

Report a Concern (Whistleblowing) Policy

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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 Public Interest Disclosure Act 1998 gives protection to whistleblowers within the workplace but it is the aim of this policy to ensure that as far as possible our employees are able to tell us about any wrongdoing at work which they believe has occurred or is likely to occur.
- 1.3 The council recognises that employees may not always feel comfortable about discussing their concerns internally, especially if they believe that the council itself is responsible for the wrongdoing.
- 1.4 The aim of this policy is to ensure that employees are confident that they can raise any matter with the council that concerns them in the knowledge that it will be taken seriously, treated as confidential and that no action will be taken against them.
- 1.5 The council is committed to the highest possible standards of openness, probity and accountability. We expect employees, and others that we work and deal with, who have serious concerns about any aspect of the council's work to come forward and voice those concerns. It is recognised that concerns need to be dealt with confidentiality and sensitively.
- 1.6. This policy makes it clear that employees can do so without fear of victimisation, subsequent discrimination or disadvantage. This Policy is intended to encourage and enable employees to raise serious concerns within the council rather than overlooking a problem.
- 1.7 This Policy applies to all employees and also to contractors and suppliers working for or on behalf of the Council, on Council premises or elsewhere. You can also use these reporting arrangements if you are a Councillor or member of the public.

1.8 The procedures are in addition to the council's complaints procedures and other statutory reporting procedures which may apply. Managers are responsible for making employees aware of the existence of these procedures.

2 The Responsible Officers (The Monitoring Officer and the S151 Officer)

2.1 The Council's Monitoring Officer has overall responsibility for the maintenance and operation of the Policy and will maintain a record of concerns raised and the outcomes and will report to the Council as necessary.

2.2 The Council's Section 151 Officer will be responsible for investigating allegations of fraud or financial irregularity. Other allegations will be investigated by a member of the Council's Management Team.

3 Aims and Scope of this Policy

3.1 This Policy aims to:

- Encourage employees to feel confident in raising serious concerns and to question and act upon concerns about practice
- Provide avenues for employees to raise those concerns and receive feedback on any action taken
- Ensure that employees receive a response to their concerns and that managers are aware of how to pursue them
- Reassure employees that they will be protected from possible reprisals or victimisation if they have made a disclosure in good faith

3.2 If your concern relates to your own treatment as an employee, you should raise it under the appropriate existing Human Resources Policy. This Policy does not act as an alternative to existing Human Resources policies and procedures.

3.3 If a customer has a concern about services provided to them, it should be raised as a complaint using the Complaints procedure.

3.4 Complaints against Councillors are dealt with under a separate procedure and further information can be found on the Council's website.

3.5 This Policy is intended to cover major concerns that fall outside of the scope of other

procedures.

- 3.6 Employees should adhere to the laws relating to data protection when sharing information, further information and guidance can be found on the Information Commissioner's website, www.ico.org.uk

4 Safeguards against harassment and victimisation

- 4.1 The Council is committed to good practice, high standards, and recognises the decision to report a concern can be difficult. The Council will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect employees who raise a concern in good faith. If an employee feels they are being subjected to harassment or victimisation because of reporting a concern, they should immediately contact the People Services Manager or the Monitoring Officer.
- 4.2 Any investigation into allegations made will not influence or be influenced by any disciplinary or redundancy procedure that already affect the employee who raises the concern.

5 Confidentiality

- 5.1 All concerns will be treated in confidence and every effort will be made not to reveal the identity of the person who raised the concern, however there is a possibility that at the appropriate time the employee may need to present themselves as a witness.

6 Anonymous allegations

- 6.1 This Policy encourages employees to put their name to an allegation wherever possible. Concerns expressed anonymously will only be considered in exceptional circumstances and at the discretion of the Responsible Officers. In exercising this discretion, the factors that would be considered include:
- The seriousness of the issues raised
 - The credibility of the concern
 - The likelihood of confirming the allegation from attributable sources

- Consideration of the likely damage that could be caused to an individual or group of people if the allegation is not proven.

7 Untrue/vexatious allegations

- 7.1 If an employee makes an allegation in good faith, but it is not upheld/confirmed by the investigation, no further action will be taken against the employee.
- 7.2 If an employee is found to have made an allegation maliciously or for personal gain, then this could constitute misconduct and will be dealt with in accordance with the disciplinary procedure.

8 How to raise a concern

- 8.1 Members of the public are encouraged to report any concerns. If your concern relates to a particular service that the Council has provided, you should follow the Council's usual Complaints process. If you genuinely believe that someone may be committing a criminal offence, you may wish to report this to the Police in addition to raising a concern under this Policy.
- 8.2 An employee should normally raise concerns with their immediate manager, however if the employee believes the manager/management is involved, they should approach the Monitoring Officer.
- 8.3 It is advised that you make it clear you are raising concerns under the Council's Report a Concern (Whistleblowing) Policy. Concerns can be raised in writing or verbally and should include the background and history of the concern (including relevant dates), the reason why you are particularly concerned about the situation, and any other relevant information. The Monitoring Officer can be contacted at Monitoringofficer@west-lindsey.gov.uk 01427 676615
- 8.4 Whilst you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate there are reasonable grounds for their concern. The earlier a concern is expressed, the easier it is to take action.
- 8.5 Employees may invite their trade union representative or a friend/colleague to be present during any meetings or interviews in connection with the concerns they have raised.
- 8.6 If your concern is about the Chief Executive of the Council, your concern should be raised with the Leader of the Council and the Responsible Officers who will decide

how to proceed.

- 8.7 You may wish to seek independent advice before reporting a concern to anyone. “Protect, speak up, stop harm” offer a free and confidential whistleblowing advice service and can be contacted on their helpline 020 3117 2520.
- 8.8 For employees, we understand raising a concern can be a difficult experience and we would remind employees of the Council of the Employee Assistance Programme which is a 24/7 confidential helpline 0800 917 6470
- 8.9 If any users of this Policy have any feedback on the process or the Policy itself, comments can be sent to the Monitoring Officer or the S151 Officer for consideration.

9 How the Council will respond

- 9.1 The Council will respond to concerns raised, whilst recognising that testing out concerns is not the same as accepting or rejecting them.
- 9.2 Dependent on the specific circumstances of the concern raised, the response may include one or more of the following:
- Advice only
 - Resolved by agreed action with no formal investigation
 - Investigation by management and/or internal audit
 - Referral to the Police
 - Referral to the external auditor
 - Form the subject of an independent inquiry
- 9.3 The overriding principle throughout is the public interest. Concerns or allegations which fall within the scope of specific procedures will usually be referred for consideration under those procedures.
- 9.4 Within 5 working days the Responsible Officer will acknowledge the concern has been received. Within 10 working days of a concern being raised, the Responsible Officer will write to the individual who raised the complaint detailing the following:

- Indicating proposals to deal with the matter
- Giving a time estimate of a final response
- Confirming whether any initial enquiries have been made
- Confirming what support mechanisms are in place for the employee
- Informing the person who raised the complaint whether further investigations are necessary.

Whilst every effort will be made to comply with these timescales, if the Responsible Officer is of the view that an extension to the 10 working day timeline is required, they will communicate this as soon as possible and provide a reason why the time extension is needed.

9.5 The amount of contact between the officers considering the issues and the employee who raised them will depend on the nature of the matters, the potential difficulties involved, and the clarity of the information provided. If necessary, further information will be sought from the individual who raised the concern.

9.6 The Council accepts that individuals who raise concerns need assurance the matter has been properly addressed. Subject to legal constraints, we will inform the individual who raised the concern what the outcome of any investigation is.

10 How the matter can be taken further

10.1 This Policy is intended to provide an avenue for employees, contractors, and suppliers working on behalf of the Council, to raise concerns. The Council hopes individuals will be satisfied with any action taken, however if they are not, they may choose to take the matter to an organization outside the Council should they choose to.

10.2 The following are possible contact points:

- The external auditor – KPMG
- The employee's trade union
- Citizens Advice
- The police

- Relevant professional bodies or regulatory organisations
- A relevant voluntary organisation, for example PROTECT

Contact details can be found at Appendix 1

10.3 If someone does take the matter outside the Council, they should ensure material which is confidential or legally privileged is not disclosed. The Monitoring Officer can provide further advice on this if needed.

11 Monitoring and Training

11.1 Employees are made aware of this Policy through the induction process and the Policy is available on the Minerva site. Training and awareness sessions will be provided to managers to ensure there is an understanding of this Policy.

11.2 The Policy is monitored annually and the number of concerns received is reported through the Council's committee process.

12. Employee's rights

12.1 This Policy does not prevent employees exercising their right to report to relevant outside bodies, nor impede upon rights existing under the Public Interest Disclosure Act 1998

13. Data Protection

13.1 The Council complies with the General Data Protection Regulation (GDPR) and processes information in accordance with this and Data Protection Act 1998. In this instance, the processing of data will be in accordance with section 6 (1) of the GDPR which allows us to process data necessary to perform our tasks as a local authority.

13.2 The Council will treat the information provided confidentiality and will only disclose it in accordance with the data protection legislation. To consider a matter thoroughly, we may need to disclose some information to the person or organisation concerned. Should individuals not wish any information to be shared, they should make this clear at the outset so this can be discussed.

Appendix

Contact details for external organisations:

External Auditor KPMG 1 Sovereign Street, Leeds, LS1 4DA

UNISON East Midlands UNISON Regional Centre Vivian Avenue Nottingham NG5 1AF Tel: 0800 0857 857 E-mail: eastmidlands@unison.co.uk

Citizens' Advice Guildhall Marshall's Yard Gainsborough DN21 2NA Tel: 01427 810914 Website: www.citizensadvice.org.uk

Protect – (was Public Concern at Work) The Green House 244-254 Cambridge Heath Road London E2 9DA Tel: Whistleblowing Advice Line 020 3117 2520 www.pcaw.co.uk Email: UK advice line: whistle@protect-advice.org.uk

Lincolnshire Police Lincolnshire Police Headquarters Deepdale Lane Nettleham Lincs Tel: 01522 532222

ACAS – Advisory, Conciliation and Arbitration Service
Telephone 0300 123 1100
www.acas.org.uk/archive/whistleblowing

Government website www.gov.uk/whistleblowing