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**Bath & North East  
Somerset Council**

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# **Whistleblowing Policy 2017**



**Internal Audit  
Audit West**

# Whistleblowing Policy 2017

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If you require clarification on any aspect of the Whistleblowing Policy or require this document in a different format, please contact Internal Audit.

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This policy will be reviewed on an ongoing basis and at least once a year.

# Whistleblowing Policy 2017

## Introduction

### What is Whistleblowing?

Someone blows the whistle when they tell someone in authority about a dangerous, illegal or unethical activity that they are aware of through their work. This can include health and safety risks, environmental issues, fraud, poor standards of care and other problems.

### Why is Whistleblowing important?

This Council is committed to the highest possible standards of service and being open, fair and honest. It recognises that all staff, Members and others associated with the Council are often the first to realise that there may be something seriously wrong. Whistleblowing, enabled by this policy, provides a structured way for this important information to come to light.

### Why does the Council need a Whistleblowing policy?

Under the requirements of the Public Interest Disclosure Act 1998, it will:

- a) encourage employees, Members and others who have serious concerns about any aspect of the Council's work to voice them;
- b) recognise that certain cases have to proceed on a confidential basis;
- c) enable participation without fear of reprisals;
- d) enable employees, Members and others to raise serious concerns within the Council rather than overlook a problem.

## Scope of Policy

### Who does the Whistleblowing policy apply to?

- All employees, whether full or part time, permanent or temporary.
- Elected Members.
- All staff working in schools and School Governors.
- All contractors, agencies and partners.

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### What is covered by the Whistleblowing policy?

The Policy:

- provides avenues for the raising of concerns;
- provides procedures for how action taken will be reported back to the whistleblower;
- allows for the matter to be taken further if there is dissatisfaction with the Council's decision;
- underpins the Anti-Fraud and Corruption Policy and will aim to reassure anyone whistleblowing that they will be protected from reprisals or victimisation for acting in good faith.

The Policy does not replace:

- the Council's complaints procedure;
- the Council's grievance procedure;
- the Employees' Code of Conduct;
- specific Council procedures (e.g. those specific to Adult and Children Services);
- managerial responsibilities.

### Reporting a Concern

#### When should I raise a concern?

If you find out about, or have suspicion of, any activity that could be detrimental to the Council. These activities may include:

- conduct which is an offence or a breach of law;
- disclosures relating to miscarriages of justice;
- health & safety risks to public or employees;
- damage to the environment;
- unauthorised use of public funds;
- possible fraud and corruption;
- breaches of the Council's policies, rules and regulations including Financial Regulations, Contract Standing Orders;
- falling below established professional standards or practices;
- improper or unethical conduct; or
- the abuse or neglect of service users. (This list is not exhaustive).

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### How do I go about raising a concern?

You can raise your concern with the Council directly and / or with whom is described as the relevant 'Prescribed Person'. The table below records the most relevant 'Prescribed Persons' related to the work of a Unitary Council.

<u>Area</u>	<u>Prescribed Person</u>
General Local Authority	Council's External Auditor
Social Care	Care Quality Commission
Social Services & Child Welfare	Her Majesty's Chief Inspector of Education, Children's Services and Skills ('the Chief Inspector')

An up-to-date list of Prescribed Persons can be found here:

[www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies-2/whistleblowing-list-of-prescribed-people-and-bodies](http://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies-2/whistleblowing-list-of-prescribed-people-and-bodies) as specified Prescribed Persons Order 2014).

If raising the matter internally within the Council, if possible, employees should initially raise concerns with their Line Manager. School staff should raise concerns with the Headteacher or the Chair of Governors. However, this does depend on the seriousness and sensitivity of the issues involved and who is thought to be involved in the matter that concerns them.

Governors should raise concerns with the Strategic Director People & Communities.

If the matter is more serious or it is not appropriate to raise with Line Management then any of the following should be contacted :-

- a) Senior Management i.e. Strategic Director or Divisional Director;
- b) Chief Executive;
- c) Head of Audit West;
- d) Head of Human Resources;
- e) Council Solicitor;
- f) Leader of the Council.

Where there are local specific procedures relating to the raising of concerns (e.g. Adult & Children Health and Social Care) then these procedures will apply.

Outside agencies and partners should raise concerns with the appropriate Senior Manager or Director. Where this is not appropriate they should contact the Council Solicitor or the Chief Executive.

### Who will be told about my concern?

There are also certain officers with delegated responsibilities who will need to

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be contacted on certain matters. However they will not be advised of your identity without your approval. They are:

a) Council Solicitor,

In respect of actual/potential unlawful conduct, maladministration, breach of the Bath & North East Somerset Local Code of Conduct for Members or breach of law:

b) Head of Audit West,

In respect of any actual/potential financial irregularity.

c) Head of Human Resources,

In respect of any matters relating to staff conduct.

### **How should I raise my concern?**

Concerns should be raised as soon as possible, when you have a reasonable suspicion.

Concerns are better raised in writing and should incorporate relevant information about specific incidents. The background and history of the concern including names, dates and places where possible and the reason why you are particularly concerned about certain situations should also be provided. If you are unable to express your concerns in writing, then you should contact the appropriate officer / person by telephone or arrange to meet them.

### **What if I don't want to reveal my identity?**

The Council and / or the Prescribed Person (Prescribed Persons Order 2014) will respect the confidentiality of anyone raising a concern and will do everything in its power to protect the identity of that individual whether they are an employee, Member or an external source.

However, as a result of an investigation process a statement may be requested to contribute to the evidence collected. In all such cases the provision of a statement will be discussed with you.

### **Can I raise my concern anonymously?**

Yes. However the Council would encourage you to put your name to an allegation. Formal statements do help to build a case and add credibility to allegations. The key factors to be taken into account when investigating allegations are:

- Seriousness of the issues raised;
- Credibility of the concern and likelihood of confirming the allegation.

### **Will I be protected from possible harassment or victimisation?**

The Council recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for malpractice. The Council will not tolerate harassment or victimisation and will take action to protect anyone raising a concern in good faith.

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If an employee is the subject of disciplinary or redundancy procedures when they raise their concerns, then those procedures will not automatically be affected. The information provided would be assessed in the light of the new circumstances and a decision taken as to how, if at all, those proceedings should be affected.

### **Will I be subject to any sanctions if the allegation is not proven?**

When an allegation is made in good faith, but is not confirmed by the investigation, no action will be taken against the person voicing the concern.

If, however, an employee or Member makes a malicious or vexatious allegation, disciplinary action may be taken. The conduct of the Member may be the subject of consideration by the Standards Committee under the provisions of the Bath & North East Somerset Local Code of Conduct for Councillors. The conduct of employees may be subject to the Council's Disciplinary Process.

### **Do I have to provide proof of the allegation?**

Although you are not expected to provide evidence of an allegation, you will need to demonstrate to the appropriate officer contacted that there are sufficient grounds for raising the concern.

## **What Happens Next**

### **How will the Council respond to my concern?**

The action taken by the Council will depend on the nature of the concern. The matters raised may be :

- a) Resolved without the need for investigation;
- b) Investigated internally;
- c) Referred to the Police;
- d) Referred to the External Auditor; or
- e) Form the subject of an independent inquiry.

In order to protect individuals and the Council, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations, which fall under the scope of specific procedures (e.g. Adult & Children Health and Social Care), will be referred for consideration under those procedures.

As soon as possible after a concern has been raised (normally within 10 working days) the Council will write to the individual concerned to acknowledge the issue that has been raised and to indicate the future course of any action.

### **Will I be involved with the investigation?**

The amount of contact between the individual raising the concern and the officers considering the issue will depend on the nature of the matters raised.

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The individual may be approached to provide further information.

If a meeting is arranged then the individual concerned has the right to be accompanied by an appropriate person of their choice, for example a work colleague or Trade Union representative.

### **Will I be informed of the outcome of the investigation?**

The person raising a concern will need to be assured that the issue has been appropriately addressed. Therefore the Council, subject to legal constraints, will inform them in writing about the outcomes of any investigations.

### **Further information**

For further guidance on public interest disclosure:-

<https://www.gov.uk/whistleblowing/who-to-tell-what-to-expect>