



Whistleblowing Policy

DRAFT

Wyre Council
Civic Centre
Breck Road
Poulton-le-Fylde
Lancashire
FY6 7PU

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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 be 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. [We value staff as a source of information.](#) In line with that commitment, we encourage employees and others with serious concerns about any aspect of the council's work to come forward and voice those concerns. [Best practice is to maintain confidentiality unless the law requires disclosure of details. It is recognised that certain cases will have to proceed on a confidential basis.](#) This policy makes it clear that staff can [report concerns in the public interest and](#) do so without fear of reprisals. This Whistleblowing Policy is intended to encourage and enable staff to raise serious concerns within the council rather than overlooking a problem or blowing the whistle outside.
- 1.3 Furthermore, the council's policy is reinforced by the [Employment Rights Act 1996 as amended by the](#) Public Interest Disclosure Act 1998 and this policy will operate alongside and in accordance with this legislation. Further information on this Act can be obtained from the council's Legal Section or be following this link <https://www.legislation.gov.uk/ukpga/1998/23/contents>

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;
 - Provides avenues for you to raise those concerns;
 - Ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are dissatisfied with the council's response, and;
 - Reassure you that you will be protected from possible reprisals or victimisation for whistleblowing.
- 2.2 There are existing procedures in place to enable you to [raise issues under the council's Resolution Policy](#)~~ledge a grievance~~ relating to your own employment. This policy is intended to cover concerns that fall outside the scope of other recognised procedures. This policy does not replace the corporate complaints procedure.
- 2.3 The council's whistleblowing arrangements are an integral part of the governance of the council. They are not a substitute for its management,

compliance and other controls, rather, a safety net for those controls which will pick up problems, deter wrongdoing and promote accountable conduct.

2.4 A concern [must be in the public interest and](#) may be about something that:

- Is unlawful;
- Is against the council's Financial Regulations and Financial Procedure Rules;
- Is contrary to the council's policies, or falls below established standards of practice;
- Amounts to improper conduct;
- Appears to be a conflict of interest e.g. an officer awarding a contract to a supplier that they are known to be friendly with, or;
- Is regarding the assault or inappropriate behaviour towards a child or vulnerable adult or client.

3. Who is covered by the policy?

3.1 All employees of the council may use this policy. This includes permanent and temporary staff. It also covers ex-staff, agency staff, volunteers and staff seconded to a third party. Any concerns relating to the third party, if relevant to the staff's secondment can also be raised under the policy.

3.2 Contractors working for the council (including employees working in any partnerships on behalf of the council) may use the policy to make the council aware of any concerns the contractor's staff may have with regard to any contractual or other arrangement with the council.

4. Safeguards

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. The council will not tolerate harassment or victimisation and will take action to protect you when you raise a concern. [We want to ensure we have a culture where staff feel comfortable making disclosures in the public interest.](#) ~~This does not mean however, that if you are already the subject of disciplinary or redundancy procedures, that those procedures will be halted as a result of your whistleblowing.~~

4.2 The council will do its best to protect your identity indefinitely if you - do not want your name to be disclosed. However, your identity may be revealed if the investigation leads to a formal hearing (such as a tribunal or criminal/civil proceedings). In such cases, a statement by you may be required as part of the evidence.

4.3 This policy encourages you to put your name to your allegation. Concerns expressed anonymously [are generally are much](#) less powerful, but [all disclosures will be taken seriously. they will be considered at the discretion of the council.](#) In [the case of anonymous disclosures and determining the next steps, exercising the discretion,](#) the factors to be taken into account would include:

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

4.4 The council will avoid wherever possible referring to the fact that a 'whistleblowing' has triggered an investigation in order to minimise speculation and the potential for victimisation.

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

5. How to raise a concern

5.1 You can raise a concern ~~however you feel is appropriate~~ in a number of ways. ~~however~~ As a first step, you should normally raise concerns with your immediate manager or their superior. This will depend, ~~however~~, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. For example, if you believe that management is involved, you are advised to should approach the Head of Governance and Business Support in the first instance, who will discuss the matter with you and determine whether a report should be made to the Section 151 Officer or the Monitoring Officer according to the circumstances. You may also invite your trade union or professional association to raise the matter on your behalf. Alternatively, HR, the Chief Executive, Internal Audit, the Chief Finance Officer or other Senior Managers can receive disclosures.

5.2 All child protection and safeguarding adult issues should be referred to the council's Child Protection Officers. Further information on what to do if you have any concerns can be found in the council's Child Protection and Safeguarding Adults policies and Child and Young Person Protection information leaflet located on the Intranet.

5.3 Concerns are better raised in writing or via the council's whistleblowing email address (www.whistleblowing@wyre.gov.uk). 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 you express the concern, the easier it is to take action. The council's whistleblowing telephone number is **0800 038 0528**.

5.4 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.

5.5 All concerns raised, no matter how small are logged. Whilst action may not be necessary at that point, intelligence is often built over a number of weeks, months and sometimes years.

5.6 Advice and guidance on how matters of concern may be pursued can be obtained from:

Corporate Director Resources (Section 151 Officer) Clare James Clare.james@wyre.gov.uk	01253 887308
Head of Governance and Business Support Joanne Billington Joanne.billington@wyre.gov.uk	01253 887372
Monitoring Officer and Legal Services Manager Mary Grimshaw Mary.grimshaw@wyre.gov.uk	01253 887214
Head of Human Resources and Deputy Monitoring Officer Jane Collier Jane.collier@wyre.gov.uk	01253 887506
<u>Audit and Risk Manager</u> Karen McLellan Karen.mclellan@wyre.gov.uk	<u>01253 887586</u>
Lead designated Child Protection Officer Mark Broadhurst Mark.broadhurst@wyre.gov.uk	01253 887433
Unison Chairperson	0800 171 2193

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5.7 If you feel your concern has not been handled in accordance with this policy, you can report this to the Council's Chief Executive, who will then appoint an independent officer to investigate your concerns.

6 How the council will respond

6.1 The action taken by the council will depend on the nature of the concern. The matters raised may be:

- Investigated internally;
- Referred to the Police;
- Referred to the council's External Auditor;
- Become the subject of an independent inquiry; or
- Be referred to the council's Audit Committee.

6.2 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. A decision may be made to externalise the investigation in order to protect internal officers and address any conflicts of interest. In this instance, a process will be agreed and documented. Parties will be notified if deemed appropriate.

- 6.3 Concerns or allegations that fall within the scope of specific procedures (e.g. Dignity at Work, Members Code of Conduct or IT Security issues) will normally be referred for consideration under those procedures.
- 6.4 Some concerns may be resolved by agreed action without the need for investigation. In this instance, checks will be made at a later date to ensure actions are implemented as agreed.
- 6.5 Within a reasonable timescale of a concern being received, the council will:
- Acknowledge that the concern has been received, explain how it proposes to deal with the matter and give an estimate of how long it will take to provide a final response;
 - Appoint a 'key point of contact' for the whistleblower. This is normally the investigator; and
 - Tell you whether any initial enquiries have been made, and whether a further investigation will take place, and if not, why not.
- 6.6 While the council will provide as much feedback as it properly can, owing to legal obligations and confidentiality, it may not be able to freely provide feedback on the outcome of any disciplinary action taken. Where this is the case, the council will make clear to the whistleblower that they were right to raise the concern. Any further evidence that the wrongdoing is continuing or should the whistleblower feel anxious about any perceived or actual reprisal then this must be reported as detailed in paragraph 5.1.
- 6.7 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.
- 6.8 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.
- 6.9 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 you about the procedure.
- 6.10 Following the conclusion of any investigation, the council will carry out a 'lessons learnt' exercise to ensure our whistleblowing procedures continue to be fit for purpose.

7. How the matter can be taken further

- 7.1 This policy is intended to provide you with the opportunity 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:

- UNISON Website www.unison.org.uk
- NSPCC - National Helpline 0800 028 0285 / 0808 800 5000
- Public Concern at Work (PROTECT) 020 3117 2520 or <https://protect-advice.org.uk>

7.2 This list is not exhaustive and you are free to contact anyone that you feel will be able to deal properly with your concerns, including:

- Your local Councillor;
- Relevant professional bodies or regulatory organisations;
- Your Solicitor; or
- The Police.

7.3 If you do take the matter outside the council, you need to ensure that you do not disclose confidential or privileged information. Advice on this point can be obtained from the Legal Services Section. Maliciously intended disclosures or those to the press or on social media will not qualify for protection.

8. The responsible officer

8.1 The Corporate Director Resources (Section 151 Officer) has overall responsibility for the maintenance and operation of this policy. The Head of Governance and Business Support maintains a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the Audit [and Standards](#) Committee.

9. Reviewing the effectiveness of the policy

9.1 The council will carry out regular training / refresher exercises to provide assurance that the policy is known and understood by the council's employees.

9.2 Any training will be designed to embed and reinforce this policy. This could be achieved through specific training, regular communication of the policy's existence and how to use it, completion of questionnaires or surveys or by promoting effective outcomes or 'good news' stories'. Communicating outcomes to the organisation can assist with managing 'the rumour mill' or avoid people coming to their own conclusions. Any communication in respect of reporting investigation outcomes will need to be managed carefully in order to protect those involved.