonymously are usually much less powerful, but they will be considered at the discretion of the Council.
- 12.2 In exercising the discretion, the factors to be taken into account would include:
- the seriousness of the issues raised;
 - the credibility of the concern;
 - the likelihood of confirming the allegation from attributable sources and
 - the evidence base.

13 What action should the whistleblower take?

- 13.1 The Council encourages you to raise the matter internally in the first instance. This allows staff and those in positions of responsibility and authority the opportunity to right the wrong and give an explanation for the behaviour or activity.
- 13.2 As a first step you should normally raise concerns with your immediate supervisor, your service manager, Assistant Director or Director. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that management is involved, you should approach:
- the Internal Audit Manager or
 - the Interim Monitoring Officer, on 01799 510500 MonitoringOfficer@uttlesford.gov.uk or
 - The Section 151 Officer, on 01799 510421 awebb@uttlesford.gov.uk or
 - the Chief Executive, 01799 510400 pholt@uttlesford.gov.uk

- 13.3 You may prefer to raise the matter in person, by telephone or in written form either by e-mail or by letter. You can send a letter directly to the officers referred to above at

Uttlesford District Council
Council Offices
London Road
Saffron Walden
Essex
CB11 4ER

Any letter should be marked "Personal, Private and Confidential". If you do not feel able to put forward your concern in writing, you can telephone or meet the appropriate officer, at the offices or elsewhere, if appropriate.

- 13.4 All matters will be treated in strict confidence and anonymity will be respected wherever possible.
- 13.5 Concerns are better 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 and advising when and where you can be contacted. The earlier the concern is expressed, the easier it is for someone to take action.
- 13.6 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.
- 13.7 If you need advice and guidance on how matters of concern may be pursued, this can be obtained from Internal Audit, the Section 151 Officer or the Monitoring Officer.
- 13.8 You may wish to consider discussing your concerns 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.
- 13.9 You may invite your trade union or professional association to raise a matter on your behalf. You may also invite your trade union, professional association representative or a friend to be present during any meeting or interviews in connection with the concerns you have raised.
- 13.10 Employees who are not in a formal line management relationship because of their employment relationship, for example agency staff or contractors, should first discuss their concerns with a relevant colleague or manager within the service.

14 How will the Council respond?

- 14.1 The individual who receives the information or allegation will assemble the information made available to them.

- 14.2 The Internal Audit Manager, the Section 151 Officer and the Monitoring Officer, must be informed of all concerns reported under this Whistleblowing Policy unless the concern relates to them. The action taken by the Council will then depend on the nature of the concerns. Some concerns may be resolved by agreed action without the need for investigation.
- 14.3 Where appropriate, 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.
- 14.4 If urgent action is required this will be taken before any investigation is conducted. In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle the Council has in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example, discrimination issues) will normally be referred for consideration under those procedures.
- 14.5 Within three working days of a concern being received, the person to whom you have expressed your concerns will write to you at your preferred address acknowledging that the concern has been received.
- 14.6 You will be advised whether an investigation takes place or not and asked whether you would like to be provided with feedback. However, depending upon the nature of the matter raised, we may not be able to provide you with details of the action taken. If that happens, please be assured that this does not mean that the matter is not being taken seriously.
- 14.7 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.
- 14.8 When any meeting is arranged you may, if you so wish, be accompanied by a Trade Union or professional association representative or a friend. Also, a meeting can be arranged off-site.
- 14.9 The Council will take steps to minimise any difficulties that 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 on the procedure.
- 14.10 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.

14.11 The Monitoring Officer has overall responsibility for the maintenance and operation of this policy. A central record of all Whistleblowing concerns raised and the outcomes (but in a form which does not endanger your confidentiality) is held by the Internal Audit Manager and will be reported as necessary to the Council.

14.12 If you are dissatisfied with the conduct of the investigation or outcome of the matter or have genuine concerns that the matter has not been handled appropriately, the concerns should be raised with the Monitoring Officer, the Section 151 Officer or the Internal Audit Manager and/or directed to the Chief Executive or appropriate nominated officer.

15 How the matter can be taken further

15.1 This policy is intended to provide the Whistleblower with a way in which concerns can be raised and resolved within the Council.

15.2 In exceptional circumstances you may consider the matter too serious or sensitive to raise within the internal environment of the Council. In this instance depending on the nature of the concern, the matter could be directed to:

- **Local Councillors** – details of how to contact and surgery hours are on the Council's web site www.uttlesford.gov.uk.
- **External Auditors** – the Council's external auditors BDO and are completely independent from the Council. The BDO named contact for Whistleblowing concerns relating to this Council is:

David Eagles
Partner, Public Sector Assurance
BDO LLP
The Havens
Ransomes Europark
Ipswich
Suffolk, IP3 9SL

Tel: 01473 320728 email: David.Eagles@bdo.co.uk

- **Trade Unions** – employees may invite their Trade Union to raise a matter on their behalf.
- **Relevant professional bodies.**
- **Police** – suspicions of fraud or corruption may be reported directly to the Police through Action Fraud the UK's national fraud and cyber crime reporting centre on 0300 123 2040. <https://www.actionfraud.police.uk/reporting-fraud-and-cyber-crime>

- **The Local Government Ombudsman** – this is an independent body set up by the Government to deal with complaints against Councils in the United Kingdom. Advice and can be contacted on 0300 061 0614. <https://www.lgo.org.uk/>
- **Protect** – this is a charity (formally Public Concern at Work), which provides free and strictly confidential legal help to anyone concerned about a malpractice which threatens the public interest. They operate a helpline on 020 3117 2520 or can be mailed at whistle@protect-advice.org.uk. More information is on their website at www.pcaw.org.uk

16 Relationship with other employee procedures

- 16.1 This Whistleblowing Policy is not designed to replace the Grievance Policy (HRP3) because it exists for clearly defined reasons.
- 16.2 An issue considered under this Whistleblowing Policy may lead to action under the Council's Disciplinary Procedure (HRP1) and/or action by the Council's Internal Audit and the police.
- 16.3 It is particularly important that disclosures are not made directly to the media but are initially directed through the Whistleblowing Policy if appropriate. Failure to do this may expose vulnerable clients to public view and may expose the employee to disciplinary action.

17 Conclusion

- 17.1 Existing good practice within the Council in terms of its systems of internal control both financial and non-financial and the external regulatory environment in which the Council operates ensures that cases of suspected fraud or impropriety rarely occur. This Whistleblowing policy is provided as a reference document to establish a framework within which issues can be raised confidentially internally and if necessary outside the management structure of the Council. This document is a public commitment that concerns are taken seriously and will be actioned.

18 In summary

DOs	DON'Ts
<p>Make an immediate note of your concerns –</p> <ul style="list-style-type: none"> • Note all relevant details, such as what was said in telephone or other conversations, the date, time and the names of parties involved; • Note any documentary evidence that may exist to support your claim but do not interfere with this evidence 	<p>Do nothing and let it go unreported;</p> <p>Be afraid of raising concerns;</p>
<p>Report your concerns to your line manager or to those officers listed above in 13.2</p>	<p>Approach and accuse individuals directly;</p>
<p>Deal with the matter quickly. Any delay could allow the problem to continue and escalate and evidence to disappear;</p>	<p>Try and investigate the matter yourself;</p>
<p>Think about risks and outcomes before you act;</p>	<p>Don't convey your suspicions to anyone except those of the proper authority as set out in our policy;</p>
<p>Follow the guidance provided and contact the appropriate officer.</p>	<p>Use the whistleblowing procedure to pursue a personal grievance</p>