



WHISTLEBLOWING POLICY AND PROCEDURE

Equality Impact Assessment

The Council strives to ensure equality of opportunity for all both as a major employer and as a service provider.

The Whistleblowing Policy and Procedure has been equality impact assessed to ensure fairness and consistency for all.

Version Control Schedule for Whistleblowing Policy & Procedures

Author (Post Holder Title)	Governance & Risk Manager
Type of Document	Policy
Version Number	Version 2.3
Document File Name	Whistleblowing Policy and Procedure
Issue date	July 2017
Document Held by (name section)	CFO, Governance Team
For internal publication only or external also	Open Data. External also
Document stored on council website	Yes
Next Review	July 2021
Approved by	Cabinet 21 st June 2017

Change History	Date	Comments	By:
Version 1	21 st June 2017	Review due in one year	M McCarthy
Version 2	8 th November 2017	Amends as per PWC audit recommendations	Governance Manager
Version 2.1	22 March 2018	Name of CE updated	Governance Support Officer
Version 2.2	13 march 2019	Review and update	Governance Manager
Version 2.3	July 2020	Change in provider details	Governance Manager

1. ABOUT THIS POLICY AND POLICY STATEMENT

- 1.1 The Council is committed to conducting its functions with honesty and integrity. This Policy forms part of the Council's Anti-Fraud and Corruption Strategy and is intended to provide an effective means of confidential reporting and detection.
- 1.2 It is the Council's expectation that Members and employees will lead by example, acting in a proper manner at all times and abiding by the procedures, rules and safeguards put in place to protect the interests of the Council and those it serves. This expectation extends to contractors, suppliers and other external agencies with which the Council deals, and any failures by such agencies to meet the standards required by the Council in this respect will be dealt with in a rigorous manner.
- 1.3 However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring and to address them when they do occur.
- 1.4 The aims of this Policy are:
- (a) To encourage staff to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected.
 - (b) To provide staff with guidance as to how to raise those concerns.
 - (c) To reassure staff that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.
- 1.5 This Policy covers **all** employees, including senior management, officers, consultants, contractors, volunteers, casual workers, agency workers and members of the public.
- 1.6 This Policy does not form part of any employee's contract of employment and we may amend it at any time.

2. OFFICERS RESPONSIBLE FOR THE POLICY

- 2.1 The Chief Finance Officer (CFO) has day-to-day operational responsibility for this Policy.
- 2.2 The CFO should review this policy from a legal and operational perspective at least once a year.

2.3 All staff are responsible for the success of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing. Staff are invited to comment on this policy and suggest ways in which it might be improved. Comments, suggestions and queries should be addressed to the CFO.

3. WHAT IS WHISTLEBLOWING?

3.1 **Whistleblowing** is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include:

- (a) Criminal activity;
- (b) Failure to comply with any legal or professional obligation or regulatory requirements;
- (c) Miscarriages of justice;
- (d) Danger to health and safety or welfare of other staff or members of the public;
- (e) Damage to the environment;
- (f) Bribery under the Anti-Fraud and Corruption Policy and Strategy;
- (g) Financial fraud or mismanagement;
- (h) Unauthorised use of public funds;
- (i) Breach of the Council's internal policies and procedures including the Employees' Code of Conduct;
- (j) Conduct likely to damage the Council's reputation;
- (k) Unauthorised disclosure of confidential or exempt information;
- (l) Negligence;
- (m) Sexual or physical abuse of Council clients/customers;
- (n) Other unethical behaviour;
- (o) The deliberate concealment of any of the above matters.

3.2 A **whistle-blower** is a person who raises a genuine concern relating to any of the above. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of the Council's activities (a **whistle-blowing concern**) you should report it under this Policy.

3.3 This policy should not be used for complaints relating to your own personal circumstances, such as the way you have been treated at work. In those cases you should use the Grievance Resolution Procedure or the Dignity at Work Framework as appropriate.

3.4 This policy should not be used in cases where there has been a failure of service delivery, which should be dealt with using the Council's standard complaints procedure.

3.5 If you are uncertain whether something is within the scope of this policy you should seek advice from the CFO, whose contact details are at the end of this Policy.

4. RAISING A WHISTLEBLOWING CONCERN

4.1 As a first step, the Council encourages you to raise concerns with your Line Manager or your Director/Head of Service, to allow those in positions of responsibility and authority an opportunity to address the issue and seek an explanation for the behaviour or activity. You may tell them in person or put the matter in writing if you prefer. They may be able to agree a way of resolving your concern quickly and effectively. In some cases they may refer the matter to the Head of Internal Audit.

4.2 However, where the matter is more serious, or you feel that your Line Manager or other managers within your area have not addressed your concern, or you prefer not to raise it with them for any reason, you should contact one of the following:

- (a) the CFO
- (b) the Council's Chief Executive or
- (c) the confidential external whistleblowing hotline or via the external providers website.

Contact details are set out at the end of this policy.

4.3 Concerns raised under this policy should, where possible, be submitted in writing, setting out the background, giving names, dates and places, and the reason why you are concerned about the situation. Individuals who do not feel able to put their concerns in writing can telephone the CFO or Governance & Risk Manager who will take down a written summary of your concern. Both can be contacted on his office extension number or mobiles. Alternatively, they can be contacted on the **internal** confidential whistleblowing hotline (details at the end of the policy).

5. CONFIDENTIALITY

5.1 The Council hopes that staff will feel able to voice whistleblowing concerns openly under this Policy. However, if you want to raise your concern confidentially, we will make every effort to keep your identity secret. If it is necessary for anyone investigating your concern to know your identity, we will discuss this with you. Contact with the external whistleblowing provider by telephone or through their website is completely anonymous, there is no requirement to leave your name or contact details.

5.2 The Council does not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if we cannot obtain further information from you. It is also more difficult to establish whether any allegations are credible. Whistle-blowers who are concerned about possible reprisals if their identity is revealed should come forward to the CFO or Governance & Risk Manager and appropriate

measures can then be taken to preserve confidentiality. If you are in any doubt you can seek advice from Public Concern at Work, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are at the end of this policy.

6. COUNCIL RESPONSE TO A WHISTLEBLOWING CONCERN

- 6.1 Once you have raised a concern, we will carry out an initial assessment to determine the scope of any investigation. There is no requirement for the whistle-blower to have gathered any evidence or undertaken their own investigation prior to raising a concern.
- 6.2 Assuming you have not reported the matter anonymously or have not requested an external agency to withhold your name from the Borough Council, we will provide written confirmation that details of your concern have been received within ten working days of receipt. You will be advised as to:
- whether or not further information is required from you and whether you may be required to attend meetings to provide additional information;
 - how the Council proposes to deal with the matter;
 - whether any initial enquiries have been made;
 - whether further investigations will take place and, if not, why not.
- 6.3 In some cases, we may appoint an investigator with relevant experience of investigations or specialist knowledge of the subject matter. The investigator(s) may make recommendations for change to enable us to minimise the risk of future wrongdoing.
- 6.4 The amount of contact you might expect to have with the person(s) considering the issues will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided.
- 6.5 We understand the difficulty of maintaining confidentiality whilst investigations are underway and we encourage whistleblowers not to engage in discussion with colleagues regarding reported concerns.
- 6.6 Where you are required to attend a meeting or interview this can be arranged away from your workplace if you wish and you may be accompanied by your trade union or professional association representative, colleague or friend. Your companion must respect the confidentiality of your disclosure and any subsequent investigation.
- 6.7 In the event that you are required to give evidence in any disciplinary or criminal proceedings you will be given advice about the procedure.
- 6.8 We will aim to keep you informed of the progress of the investigation and its likely timescale. However, sometimes legal constraints or the need for confidentiality may prevent us giving you specific details of the investigation or any disciplinary action taken as a result. You should treat any information about the investigation as confidential.

6.9 The whistle-blower will not be punished in any way if the concerns raised turn out to be untrue, however, if we conclude that a whistle-blower has made false allegations maliciously or with a view to personal gain, the whistle-blower will be subject to disciplinary action.

7. IF YOU ARE NOT SATISFIED

7.1 While we cannot always guarantee the outcome you are seeking, we will try to deal with your concern fairly and in an appropriate way. By using this policy you can help us to achieve this.

7.2 If you are not happy with the way in which your concern has been handled, you can raise it with the Council's Chief Executive or Head of Internal Audit (External provider BDO). Contact details are set out at the end of this Policy.

8. EXTERNAL DISCLOSURES

8.1 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases you should not find it necessary to alert anyone externally.

8.2 The law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. We strongly encourage you to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Public Concern at Work, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern. Their contact details are at the end of this Policy.

8.3 Whistleblowing concerns usually relate to the conduct of our staff, but they may sometimes relate to the actions of a third party, such as a supplier or service provider. In some circumstances the law will protect you if you raise the matter with the third party directly. However, we encourage you to report such concerns internally first. You should contact your line manager or the CFO for guidance.

9. PROTECTION AND SUPPORT FOR WHISTLE-BLOWERS

9.1 It is understandable that whistle-blowers are sometimes worried about possible repercussions. We aim to encourage openness and will support staff who raise genuine concerns under this Policy, even if they turn out to be mistaken.

9.2 Whistle-blowers must not suffer any detrimental treatment as a result of raising a concern. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If you believe that you have

suffered any such treatment, you should inform the CFO immediately. If the matter is not remedied you should raise it formally using our Grievance Procedure.

9.3 You must not threaten or retaliate against whistle-blowers in any way. If you are involved in such conduct you may be subject to disciplinary action.

10. WHISTLEBLOWING BY MEMBERS OF THE PUBLIC

If you are not a Council employee you can still contact the Council to report any concerns or disclosures over wrongdoing and the Council will follow the same or a similar process to that set out in this Policy. The protections available under the Public Interest Disclosure Act 1998, in certain circumstances to employees who have made a whistleblowing disclosure, do not extend to disclosures made by members of the public.

11. MONITORING

The CFO will regularly review the effectiveness of the Council's Whistleblowing Policy and engage elected Members in this process in accordance with the Council's governance framework.

12. CONTACTS:

CFO Office number	Stuart McGregor 01604 838347 smcgregor@northampton.gov.uk
Internal Whistleblowing Hotline	07900 052789
Chief Executive	George Candler 01604 837591 gcandler@northampton.gov.uk
External whistle-blower contact Available 24/7	Navex 0800 069 8162 www.northamptongov.ethicspoint.com
Head of Internal Audit: Telephone:	BDO LLP, Greg Rubins 07710 703 441 Greg.rubins@bdo.co.uk
Public Concern at Work (Independent whistleblowing charity)	Helpline: (020) 7404 6609 E-mail: whistle@pcaw.org.uk Website: www.pcaw.org.uk