

Whistleblowing Policy

April 2021



WORKING TOGETHER

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FOREWORD

South Ribble Borough Council and Chorley Council (the council) is committed to ensuring that it, and the people working for it, complies with the highest standards of openness, probity and accountability.

In line with that commitment, it expects and encourages all employees to maintain high standards in accordance with the Code of Conduct for Council Employees.

This Policy aims to encourage workers with serious concerns about any aspect of the council's work to come forward and voice those concerns, so that they can be investigated effectively.

This council is fully committed to supporting employees who come forward with allegations of wrongdoing and will as far as possible ensure that complete confidentiality is maintained.

Like other policies, the Whistleblowing Policy, when invoked can start a process; it is therefore of paramount importance that the correct process is being used – the Whistleblowing Policy is designed to investigate serious allegations of wrongdoing; the council has other policies for less serious investigations. Like most things, it will come down to individual judgement and the reasonableness and proportionality tests.

Whether or not it is the Whistleblowing Policy that is appropriate, the Chief Executive and the rest of the Leadership Team are unambiguously committed to taking seriously any and all allegations of wrongdoing – serious or otherwise.

This policy will be reviewed on an annual basis.

Gary Hall
Chief Executive

1. POLICY OVERVIEW

- 1.1 The council expect the highest standards of conduct from all employees, and for everyone employed by the councils to act with honesty, integrity, and to represent the council to the best of their ability. In line with that commitment the Council expects employees and others who it deals with who have concerns about any aspect of the Council's work to come forward and voice these concerns. It is recognised that most cases will have to proceed on a confidential basis.
- 1.2 This Policy makes it clear that you can report concerns without fear of victimisation, subsequent discrimination or disadvantage. The Policy has been written with regard to the Public Interest Disclosure Act 1998 and follows the Department for Business, Energy and Industrial Strategy – Whistleblowing Guidance for Employers and Code of Practice (March 2015) and is intended to encourage and enable employees to raise concerns rather than overlooking them.
- 1.3 This policy applies to all employees (including those designated as casual, temporary, authorised volunteers or individuals gaining work experience), elected Members and those contractually working for the Council on its premises. It also covers suppliers and those providing services under a partnership arrangement with the Council. Members of the public are also encouraged to report their concerns via this Policy. It is intended to encourage and enable you to raise serious concerns within the Council rather than ignoring a problem or 'blowing the whistle' outside.
- 1.4 The Council expects all organisations that deal with it and who have serious concerns about any aspect of the Council's work to also come forward and voice their concerns via this policy.

2. POLICY OBJECTIVES

- 2.1 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 the Council. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 2.2 This Policy is designed to:
 - Encourage employees to feel confident in raising serious concerns and to question and act upon their concerns;
 - Provide guidance on how to raise those concerns and be given feedback on any action taken.
 - Reassure employees that if they raise concerns and reasonably believe them to be in the public interest, they will be protected;
 - To advise and remind employees that the detrimental treatment of colleagues who blow the whistle may be considered a disciplinary matter.

2.3 There are other procedures in place to enable employees to raise a grievance or complaint relating to their own employment. The Whistleblowing Policy is intended to cover major concerns that fall outside the scope of other procedures. These can include:

- Conduct which is an offence or a breach of law;
- Failure to comply with a legal obligation;
- Disclosures related to miscarriages of justice;
- Racial, sexual, disability or other discrimination against another employee or service user;
- Health and safety risks, including risks to the public as well as other employees;
- Damage to the environment;
- The unauthorised use of public funds;
- Possible fraud, bribery or corruption including but not limited to theft of property, financial irregularities, misuse of Council property and systems, conflicts of interest or supplier rewards;
- Sexual or physical abuse of another employee or service user
- Individuals intentionally circumventing the councils' internal controls, for example failing to observe the Council's Constitution (including the Council's Contractual and Financial Procedure Rules);
- Employment of an officer without relevant qualifications or other conduct which gives you cause for concern.

This list is not exhaustive.

2.4 Any serious concerns that you have about any aspect of service provision or the conduct of staff or Members of the Councils or others acting on behalf of the Council can be reported under this Policy. This may be about something that:

- Makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the Councils subscribes to; or
- Is against the Council's Procedural Rules and Policies; or
- Falls below established standards of practice; or
- Amounts to improper conduct.

However, if you have a general concern about service provided to you, it should be raised as a complaint to the Council.

3 THE COUNCILS' RESPONSIBILITIES

The councils will:

- Listen to the concerns of workers.
- Publicise the existence of the Whistleblowing Policy
- Ensure that anyone dealing with concerns or disclosures has been trained on handling disclosures and will receive sufficient procedural guidance.

- Ensure that any tendering processes require the contractor to either fully comply with Council Whistleblowing policies and / or their own policies which meet the Council's requirements.
- Deal with disclosures promptly and professionally.
- Ensure that employees who make disclosures in good faith do not suffer any detriment.
- Not prevent individuals who may have signed a settlement agreement which contains a confidentiality clause, from making a disclosure.

4 EMPLOYEE RESPONSIBILITIES

In order to be covered by this Policy, an employee making a disclosure must reasonably believe that they are acting in the public interest and the disclosure tends to show past, present or likely future wrongdoing.

There may be situations where you are unsure as to whether your concerns should be raised under the Whistleblowing Policy or another Policy, in such situations you are encouraged to raise your concerns rather than worry about the appropriate procedure.

5 PROTECTION UNDER THE POLICY

- 5.1 The Council is committed to good practice and high standards of conduct and wants to be supportive of all its employees. If you raise a genuine concern under this policy, you will not be at risk of losing your job or suffering any form of retribution as a result. Providing you are acting in good faith, it does not matter if you are mistaken.
- 5.2 The Council recognises that the decision to report a concern can be a difficult one to make. If you reasonably believe that what you are saying is true and that raising your concern is in the public interest, you should have nothing to fear because you will be doing your duty to your employer and those to whom you are providing a service.
- 5.3 The Council will not tolerate any harassment or victimisation (including informal pressures) of an employee who raises a genuine concern which is in the public interest and will take appropriate action to protect you when you raise a concern under this procedure. Any member of staff who harasses or victimises a whistleblower may not only be personally liable but may be subject to disciplinary action.
- 5.4 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you as an employee.
- 5.5 The Public Interest Disclosure Act 1998 (hereinafter referred to as 'the Act') (and as amended by the Enterprise and Regulatory Reform Act 2013) protects employees against detrimental treatment or dismissal as a result of any disclosure of normally confidential information in the interests of the public. The Act only covers protected disclosures under six categories, namely; crime, illegality,

miscarriage of justice, damage to health and safety, damage to the environment, and 'coverups' about these issues.

- 5.6 Employees who raise concerns or who are the subject of an investigation can access confidential counselling via Human Resources.

6 CONFIDENTIALITY

- 6.1 It is essential for all concerned that disclosures of wrongdoing or irregularity are dealt with properly, quickly and discreetly. This is in the interests of the Council, its employees, any persons who are the subject of such allegations, as well as the person making the disclosure.
- 6.2 All concerns will be treated in confidence and every effort will be made not to reveal your identity if you do not want your name to be disclosed, we will not normally reveal it without your consent. It must be appreciated, however, that the investigation process may reveal the source of the information and you may need to come forward as a witness and provide a statement as part of the evidence. If a situation arises where we are not able to resolve the concern without revealing your identity we will discuss with you whether and how we can proceed. Despite your request for confidentiality, there may be circumstances where the councils must disclose your identity.
- 6.3 It may be possible to establish the truth about allegations from another independent source and the Council will seek to do this wherever possible.

7 ANONYMOUS ALLEGATIONS

- 7.1 This policy encourages you to put your name to your allegation whenever possible. Where an individual chooses to report their concerns anonymously, such anonymity will be respected. However, the Council's ability to investigate anonymous complaints can be hampered by not being able to further explore issues or obtain evidence during the investigative process. Furthermore, if the identity of the person who has provided the information is not known, it becomes extremely difficult to either reassure or protect you. Concerns expressed anonymously are much less powerful and will only be considered at the discretion of the Council.

In exercising this discretion the factors taken into account include:

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood that the allegation can be confirmed from other attributable sources.

- 7.2 If the allegation suggests criminal activity and the case warrants police assistance, the identity of the person reporting the details may be important at a later date if criminal proceedings are to be pursued. Identification is therefore preferred and will assist with the investigation.

8 MALICIOUS, VEXATIOUS OR UNTRUE ALLEGATIONS

- 8.1 If you make an allegation which you believe is in the public interest, 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 if you are a Council employee. If you are an elected Member, you may be in breach the Code of Conduct for Members. If you are a contractor or partner, such allegations may put you in breach of your contractual responsibilities to the Council.
- 8.2 Malicious or vexatious allegations include those which are trivial and do not have any substance and are made persistently and annoyingly for the wrong reasons, for example simply to make trouble.

9 HOW TO RAISE A CONCERN

- 9.1 In raising a concern, you should be prepared to provide the following information:
- Your name and a contact point. As referred to above it will be more difficult for the councils to pursue issues if concerns have been raised anonymously.
 - The background and history of the concern (giving relevant dates);
 - The reason why you are particularly concerned about the situation;
 - Any personal interest or connection which you may have in the matter; and
 - The name(s) of any colleagues/ employees who you consider are either directly involved or can help provide further information.
- 9.2 The earlier you express the concern the easier it is to take action. Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for concern.
- 9.3 If you ultimately feel that you have to take the matter outside of the Council, possible contacts are included at Section 14 of this policy

Procedure for Council Employees

- 9.4 As a first step, you should raise concerns with the Monitoring Officer in the first instance. A central log of all concerns will be kept by the Monitoring Officer. If the concern relates to financial irregularities or failures of financial controls the receiving officer of the report must immediately notify the Service Lead Audit & Risk. Contact details are included in the Policy.
- 9.5 Concerns are usually better in writing. If you do not feel able to put your concern in writing, you can telephone or meet the appropriate officer.

Procedure for Members

- 9.6 Elected Members who have a genuine concern about malpractice should raise any concern with the Monitoring Officer. If a Member is approached by a member of the public wishing to raise a concern, they can either signpost them to the Whistleblowing Policy or report the matter to either the Monitoring Officer or the Service Lead Audit & Risk.

Procedure for Contractors

- 9.7 As a first step, you should normally raise concerns with your contract manager, who will then inform the lead Council Officer who is dealing with the particular contract. This depends on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that your manager or the lead Council Officer is involved, you should directly approach the Monitoring Officer.

Procedure for Members of the Public

- 9.8 The Council encourages those external to the Council who suspect fraud and/or corruption to contact the Monitoring Officer or the Service Lead Audit & Risk on the contact details contained at Section 14 of this Policy.

Social Media

- 9.9 Any concerns raised via social media platforms should be reported to the Service Lead Audit and Risk who will raise it with senior managers. This method of reporting is not considered to be a formal channel of raising a concern.

10 HOW THE COUNCIL WILL RESPOND

- 10.1 The Monitoring Officer will acknowledge receipt of your concerns within **5 working days** of a concern being raised and you will be sent a written response:

- Acknowledging that the concern has been received;
- Indicating how the Council proposes to deal with this matter and setting out clearly the roles of all the officers involved;
- Giving an estimate of how long it may take to investigate the matter;
- Telling you whether any enquiries will need to be made;
- Supply you with information on staff support mechanisms.

- 10.2 The Monitoring Officer, in conjunction with the Corporate Governance Group will determine the most appropriate course of action to take, which may necessitate them consulting with other people, both within and outside the councils. Where appropriate, matters raised may:

- Be investigated by the Monitoring Officer / or an investigating officer;
- Be referred to the Police or other statutory agencies;
- Be referred to the External Auditor;
- Form the subject of an independent inquiry

- 10.3 In order to protect individuals and those against whom concerns are raised, 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 within the scope of specific procedures (for example, safeguarding or discrimination issues) will normally be referred for consideration under those procedures.
- 10.4 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 concluded.
- 10.5 The amount of contact between the investigating officer 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 investigating officer may seek further information from you.
- 10.6 Where a meeting is arranged, (and this can be off-site if you so wish), you can be accompanied by a trade union, a professional association representative or a friend.
- 10.7 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.
- 10.8 The Council accepts that you need to be assured that the matter has been properly addressed. Thus, subject to any legal constraints, or practical constraints such as the complaint being made anonymously the Council will inform you of the outcome of any investigation. However, there may be situations where further information cannot be provided where the investigating officers consider that the information is sensitive or confidential.

11 THE INVESTIGATION

- 11.1 Where an investigation is deemed necessary responsibility for this task will be assigned to an investigating officer (depends upon the nature of the complaint). However, the Monitoring Officer retains overall ownership for dealing with concerns raised.
- 11.2 As part of the investigation, a record of all interviews shall be kept and statements signed by those spoken to as part of the investigation. The role of the investigating officer is to make a judgement and form a view of the complaint based on the investigation undertaken. The investigating officer will be required to prepare a report on their investigation and provide a set of clear conclusions and next steps, if appropriate.
- 11.3 The investigating officer will be required to present their report to the Monitoring Officer for action / consideration as is required. If the Monitoring Officer is actually or potentially implicated by the investigation, then the report should be presented to the Chief Executive.

11.4 If, an initial investigation gives rise to potential disciplinary matters, the investigation will continue in accordance with the Council's Conduct and Capability Policy and Procedure. HR should be consulted at the earliest opportunity.

12 HOW TO TAKE IT FURTHER

12.1 Advice and guidance on how matters of concern may be pursued can be obtained from the Chief Executive, Monitoring Officer, the Service Lead Audit & Risk or the HR_Manager.

12.2 Alternatively, external advice can be sought from a Trade Union or Protect - a charity that provides confidential advice to anyone who believes there is serious wrongdoing in the workplace.

12.3 Independent advice and assistance can also be sought from the Council's External Auditors, Grant Thornton or the Local Government Ombudsman.

12.4 If you feel that you have been unfairly treated because you have blown the whistle you can raise your concerns with your line manager, the Service Lead Audit & Risk, the HR Manager, or the Chief Executive.

12.5 This policy is intended to provide you with an avenue within the Council to raise concerns and contact details are provided below. The Council hopes you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside of the Council, further additional contacts are detailed in Appendix 1.

13 REVIEW OF THE POLICY, RECORDING & MONITORING

13.1 The Monitoring Officer has overall responsibility for the maintenance, operation and monitoring of this Policy.

13.2 The Monitoring Officer will maintain a corporate register of all concerns that are brought to his attention.

13.3 The Monitoring Officer will review the corporate register and produce an annual report for Governance Committee. The report will include a summary of the concerns raised, to which Service they related, the post to which the concerns related (if not confidential) 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 service area learns from mistakes and does not repeat them, and consistency of approach across the departments.

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

14 CONTACT DETAILS

Council Contact Details	
Chief Executive	Tel 01257 515151 (CBC) Tel 01772 625302 (SRBC) Email gary.hall@chorley.gov.uk or gary.hall@southribble.gov.uk
Monitoring Officer	Tel 01257 515160 Email chris.moister@chorley.gov.uk or chris.moister@southribble.gov.uk
Deputy Monitoring Officer	Tel 01772 625247 Email David.whelan@southribble.gov.uk David.whelan@chorley.gov.uk
Service Lead - Audit & Risk	Tel 01772 625625 Email dawn.highton@southribble.gov.uk Dawn.highton@chorley.gov.uk
Designated Safeguarding Officer	Tel 01772 625329 Email Jennifer.mullin@southribble.gov.uk Jennifer.mullin@chorley.gov.uk
HR Manager	Tel 01257 515372 Email hollie.walmsley@chorley.gov.uk Hollie.walmsely@southribble.gov.uk
External Organisations Contact Details	
External Auditor – Grant Thornton (UK) LLP	4 Hardman Square, Spinningfields, Manchester M3 3EB, Tel: 0161 953 6900
Fraud Hotline	01772 625332

Protect	<p>The Green House 244-254 Cambridge Heath Road London E2 9DA</p> <p>Email whistle@protect-advice.org.uk</p> <p>https://protect-advice.org.uk/</p> <p>Tel 020 3117 2520</p>
The Local Government Ombudsman,	<p>Tel: 0300 061 0614</p> <p>Website www.lgo.org.uk/</p>
Lancashire Police	<p>Tel: 01772614444</p> <p>Lancashire Constabulary Headquarters PO Box 77, Hutton, Preston PR4 5SB</p> <p>Tel: 101</p> <p>Website: https://www.lancashire.police.uk/</p>
Action Fraud	<p>Tel: 0300 123 2040</p> <p>Website: https://www.actionfraud.police.uk</p>
The Information Commissioner	<p>The Office of the Information Commissioner Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF</p> <p>Tel: 0303 123 1113</p> <p>Website: https://ico.org.uk/</p>
The Environment Agency	<p>National Customer Contact Centre PO Box 544 Rotherham S60 1BY</p> <p>Tel: 03708 506 506</p> <p>Email: enquiries@environmentagency.gov.uk</p> <p>https://www.gov.uk/government/organisations/environment-agency</p>
Health and Safety Executive	<p>Tel: 0300 0031647</p> <p>https://www.hse.gov.uk/contact/concerns.htm</p>

Advisory, Conciliation and
Arbitration Service (ACAS)

<http://www.acas.org.uk/conciliation>