

KETTERING BOROUGH COUNCIL

Whistleblowing Policy

Approved at Executive on 12th April 2017

Table of Contents

1. Introduction
2. Aims and Scope of the Policy
3. Safeguards
4. Confidentiality
5. Anonymous Allegations
6. Untrue Allegations
7. How to raise a Concern
8. How the Council will respond
9. The Responsible Officer
10. How the matter can be taken further
11. Roles and Responsibilities
12. How the policy will be monitored
13. Review
14. Contact information

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. In line with that commitment we encourage employees, and others that we 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 most cases will have to proceed on a confidential basis.
- 1.3 Individuals who raise their concerns about wrongdoing in the workplace are protected by the law and by this Policy. The law and this policy make it clear that employees can speak up about wrongdoing without fear of victimisation, subsequent discrimination or disadvantage. This policy is intended to encourage and enable employees to raise those concerns within the Council rather than overlooking the problem or raising it outside the Council.
- 1.5 This policy applies to all employees, including casual workers and people involved in training programmes or work experience and those contractors working for the Council on Council premises, for example, agency staff, builders or drivers. It also covers suppliers and those providing services under a contract with the Council in their own premises.
- 1.6 These procedures are in addition to the Council's complaints procedures and other statutory reporting procedures applying to some service areas within the Council.

2. Aims and Scope of the Policy

- 2.1 The policy aims to:-
 - encourage you to feel confident in raising serious concerns and to question and act upon concerns about wrongdoing or malpractice;
 - provide avenues for you to raise those concerns and receive feedback on any action taken;
 - ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied;
 - ensure that all disclosures are treated fairly and consistently
 - Reassure you that you will be protected from possible reprisals or

victimisation if you have a reasonable belief that there has been wrongdoing and you are acting in the public interest.

2.2 There are separate procedures in place to enable you to lodge a grievance relating to your own employment. In such cases, you should use the relevant procedure, eg the grievance procedure or the code of practice for stopping harassment.

2.3 This Whistleblowing Policy is intended to cover major concerns that fall outside the scope of other procedures. These concerns may be about:-

- conduct which is an offence or a breach of law
- disclosures related to miscarriages of justice;
- endangering of someone's health and safety, including risks to the public as well as other employees;
- damage to the environment;
- the unauthorised use of public funds;
- possible fraud, corruption or financial irregularity (including breach of the Financial Procedure Rules);
- covering up of any of the above or other wrongdoing

2.3 The concerns that you have may be about any aspect of service provision or the conduct of employees or members of the Council or others acting on behalf of the Council, if it makes you feel uncomfortable in terms of known standards or the standards you know the Council follows.

3. Safeguards

3.1 Harassment or Victimisation

3.2 The Council is committed to good practice and high standards and wants to be supportive of employees. It is safe and acceptable for employees or contractors to speak up if they have a Whistleblowing concern.

3.3 The Council recognises that a decision to report a concern can be a difficult one to make. If what you are saying is true, and you reasonably believe the matter is in the public interest, you should have nothing to fear because you will be doing your duty to your employer and those for whom you are providing a service.

3.4 The Council will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern.

3.5 Any investigation into allegations of potential malpractice will not influence or be influenced by separate employment processes that you may be affected by.

- 3.6 The whistleblowing laws give you the right:-
- a) not to be penalised or put at any disadvantage as a result of making a protected disclosure;
 - b) to be automatically treated as having been unfairly dismissed if the reason for your dismissal was that you made a protected disclosure;
 - c) if you are dismissed for whistleblowing, you can go to an [Employment Tribunal](#) and if the tribunal decides that you have been unfairly dismissed, it will order that you are:-

- i. reinstated (get your job back)
- ii. paid compensation

4. Confidentiality

- 4.1 All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At the appropriate time, however, you may need to come forward as a witness or the Council may be required by law to break confidentiality.

5. Anonymous Allegations

- 5.1 This Policy encourages you to put your name to your allegation whenever possible. Anonymous whistleblowers will not ordinarily be able to receive feedback and the action taken to look into the allegation could be limited.

- 5.2 Concerns expressed anonymously are (more difficult to investigate and therefore may be less credible)) but will be considered at the discretion of the Council.

- 5.3 In exercising this 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
- The available evidence

6. Untrue Allegations

- 6.1 If you make an allegation in the reasonable belief that it is substantially true, 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.

7. How to Raise a Concern

7.1 Step 1

If you have a concern about malpractice, it is hoped you will be able to raise it first with your immediate manager or supervisor. This will depend 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 officers identified in Step 2 below. We advise that you make it clear that you are raising your concerns under the Council's whistleblowing arrangements – this will help managers respond in line with this policy. You may, at any stage, feel the necessity to take independent advice (see section 10).

7.2 Step 2

If you feel unable to raise the matter with your manager, for whatever reason, you can raise the matter with:-

- the Monitoring Officer
- the Chief Finance Officer
- an Executive Director
- the Head of Resources
- the HR Manager
- the Senior Named Manager for Safeguarding

7.3 Step 3

If one or all of these channels have been followed and you still have concerns, or if you feel that the matter is so serious that you cannot discuss it with any of the above, you may wish to contact the Monitoring Officer or the Managing Director.

7.4 Councillors have a specific role and so do not become involved in operational or whistleblowing matters, so you should not raise a whistleblowing concern with a councillor. If a councillor receives a whistleblowing complaint, he or she will pass it on to the Monitoring Officer to respond to and will uphold their duty of confidentiality. Section 10 of this policy provides information on who can be contacted outside of the Council so that a whistleblower's protected status is maintained.

8. How the Council will respond

8.1 The Council will respond to your concerns..

- 8.2 The action taken will depend on the nature of the complaint. Where appropriate, the matters raised may:
- be investigated by management, internal audit, or other appropriate person.;
 - be referred to the police;
 - be referred to the external auditor;
 - form the subject of an independent inquiry.
- 8.3 In order to protect individuals and those accused of wrongdoing initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which the Council will have 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.
- 8.4 Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.
- 8.5 Within ten working days of a concern being raised, the person to whom you have reported your concerns will write to you:
- acknowledging that the concern has been received;
 - indicating how we propose to deal 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;
 - supplying you with information on staff support mechanisms, and
 - telling you whether further investigations will take place and if not, why not.
- 8.6 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, the Council will seek further information from you.
- 8.7 Where any meeting is arranged, off-site if you so wish, you can be accompanied by a union representative or a colleague.
- 8.8 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.
- 8.9 The Council accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform you of the outcome of any investigation.

9. The Responsible Officer

9.1 The Monitoring Officer has overall responsibility for the maintenance and operation of the Policy. That Officer will maintain 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 Council.

10. How the Matter can be taken further

10.1 The Policy is intended to provide you with an avenue within the Council to raise concerns. It is hoped you will be satisfied with any action taken. If you are not satisfied or do not feel you can contact anyone within the Council and if you feel it is right to take the matter outside the Council possible contacts are set out in paragraph 10.3 below.

10.2 Before taking the matter outside the Council you may wish to take independent advice. You can contact the Advisory, Conciliation and Arbitration Service (ACAS), your trade union for more guidance or the Charity "Public Concern at Work (PCAW), for more information and guidance. PCAW provides free confidential advice to those who witness wrongdoing or malpractice at work and are unsure whether to raise a concern. The contact details are:

- Whistle Blowing Advice Line Telephone 020 7404 6609
- Advice Line Email whistle@pcaw.co.uk
- Website www.pcaw.co.uk

10.3 While it is normally expected that an issue is raised within the Council first, if you do wish to take the matter outside the Council you may do so by informing the correct "prescribed person or body" for your issue. The Government provides a list of the prescribed persons and bodies as well as guidance to help people identify the correct prescribed person or body. This is available on-line at: <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2> Additionally, you may also raise the issue with:-

- Your trade union representative;
- The Council's external auditor;
- Your MP;
- Northamptonshire Safeguarding Team (for concerns about unlawful acts relating to safeguarding issues)

10.4 If you disclose the information to anybody else you may lose your legal protections under the whistleblowing law. This will usually be the case if you go to the media with your concerns. If you do take the matter outside the Council, you should ensure that you do not disclose confidential information.

11. Roles and Responsibilities

- 11.1 The responsibility for the operation of this policy rests with the Senior Management Team to ensure all staff are fully aware of its provisions. The Monitoring Officer must be advised of all referrals (but in a form which does not endanger confidentiality) so that an annual report to the Council's Standards Advisory Committee can be compiled.
- 11.2 Investigations should be undertaken by appropriate officers with expertise and will be dependent upon the issue raised. The appropriate Head of Service and Human Resources will jointly ensure that investigations are swift and effective and undertaken by someone with relevant skills and experience.
- 11.3 HR will act as the corporate services who maintain records of all referrals and subsequent investigations received by the Council.
- 11.4 HR will lead on allegations regarding serious misconduct of Council employees. The HR team will advise and support employees involved in the investigation process to ensure that such processes are fair and supportive to all those involved.
- 11.5 The Monitoring Officer will lead on allegations regarding misconduct of Councillors.
- 11.6 Employees: In all contracts of employment there is an implied understanding of mutual trust and confidence between the employer and employee. All employees, therefore, have a responsibility to raise concerns about work and they may do so in the manner described in this policy.
- 11.7. Line managers: Must create an open and fair culture within their area of responsibility and ensure that staff concerns are listened to and action taken where necessary. Line managers are responsible for ensuring that there is a safe environment for staff to raise their concerns and that there is no retribution as a result of someone raising their concerns.
- 11.8 Standards Advisory Committee: is responsible for the standards of behaviour across the Council/assuring the Council that the risks across the Council are being identified and managed. It is therefore responsible for ensuring that this policy is robust in identifying concerns and that the identified risks are addressed. It is also responsible for ensuring that the principles within this policy are upheld.

12 How the Policy will be monitored

- 12.1 The Council has a responsibility for registering the nature of all concerns raised and to record the outcome. The Council's Internal Audit Service will produce an annual report, which will identify any patterns of concern and assess the effectiveness of the policy.
- 12.2 This policy will be publicised on the Council's intranet, notice boards and on the Council's website.
- 12.3 Every new employee will be provided a copy of the policy when joining the Council as part of their induction pack and the policy will be brought to the attention of new employees through the induction process.
- 12.4 Every contract will require the contractor to communicate the policy to their staff and adopt its provisions when working for the Council.
- 12.5 Training will be provided as part of the corporate training programme on how to raise and deal with disclosures.
- 12.6 An annual survey will be undertaken to gauge the awareness of the policy and individual whistleblowers will be asked more detailed questions about their perceptions of the policy in practice.

13. REVIEW

- 13.1 This procedure will be kept under review and any amendments will be subject to consultation with trade union representatives. It will be reviewed by the Council's Standards Committee on an annual basis.

14. CONTACT INFORMATION

Monitoring Officer – Sue Lyons

TEL: 01536 534209

EMAIL: suelyons@kettering.gov.uk

Managing Director – Graham Soulsby

TEL: 01536 532413

EMAIL: grahamsoulsby@kettering.gov.uk

Executive Director – Martin Hammond

TEL: 01536 5324210

EMAIL: martinhammond@kettering.gov.uk

Executive Director –Lisa Hyde
TEL 01536 534342

EMAIL: lisahyde@kettering.gov.uk

HR Manager – Sarah Macintosh

TEL: 01536 534239

EMAIL: sarahmacintosh@kettering.gov.uk

DRAFT