



Whistleblowing Policy December 2019

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HR41	1	KAB	33248	34105	10/11	10/15	OMG/HR	
HR41	2	HR	76613					Previous version replaced with shorter/ summarised version

Definition

Whistleblowing is the name given to the act of the disclosure of information to the employer or the relevant authority by an individual who knows, or suspects, that the Council is responsible for or taken part in some wrongdoing.

Those making qualifying disclosures are protected against dismissal or detriment by The Public Interest Disclosure Act 1998.

Qualifying disclosures

Certain disclosures are prescribed by law as “qualifying disclosures”. A “qualifying disclosure” means a disclosure of information that the employee genuinely and reasonably believes is in the public interest and shows that the Council has committed a “relevant failure” by:

- committing a criminal offence
- failing to comply with a legal obligation
- a miscarriage of justice
- endangering the health and safety of an individual
- environmental damage or
- concealing any information relating to the above.

These acts can be in the past, present or future, so that, for example, a disclosure qualifies if it relates to environmental damage that has happened, is happening, or is likely to happen. The Council will take any concerns that you may raise relating to the above matters very seriously.

Employees must reasonably believe that the disclosure is “in the public interest”. We encourage you to use the procedure to raise any such concerns.

Should the concern not meet the requirement to be a qualifying disclosure, you should raise this under the Council’s grievance policy. Where a concern is raised under the whistleblowing policy where it is not appropriate to do so, ie it relates to a personal grievance, the receiving manager will confirm that the matter will be addressed under the grievance policy.

The procedure

In the first instance you should report any concerns you may have to your line manager or *HR Manager* where the concern relates to your line manager or it is not appropriate to make the report to your line manager. All concerns reported will be treated in the utmost confidence. You may submit your concerns in any format. You may be asked to confirm any verbal concerns in writing or to confirm a written record of a verbal report.

If you do not report your concerns to the Council you should take them direct to the appropriate organisation or regulatory body with authority for that area.

Following receipt of a disclosure made under this policy, an investigation meeting will be held with the employee. The purpose of this meeting is to gather as much information as possible from the employee regarding their concerns, including whether they have any supporting evidence or can identify any witnesses.

After this meeting, the investigating manager will commence a full investigation into the concerns raised. The investigation will aim to gather all relevant information including relevant documentary evidence or witness statements. This investigation must be completed within 28 days *following* receipt of the disclosure. If this is not possible, the investigating manager will speak to the employee in advance of the completion deadline to agree an extended period of investigation.

Once the investigation is complete, the investigation manager will write to the employee confirming the outcome.

If the employee is not satisfied with the explanation or outcome, they may raise the matter with the appropriate official organisation or regulatory body. Alternatively, employees may raise a formal complaint under the Council's grievance policy.

Formal action

Should formal action be required as a result of any disclosure made under this policy, this action will be carried out in accordance with the applicable internal policy. Any potential sanctions imposed will be fair and reasonable in line with the relevant policy.

Protection against detrimental treatment

All employees who raise matters of concern under this policy are protected against detrimental treatment, up to and including dismissal, because they have made a disclosure.

Bullying, harassment, victimisation or any other detrimental treatment afforded to a colleague who has made a qualifying disclosure is unacceptable. Anyone found to have acted in such a manner will be subject to disciplinary action.

WHISTLEBLOWING – APPROPRIATE REGULATORS

If you decide to blow the whistle to a 'prescribed person' rather than your employer, you must make sure that you have chosen the correct person or body for your issue. The identity of the appropriate regulator will depend on the nature of your concern. However, the regulator must be one of those prescribed by an order made by the Secretary of State for the purposes of the Public Interest Disclosure Act 1998 Section 43F. The Public Interest Disclosure (Prescribed Persons)(Amendment) Order 2003 lists the prescribed regulators. They include: -

- **Audit Commission for England and Wales** – ensuring the proper conduct of public business, value for money, investigating fraud and corruption in local government
- **Charity Commissioners for England and Wales** – ensuring the proper administration of charities and fund given or held for charitable purposes
- **Chief Executive of the Criminal Cases Review Commission** – dealing with actual or potential miscarriages of justice
- **Commissioners of Customs and Excise** – checking value added tax, insurance premium tax, excise duties and landfill tax
- **Commissioners of the Inland Revenue** - checking income tax, national insurance contributions, statutory maternity pay, statutory sick pay, child benefits and the enforcement of the minimum wage
- **Comptroller and Auditor General of the National Audit Office** – ensuring the proper conduct of public business, values for money, investigating fraud and corruption in relation to the provision of centrally-funded public services
- **Director of the Serious Fraud Office** – investigating serious or complex fraud
- **Environment Agency** – acts which relate to pollution, flooding, the flow of rivers and the management or regulation of the environment
- **Financial Services Authority** – monitoring the business of businesses, clubs, and societies in respect of financial misconduct
- **Food Standards Agency** – matters affecting the health of the public relating to the consumption of food
- **Health and Safety Executive** – dealing with matters affecting the health and safety of any individual at work and also any matters which may affect a member of the public arising from the activities of people at work
- **Information Commissioner** – compliance with the requirements of legislation relating to data protection and to freedom of information
- **Occupational Pensions Regulatory Authority** – matters relating to occupational pension schemes

- In addition, you could also blow the whistle to your legal adviser, in the course of obtaining legal advice, or to a government minister or member of the Scottish Executive if you are a public sector employee.

- More information on whistleblowing can be found on the Directgov website