

# WHISTLEBLOWING POLICY

Approved by:	Corporate Governance Group
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## 1. INTRODUCTION

- 1.1 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 to the council. Employees may also fear that there may be personal consequences if they speak up, for example harassment or victimisation. In these circumstances, it may seem easier to ignore the concern rather than report what may be just a suspicion of malpractice.
- 1.2 The council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, the council would encourage employees and those with whom we work in partnership, with any serious concerns about any aspect of the council's work, to come forward and voice those concerns. The earlier a concern is raised, the easier it is to take action and deal with the matter.
- 1.3 This Whistleblowing Policy is intended to encourage and enable staff to raise serious concerns within the council rather than overlooking a problem or blowing the whistle to the media or other external bodies. This Policy has been discussed with the relevant trade unions and professional organisations and has their support.

## 2. AIMS AND SCOPE OF THE POLICY

2.1 This Policy aims to:

- encourage individuals to feel confident in acting on concerns and raising them internally
- provide avenues for staff and staff from third party organisations who are providing contracted services on behalf of the council to raise concerns and receive feedback on any action taken
- outline how the council will respond to these concerns
- inform how to take the matter further if they are dissatisfied with the response, and
- reassure whistleblowers that they will be protected from reprisals or victimisation for whistleblowing, where the individual reasonably believes that concerns have been raised in good faith

2.2 There are existing procedures in place to enable staff to lodge a grievance relating to their own employment. This Whistleblowing Policy is intended to cover concerns that fall outside the scope of other procedures. The areas covered by the policy include:

- criminal activity;
- miscarriages of justice;
- danger to health and safety;
- damage to the environment;
- failure to comply with any legal obligation or regulatory requirements;

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- the deliberate concealment of any of the above matters is being, or has been, or is likely to be, committed.

2.3 This procedure applies to:

- All employees of the council – both permanent and temporary staff
- All agency staff and contractors working for the council, on council premises or elsewhere
- Those providing contracted services to the council in their own premises e.g. care homes
- Trainees on work experience or vocational schemes
- Staff seconded to a third party
- Staff from other organisations or bodies working under the supervision of council managers

2.4 People not employed by the council but providing contracted services to it, may raise concerns through the council's Whistleblowing Procedure. In these cases, the matter raised should relate to the service being provided to the council by that organisation and not to any other aspect of the contracted services operations.

## **Anonymous Allegations**

2.5 This Policy encourages staff to put their names to allegations. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the council. In exercising this discretion, the factors to be taken into account would include:

- the seriousness of the issued raised,
- the credibility of the concern, and the likelihood of confirming the allegation from attributable sources.

## **Untrue Allegations**

2.6 If a member of staff makes an allegation, but it is not confirmed by the investigation, no action will be taken against them. If individuals are found to have made malicious or vexatious allegations, disciplinary action may be considered and implemented.

## **3. RAISING A CONCERN**

3.1 As soon as there is a reasonable belief that one of the serious concerns covered by this procedure may be happening, the employee's immediate supervisor or line manager should be informed. This can be either verbally or in writing, although it is preferable that it is in writing to ensure that all the relevant details of the concern are noted.

3.2 Employees should approach the manager of the area concerned, who has a responsibility to inform the Head of Internal Audit, or Audit Manager. The nature of the complaint will determine the council's course of action.

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3.3 If the employee feels the manager may be involved in the matter, then they should contact a more senior manager. If the concern is sufficiently serious, one of the following can be contacted:

- City Director
- Monitoring Officer
- S151 Officer
- Head of Internal Audit

3.4 Internal Audit can be contacted by

- telephone on 0161 607 6972, or
- via the confidential freephone 24 hour hotline on 0808 100 1235,
- or by writing to: Head of Internal Audit, 3<sup>rd</sup> Floor, Salford Civic Centre, Swinton, M27 5AW.

3.5 A confidential online reporting form is available on the council's Internet site at

[https://contactus.salford.gov.uk/?formtype=HON\\_ACTION](https://contactus.salford.gov.uk/?formtype=HON_ACTION)

## 3.6 Confidentiality

3.7 When raising a concern, it should be made clear whether the matter is to be treated in confidence. If the matter is to be dealt with in confidence, the individual's identity will not be disclosed without consent.

3.8 If the situation arises where a person's identity has to be made known (for example if evidence in court is required to be given), the individual will always be contacted to discuss how they want to proceed.

3.9 The only time when confidentiality might be breached **without** consent is where the allegation is so serious that the council has to take immediate action to prevent anyone coming to any harm, in which case it may be necessary to reveal the nature and source of the complaint.

3.10 Obviously, if it is possible to proceed without breaking any confidences, the council will endeavour to do so. These are extreme cases and the council would always notify the individual in advance if this needs to be done. The council make suitable protective arrangements for anyone if this becomes necessary.

3.11 **The earlier a matter is raised, the easier it is to deal with it.**

## 4. HOW THE COMPLAINT WILL BE DEALT WITH

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

- be investigated internally
- be referred to the Police
- be referred to the External Auditor
- form the subject of an independent inquiry by the Ombudsman.

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- 4.2 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. The council will identify whether any urgent action is required to protect the interests of the Council or the public.
- 4.3 Concerns or allegations that fall within the scope of other, existing, procedures (eg child protection or discrimination issues) will normally be referred for consideration under those procedures. If you have a concern about financial misconduct or fraud, please see the council's Anti-Fraud Policy.
- 4.4 Within 10 working days of a concern being received, the council will write to the complainant to acknowledge receipt of the concern, if the complainant has provided a contact name, and an address has been provided.
- 4.5 The amount of contact between the body considering the issues and the complainant will depend on 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 the individual.
- 4.6 When any meeting is arranged, the complainant has the right, if they so wish, to be accompanied by a trade union or professional association representative or a friend who is not involved in the area of work to which the concern relates.
- 4.7 The council will take steps to minimise any difficulties that staff may experience as a result of raising a concern. Protection will be provided to the whistleblower under the Public Interest Disclosure Act.
- 4.8 If staff are required to give evidence in criminal or disciplinary proceedings, the council will advise them about the procedure and offer the appropriate level of support.
- 4.9 The council accepts that staff need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, they will be notified that the investigation has been completed.

## **5 SAFEGUARDS**

### **Harassment or Victimisation**

- 5.1 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 the malpractice. The council will not tolerate harassment or victimisation and will take appropriate action to protect any individual, as long as they have raised a concern in good faith.
- 5.2 This does not mean that if a member of staff is already the subject of disciplinary or redundancy procedures, that those procedures will be halted as a result of their whistleblowing.
- 5.3 Staff must not threaten or retaliate against whistleblowers in any way. Anyone involved in such conduct will be subject to disciplinary action. The council may be liable for the actions of its staff in the event that whistleblowers suffer a detriment.

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5.4 In addition, a member of staff who subjects a whistleblower to any form of detrimental activity may also be personally liable, including the payment of compensation that may be awarded to the whistleblower.

### **6. ALTERNATIVE METHODS OF TAKING FORWARD A COMPLAINT**

6.1 This Policy is intended to provide staff with an avenue to raise concerns with the council or the Ombudsman.

6.2 The council hopes this will satisfy staff. If an individual feels it is right to take the matter outside this process there is a list of “prescribed persons” that can be contacted. These are mainly regulatory bodies, for example the Care Quality Commission, Health and Safety Executive, Charity Commission.

6.3 If staff do take the matter outside the council, they need to ensure that they do not disclose confidential information except to those included in the list of prescribed persons. The current list of prescribed persons can be found on the [direct.gov.uk](http://direct.gov.uk) website (search under “whistleblowing”).

### **7. THE RESPONSIBLE OFFICER**

7.1 The Monitoring Officer has overall responsibility for the maintenance and operation of this policy, maintains a record of concerns raised and the outcomes, and will report as necessary to the council.