

NEWARK & SHERWOOD DISTRICT COUNCIL
WHISTLEBLOWING POLICY

1.0 Introduction

1.1 The Public Interest Disclosure Act became law in July, 1999 (PIDA – amended by the Enterprise and Regulatory Reform Act 2013). This Act, introduced for the protection of whistleblowers, removed the limit of financial liability to which an organisation could be exposed should a whistleblower receive unfair treatment. This policy document sets out the Council’s response to the requirements of the Act.

1.2 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.

2.0 Detail

2.1 All of us at one time or another may have concerns about what is happening at work. Usually these concerns are easily resolved, however, when they are about unlawful conduct, financial malpractice or dangers to the public or the environment (see Section 4.2 for particular types of concerns), it can be difficult to know what to do.

2.2 You may be worried about raising such issues or may want to keep the concerns to yourself, perhaps feeling either that it’s none of your business, or that it’s only a suspicion. You may feel that raising the matter would be disloyal to colleagues, managers or the organisation. You may decide to say something but find that you have spoken to the wrong person or raised the issue in the wrong way and are not sure what to do next.

2.3 The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment it is expected that you, the Members and the employees of the Council, and others with whom the Council deals who have serious concerns about any aspect of the Council’s work, which they consider to be wrong-doing and is in the public interest, will come forward and voice those concerns. It is recognised that most cases will be undertaken on a confidential basis.

2.4 Newark and Sherwood District Council has introduced this procedure to enable you, as a Member or an employee, to raise your concerns about such malpractice at an early stage and in the right way. The Council would rather that you raised the matter when it is just a concern rather than waiting for proof. The policy is based on the Local Government Management Board Model Confidential Reporting Policy and on, the Public Concern at Work Whistleblowing Policy and Code of Practice.

Any amendments to this policy will be notified to Members and employees through the usual channels.

2.5 If something is troubling you, which you think should be known about or looked into, please use this procedure. If, however, you are aggrieved about your personal position, please use the Grievance Procedure (which can be obtained from the intranet, your immediate manager or the Business Manager - Human Resources, Organisational Development and Legal [HR, OD & Legal]). 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.

2.6 These procedures do not replace the following policies:

- Children and Adults Safeguarding Policy
- The Council's Complaints Procedures including:
 - Disciplinary and Dismissal Procedure
 - Grievance Procedure
 - Dignity at Work Policy

2.7 This policy applies to:

- (i) All Members of the Council;
- (ii) All employees of the Council;
- (iii) Contractors working for the Council on Council premises (for example agency workers);
- (iv) Suppliers and those providing services under a contract with the Council;
- (v) People working in partnership with the Council, and its employees and Members (e.g. volunteers, trustees etc).

If you are in any doubt as to whether the policy applies to you, please contact the Business Manager - HR, OD and Legal, for clarification.

2.8 **If in doubt - raise it!**

3.0 The Council's Assurances to You

3.1 Your Safety

The Members, the Management Team and Director of Resources (who is the Responsible Officer - see Section 9) are committed to this policy. 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. It does not matter if you are mistaken, so long as you reasonably believe there is a problem.

3.2 **Of course, the Council does not extend this assurance to someone who maliciously raises a matter that they know is untrue or makes an allegation for**

personal gain. This could be construed as Gross Misconduct and disciplinary action may be taken.

3.3 Your Confidence

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 in court, or relates to child protection or adult safeguarding), it will be discussed with you to determine whether and how the matter can be progressed.

3.4 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 appropriate for 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.

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

4.0 Aims and Scope of the Policy

4.1 This policy aims to:

- (i) Encourage you to feel confident in raising serious concerns and to question and to act upon concerns about Council practice.
- (ii) Provide avenues for you to raise those concerns and receive feedback on any action taken.
- (iii) Ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied.
- (iv) 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.

4.2 There are already existing procedures in place within the Authority for disclosing certain concerns. These are:

- (i) The Authority's Grievance Procedure, which enables you to lodge a grievance/ complaint relating to your own employment.

- (ii) The Authority's Anti-Fraud Strategy, which outlines how you can disclose potential fraud, corruption or theft.
- (iii) The Authority's Dignity at Work Policy, which enables you to disclose cases of potential harassment.
- (iv) The Authority's Children and Adult Safeguarding Policy, which outlines the procedure for reporting safeguarding concerns.

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

4.3 It is clear that any serious concerns that you may have about any aspect of service provision, or the conduct of officers or Members of the Council, or others acting on behalf of the Council, 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, such as Standing Orders etc,
- is contrary to established standards of practice,
- amounts to improper conduct or
- involves child abuse

5.0 How to Raise a Concern

5.1 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).

5.2 STEP 2

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

Name: Business Manager – Financial Services
Contact Details: Castle House, Great North Road, Newark, Notts, NG24 1BY
Tel: 01636 655317

OR

Name: Business Manager - HR, OD and Legal
Contact Details: Castle House, Great North Road, Newark, Notts, NG24 1BY
Tel: 01636 655219

OR

Name: Karen White – Director Safety and Senior Named Manager for Safeguarding
Contact Details: Castle House, Great North Road, Newark, Notts, NG24 1BY
Tel: 01636 655240

5.3 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 Director Resources:

Name: The Director Resources and Responsible Officer - See Section 9
Contact Details: Castle House, Great North Road, Newark, Notts, NG24 1BY
Tel: 01636 655303

5.4 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 Business Manager - Human Resources, OD and Legal - See Step 2 above;
 - your Union (if you are a member);
 - The Council's External Auditors;
- or
- The independent charity Public Concern at Work on 0207 404 6609. Their lawyers can give you free confidential advice at any stage about how to raise a concern about serious malpractice at work.

5.5 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, some of which are outlined below, or the police (Prescribed regulators, who will be appointed by the Government, are external bodies able to take and consider your concerns). Public Concern at Work, or if applicable your own union, will be able to advise you on such an option and on the circumstances in which you may be able to contact an outside body safely.

Relevant Prescribed Regulators are as follows:

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, Data Protection Registrar.

There are additional regulators other than those outlined above. It is strongly recommended that if you consider taking this route, advice is taken as previously outlined.

5.6 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.

5.7 You may invite your Union representative or a friend to be present during any meetings or interviews in connection with the concerns you have raised.

6.0 **Information needed to raise a concern**

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

- The background and reason 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.

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.

7.0 How the Matter Will Be Handled

7.1 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.

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).

The overriding principle here is the public interest.

7.2 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.

7.3 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.

7.4 If a meeting is arranged, you 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 rather than face to face.

7.5 You will be notified who is handling the matter, how you can contact them, and whether your further assistance may be needed.

7.6 Within ten working days of a concern being raised, the Responsible Officer will write to you:

- (i) acknowledging that the concern has been received.
- (ii) indicating how it is proposed to deal with the matter.
- (iii) giving an estimate of how long it will take to complete investigations.
- (iv) advised of the investigating officer (where appropriate).
- (v) telling you whether any initial enquiries have been made.
- (vi) telling you whether further investigation will be made, and if not, why not.
- (vi) supplying you with information on how the Council will support you if you think this is necessary, whilst the matter is under consideration.
- (vii) advise you of how we will inform you of progress.

7.7 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.

- 7.8 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.
- 7.9 Throughout any investigation, you will still be expected to continue your duties/role as normal unless deemed inappropriate.
- 7.10 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.
- 7.11 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.
- 7.12 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.

8.0 If You Are Dissatisfied

- 8.1 If you feel that the Council has not responded correctly at any stage, remember you can go to the other levels and bodies mentioned in Section 5.5. 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.
- 8.2 If you do take the matter outside the Council, you must ensure that you do not disclose confidential information.

9.0 The Responsible Officer

- 9.1 The Director - Resources has overall responsibility for the maintenance and operation of this policy, and will maintain a record of concerns raised and the results of any investigations made (in a form that will not compromise your confidentiality).