

NEWARK & SHERWOOD DISTRICT COUNCIL

WHISTLEBLOWING POLICY

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1. Introduction

- 1.1. The aim of this Policy is to encourage employees and others who have serious concerns about any aspect of the Council's work to come forward and voice those concerns in the appropriate way.
- 1.2. 'Whistleblowing' is viewed by the Council as a positive act that can make a valuable contribution to the Council's efficiency and long-term success. It is not disloyal to colleagues or the Council to speak up. The Council is committed to achieving the highest possible standards of service and the highest possible ethical standards in public life and in all of its practices.
- 1.3. A 'Whistleblower' is generally a person who works in or for an organisation and raises an honest and reasonable concern about a possible fraud, crime, danger or other serious risk that could threaten colleagues, service users, customers, members of the public or the success and reputation of the organisation. In doing so they are acting in the wider public interest, usually because it threatens others or impacts on public funds.
- 1.4. This Policy sets out the procedure to follow if you wish to raise a concern. There is legal protection for employees who raise serious concerns in the right way (under the Public Interest Disclosure Act). This Policy is designed to ensure that you can raise your

concerns about wrongdoing or malpractice within the Council without fear of victimisation, subsequent discrimination, disadvantage or dismissal.

2. Aims of the Policy

2.1. This policy aims to:

- Encourage you to feel confident in raising serious concerns and to question and to act upon concerns about Council practice
- 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
- Reassure you that you will be protected from any possible reprisals and victimisation if you have a reasonable belief that you have made the disclosure in the public interest

3. When does this Policy apply?

3.1. Any serious concerns that you may have about any aspect of service provision or the conduct of others can be reported under this Policy. This may be something that:

- makes you feel uncomfortable
- is against any of the Council's existing Codes and policies
- is contrary to established standards of practice
- amounts to improper conduct
- This Whistleblowing Procedure is primarily for concerns where the interests of others or of the organisation itself are at risk and you have a reasonable belief that raising the concern is in the public interest. This Policy does not apply if the concern relates to your personal position as an employee, or in relation to another individual.

3.2. One of the following policies or procedures may be appropriate depending on the circumstances:

- Anti-Fraud and Corruption Strategy
- Children and Adults Safeguarding Policy
- The Council's complaints procedures for concerns about services provided to individuals
- Employee Disciplinary and Dismissal Procedure
- Employee Grievance Procedure
- Employee Dignity at Work Policy
- Procedure for dealing with complaints regarding the conduct of District Councillors

3.3. If you are not sure which policy or procedure applies you can ask your line manager or the Council's Monitoring Officer.

3.4. This policy is intended to cover major concerns that may fall outside the scope of other procedures. These include:

- The unauthorised use of public funds.
- Possible fraud or corruption.
- Sexual or physical abuse of both employees and clients.
- Health and Safety risks (including risks to the public as well as other employees).
- Conduct which is an offence or breach of law.
- Failure to comply with a legal or regulatory duty or obligation.
- Disclosures related to miscarriages of justice (ie where the Council has acted improperly or unfairly).
- Damage to the environment.
- Other unethical conduct including improper use of authority
- Concealment of any of the above.

N.B. This is not an exhaustive list

4. Who can raise a concern under this Policy?

- All Members of the Council
- All employees of the Council including employees of Council-owned companies*
- Agency workers, consultants and other individuals working for the Council
- Suppliers and those providing services under a contract with the Council, including their employees
- People working in partnership with the Council, and its employees and Members (e.g. volunteers, trustees etc)

* Concerns regarding companies owned by the Council, for example Active 4 Today Ltd and Arkwood Developments Ltd, are not covered by this Policy. If an employee has concerns regarding a Council-owned company these should be raised with the company. Any concerns by employees of the Council or its Council-owned companies regarding the Council should be raised through this Policy.

If you are not sure which policy or procedure applies you can ask your line manager or the Council's Monitoring Officer.

5. The Council's Assurances to You

5.1. Everyone who raises a Whistleblowing Concern

The Council recognises that the decision to report a concern can be a difficult one to make. All concerns reported using this Policy will be given careful consideration, and the Council will do all it can to help you throughout any investigation.

5.2. Employees

You will not be at risk of losing your job or suffering any form of retribution or detriment as a result of raising your concerns, provided that you reasonably believe that you are acting in good faith and making the disclosure in the public interest, and follow the reporting procedure explained in this Policy. It does not matter if you are mistaken, so long as you reasonably believe there is a problem.

5.3. The Council will not tolerate any harassment or victimisation of a whistleblower (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith and will treat this as a serious disciplinary offence which will be dealt with under the disciplinary rules and procedure.

5.4. Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that may already affect you.

5.5. Rarely, a case might arise where it is the employee that has participated in the action causing concern. In such a case it is in the employee's interest to come into the open as soon as possible. The Council cannot promise not to act against such an employee, but the fact that they came forward may be taken into account.

5.6. If you make an allegation in good faith and reasonably believing it to be true, but it is not confirmed by the investigation, the Council will recognise your concern. If however, you make an allegation frivolously, maliciously or for personal gain, appropriate action that could include disciplinary action, may be taken.

6. Confidentiality

6.1. The Council will not tolerate the harassment or victimisation of anyone raising a genuine concern. However, it is recognised that you may nonetheless want to raise a concern in confidence under this policy. If you ask that your identity is protected by keeping your confidence, it will not be disclosed without your consent. If the situation arises where the Council is not able to resolve the concern without revealing your identity (for instance because your evidence is needed for disciplinary proceedings, in court, or for child protection or adult safeguarding), it will be discussed with you to determine whether and how the matter can be progressed.

6.2. Remember that if you do not tell the Council who you are, it will be much more difficult to look into the matter, or to protect your position, or to give you feedback. Accordingly, while anonymous reports will be considered, this policy is not ideally suited to concerns raised anonymously - concerns raised anonymously are much less powerful, but may be considered at the discretion of the Council. This discretion will be based on the:

- seriousness of the issues raised
- credibility of the concern

- likelihood of confirming the allegation from an attributable source
- evidence base

7. How to Raise a Concern

7.1. You may wish to consider discussing your concern with a colleague first, and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.

7.2. STEP 1

If you have a concern about malpractice and you have a reasonable belief that disclosing the information is in the public interest, it is hoped that you will be able to raise it first with your immediate manager or supervisor. This will obviously depend upon the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that a member of 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 5.4).

7.3. STEP 2

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

- Your Departmental Director
- The Monitoring Officer
- The Chief Financial Officer (Section 151 Officer)
- The Chief Executive

7.4. If, your concern is about the Chief Executive of the Council it can be raised with the Monitoring Officer or the Chief Financial Officer, or with the Council's External Auditors, Mazars LLP.

All contact details are provided on the final page of this Policy.

7.5. INDEPENDENT ADVICE

If you are unsure whether in principle to use this procedure or you want independent advice at any stage, you may contact:

- The Council's Monitoring Officer
- your Union (if you are a member)
- The Council's External Auditors
Mazars LLP

- The independent charity [Protect](#). They offer a free and confidential helpline.

All contact details are provided on the final page of this Policy.

7.6. EXTERNAL CONTACTS

While it is hoped that this policy gives you the reassurance you need to raise such matters internally, it is recognised that there may be circumstances where you can properly report matters to outside bodies, such as the Prescribed Regulators (external bodies able to take and consider your concerns), some of which are outlined below, or the Police. It is strongly recommended that you seek independent advice (see 5.4 above) on the circumstances in which you may be able to contact an outside body safely, before proceeding.

By way of example, relevant Prescribed Regulators to the Council's functions are:

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| 1. Health and Safety risks | Health and Safety Executive. |
| 2. Environmental issues | The Environment Agency. |
| 3. Financial Services | Financial Services Authority (and, pending its full operation, its predecessor bodies) and HM Treasury. |
| 4. Fraud and Fiscal Irregularities | Serious Fraud Office, Inland Revenue and Customs and Excise. |
| 5. Public Sector Finance | National Audit Office and Audit Commission. |
| 6. Competition & Consumer Law | Office of Fair Trading |
| 7. Others | Certification Officer (Trade Unions), Charity Commission, Information Commissioner's Office |

Contact details are provided on the final page of this Policy.

8. Information needed to raise a concern

8.1. When raising a concern under the procedure you should try to provide the following information:

- The nature of your concern and why you believe it to be true
- The background and history behind the concern;
- Whether you have already raised a concern with anyone and the response; and
- Any relevant dates when actions relating to the concern took place.

8.2. This information should demonstrate that there are reasonable grounds for the concern to be acted upon. It is important that you do not attempt to investigate the concerns yourself.

8.3. Although you are not expected to prove beyond doubt the truth of your suspicion, you

will need to demonstrate to the person contacted that you have a genuine concern relating to suspected wrongdoing or malpractice within the Council and there are reasonable grounds for your concern.

9. How the Matter Will Be Handled

- 9.1. Any concerns raised will always receive a response. Once you have notified the Council of your concern, in order to protect individuals and those accused of possible malpractice, initial enquiries will be made in order to identify whether an investigation is appropriate and, if it is, what form it should take.
- 9.2. This may involve an internal enquiry or a more formal investigation by management or Internal Audit, following which, matters may be referred to an external agency (such as External Audit or the Police).
- 9.3. Any investigation may need to be carried out under terms of strict confidentiality, i.e. by not informing the subject of the complaint until (or if) it becomes necessary to do so. In certain cases however, such as allegations of ill treatment of others, suspension from work may have to be considered immediately. Protection of others is paramount in all cases.
- 9.4. The overriding principle is the public interest.
- 9.5. When you raise the concern you may be asked how you think the matter might best be resolved. If you have any personal interest in the matter, it is vital that this is mentioned at the outset. If your concern more properly falls within another Council Policy, such as the Grievance Procedure or Dignity at Work Policy, you will be notified.
- 9.6. Before a final decision is taken on how to proceed, or as part of the investigation, you may be asked to meet with those investigating the concern.
- 9.7. If a meeting is arranged, employees may wish to be accompanied by a trade union representative or work place colleague. The person who accompanies you should not be involved or have a direct interest in the area of work to which the concern relates. The meeting can be conducted over the telephone or online rather than in person. An in person meeting can be arranged away from your workplace if you wish.
- 9.8. You will be notified who is handling the matter, how you can contact them, and whether your further assistance may be needed.
- 9.9. Within ten working days of a concern being raised, the Responsible Officer will write to you:
 - acknowledging that the concern has been received.
 - indicating how it is proposed to deal with the matter.
 - giving an estimate of how long it will take to complete investigations.

- advised of the investigating officer (where appropriate).
 - telling you whether any initial enquiries have been made.
 - telling you whether further investigation will be made, and if not, why not.
 - supplying you with information on how the Council will support you if you think this is necessary, whilst the matter is under consideration.
 - advise you of how we will inform you of progress.
- 9.10. The amount of contact between you and the officers considering the matter will depend on both the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from you.
- 9.11. You will be notified when the matter is concluded and, if appropriate, the outcome of the investigation, maintaining security and confidentiality for all parties as far as possible.
- 9.12. Throughout any investigation, employees will still be expected to continue your duties/role as normal unless deemed inappropriate.
- 9.13. While the purpose of this policy is to investigate possible malpractice and take appropriate steps to deal with it, you will be given as much feedback as appropriate.
- 9.14. Rarely, a case might arise where it is the employee that has participated (or even continues to participate) in the action causing concern. In such a case it is in the employee's interest to come into the open as soon as possible. The Policy cannot undertake not to act against such an employee, but by virtue of coming forward there is a mitigating factor to be taken into account.
- 9.15.** Steps will be taken 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, arrangements will be made for you to receive advice about the procedure. The Council will take all reasonable steps to ensure that you do not suffer a detriment by a colleague because you have made a protected disclosure and if you believe that you have suffered a detriment for having raised a concern you should report this.

10. If You Are Dissatisfied

- 10.1. This Policy is intended to provide you with an avenue within the Council to raise concerns. While it cannot be guaranteed that all matters will be addressed in the way that you might wish, it will always be the Council's intention to handle the matter fairly and properly. By using this policy, you will help achieve this.
- 10.2. However if you feel that the Council has not responded correctly at any stage, remember you can go to the other levels and bodies detailed in this Policy:

- The Council's external auditors Mazars LLP
- The Police
- The Prescribed Bodies.

10.3. Contact details are provided on the final page of this Policy.

10.4. If you raise concerns **outside** the Council you should ensure that it is to one of these Prescribed Contacts. A public disclosure to anyone else could take employees outside the protection of the Public Interest Disclosure Act and of this Policy.

10.5. If you do take the matter outside the Council, you must ensure that you do not disclose confidential information, unless it is first agreed with one of these prescribed contacts

10.6. This policy does not prevent you from taking your own legal advice.

11. The Responsible Officer

11.1. The Council's Monitoring Officer has overall responsibility for the maintenance and operation of this policy, and will maintain a corporate register of concerns raised and the results of any investigations made (in a form that will not compromise your confidentiality). All Officers nominated to investigate a concern must ensure the Monitoring Officer is provided with sufficient details for the corporate record.

12. Policy Review and Overview

12.1. The Council's Audit & Governance Committee will keep this Policy under review and will receive an annual report on its operation.

12.2. The annual report will, subject to necessary confidentiality, include a summary of the concerns raised, to which department they related, the post to which the concerns related) and any lessons learned. The report will not include any employee names. The aim of this is to ensure that:

- the Council and/or the relevant department learns from mistakes and does not repeat them, and
- consistency of approach across the departments

12.3. The corporate register together with the annual reports will be available for inspection by internal and external audit, after removing any confidential details.

Contact Details	
Departmental Directors	The Council's Intranet – contact the Responsible Officer if you do not have access
Monitoring Officer and Responsible Officer	Sue.Bearman@nsdc.info 01636 655935
Chief Finance Officer/Section 151 Officer	Sanjiv.Kohli@nsdc.info 01636 655303
Chief Executive	John.Robinson@nsdc.info 01636 655200
External Auditors	Mazars LLP Park View House 58 The Ropewalk Nottingham NG1 5DW 0115 964 4744 Nottingham.Contact@mazars.co.uk
Protect	020 3117 2520 https://protect-advice.org.uk
Prescribed Bodies	Whistleblowing: list of prescribed people and bodies - GOV.UK (www.gov.uk)
The Police	Call 101
Your Union	The Council's Intranet – contact the Responsible Officer if you do not have access
Correspondence Address	Newark & Sherwood District Council Castle House Great North Road Newark NG24 1BY