

## Blaby District Council **Policy and procedure**

### **Raising Concerns (Whistleblowing)**

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\*Approved by and 'approval date' are in relation to the most recent version.

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\*Version number remains the same if no significant changes are made upon review.



## Policy Sections

### Section 1 Introduction – The purpose and reason for the policy.

As set out in our Anti-Fraud and Corruption Strategy, Blaby District Council is committed to the highest possible standards of openness, probity, and accountability and to the prevention, detection and investigation of fraud and corruption.

Every organisation faces the risk that something will go badly wrong, and we welcome the opportunity to address issues as early as possible. Whenever such a situation arises, the first people to know of the risk will usually be the people who work in or for the organisation. While these people are best placed to raise a concern, they often fear they have the most to lose if they speak up.

The Public Interest Disclosure Act 1998 was put into place to create greater trust and confidence among employees, Members, and contractors etc that there is a culture of openness and honesty within the workplace.

We want to be alerted to any illegal practices, breach of the Council's procedures or other wrongdoing that is within the public interest. We will take these matters seriously, investigate and take appropriate action. Those people raising concerns will be treated confidentially, without fear of reprisal, discrimination, or victimisation. The policy is intended to encourage and enable staff to raise serious concerns within the Council rather than overlooking a problem.

This policy is separate to Blaby District Council's Complaints Policy and procedure.

We always consider any cases of potential fraud, corruption, or other illegal acts for referral to the Police as deemed appropriate.

Any investigation into allegations of potential malpractice under this policy will not influence or be influenced by any disciplinary or redundancy procedures that already affects an individual.

### Section 2 – Details of the Policy

#### 2.1 The aim of the policy

The aim of this policy is to ensure that the Council is made aware of any wrongdoing affecting the organisation as soon as possible so that it can resolve these matters. It sets out, if concerns are disclosed are in the public interest, how this can be reported confidentially without fear of reprisal, subsequent discrimination, or disadvantage.

The policy is designed to:

- encourage you to feel confident in raising concerns.
- provide ways for you to raise concerns that fall outside the scope of other procedures.
- receive feedback on action to be taken.
- reassure you that if you have raised a matter that you will be protected from victimisation, harassment, or discrimination.

#### 2.2 Who does the policy apply to?

The policy applies to:

- employees (including temporary, agency, volunteers, or work experience)
- Members
- Contractors working for the Council, suppliers and those providing services under a contract (service level agreement) with the Council.
- those being trained by the Council but not employed.

This policy is aimed particularly at employees as they are often the first to realise that there may be something seriously wrong within an organisation. They may not express their concerns because they feel that speaking up would be disloyal to their colleagues or the organisation and may also fear unfair treatment as a result. Employees have a duty to the public, the Council, and their colleagues to raise issues which cause serious concern and are

encouraged to do so even where they are unsure if there is a case for investigation. The procedures set out below aims to overcome these difficulties and to encourage you to report concerns in a confidential and supportive environment.

## 2.3 Confidentiality

All concerns will be treated confidentially, and every effort will be made to protect your identity. However, there will be occasions where the identity of an individual needs to be revealed for example, if you are required to come forward as a witness at a formal hearing or where a disciplinary procedure is invoked or in the case of criminal activity when the police are involved. We will inform you if we need to make a third-party, such as the Police, aware of your involvement in the matter and will explain to you why we must do this.

If you are an employee of Blaby District Council, you should not disclose confidential sensitive information regarding the matter to anyone outside the organisation (including the media) or to anyone within the Council unless requested to do so by the Executive Director (S151 Officer) or the Council officer leading the investigation. A breach in confidentiality may itself result in disciplinary investigation.

## 2.4 Safeguards

The Council recognises that reporting a concern can be a difficult matter, particularly for employees. However, if your concern is genuine then you have nothing to fear and you will be doing the right thing by reporting it. The Council will not tolerate in any way, as a result of raising a concern through this policy, harassment, victimisation, or behaviour which is discriminatory on equalities grounds. If this arises, we will take the appropriate steps to protect you through the Grievance Procedure and the Equality and Human Rights Policy. All cases of harassment, victimisation or discrimination, whether by the employer or co-workers, will be treated as a serious matter and the Council's disciplinary procedures will be followed. Employers are liable for any victimisation by the whistleblowers' colleagues.

Someone cannot be dismissed because they have raised an issue under this policy. You are protected if you honestly think what you are reporting is true, is in the public interest and that you believe that you are telling the right person.

However, you will not be protected under the following circumstances:

- You break the law when you report something (for example, you signed the official secrets act).
- You found out about the wrongdoing when someone asked you for legal advice.

Although, people who are not employees cannot claim unfair dismissal due to this policy, they are protected and can claim 'detrimental treatment'.

## 2.5 Anonymous allegations

This policy encourages you to put your name to your allegation whenever possible. Concerns expressed anonymously are much less powerful and more difficult to investigate but will be considered at discretion. In exercising this discretion, we will consider:

- the seriousness of the issues raised
- the credibility of the concern
- the likelihood of being able to confirm the allegation
- the Council's best interests
- the protection of the Council's assets

As stated in section 2.4, all concerns will be treated confidentially, and every effort will be made to protect your identity.

## 2.6 What does this policy cover?

The policy aims to cover major concerns. It is intended for matters not covered by other procedures such as the Council's complaints procedure for public use, and staff grievance procedure. However, it may overlap with other corporate policies such as Member and Officer Codes of Conduct.

Whistleblowers must reasonably believe the disclosure is in the public interest.

The policy covers the following types of wrongdoing:

- Possible fraud and corruption (and bribery)
- The unauthorised use or misuse of Council money or property
- Mistreatment and abuse of clients or customers in our care, particularly children, young or vulnerable adults
- Health and safety risks
- Damage to the environment, for example pollution
- Abuse of a position within the organisation for personal gain or unethical conduct
- Any unlawful act or failure to comply with a legal obligation

Actions which are unprofessional or inappropriate

## 2.7 What is not covered by this policy

You cannot use the policy to deal with serious or sensitive matters that are covered by other procedures such as: staff complaints about their employment which are dealt with through our Grievance Procedure.

Allegations against Members should be raised with the Monitoring Officer who will investigate as appropriate.

## 2.8 Untrue allegations

If you make an allegation 'in good faith', but it is not confirmed by an investigation, no action will be taken against you.

If, however, it is considered that you have made an allegation frivolously, maliciously or for personal gain, this will be dealt with through the Council's disciplinary procedure.

***The Whistleblowing Officer is responsible for overseeing the implementation of the Council's Whistleblowing Policy.***

## Section 3 – Whistleblowing Procedure

### 3.1 Introduction

- The earlier you express concerns the easier it is to act, and these will always be treated confidentially.
- Although you are not expected to prove the allegation, you will need to demonstrate that there are sufficient grounds for your concern.
- You should not contact the suspected perpetrator yourself to investigate the matter or confront them with the matter.
- It is helpful if you give the background and history of the situation, the names, dates, and places where possible, and the reason for your concerns.

### 3.2 How to raise a concern.

- You should raise concerns as early as possible, as soon as you have a reasonable suspicion, as it is easier to act.
- You should not attempt to investigate the matter yourself.
- You may raise your concerns in person, by telephone, in writing or by email. If you do not feel able to put your concern in writing, the relevant officer will be happy to meet with you or discuss the matter over the telephone. If you decide to raise the matter orally, you may (depending on the circumstances) be requested

to make a written statement at a later stage. Reasonable adjustments will be made to give you the opportunity to raise your concern in a manner that takes your needs into consideration for example, transcription services or translations services.

- In the first instance, you should raise a concern with your immediate line manager or their superior.
- Alternatively, you should report your concerns to the Whistleblowing Officer, (the Executive Director (S151 Officer)), who will oversee the investigation of the complaint. In some specialised areas such as health and safety or benefit fraud the Whistleblowing Officer will refer the matter to a specialist officer in another area of the organisation. Appendix 1 provides contact details for the officers who are responsible for dealing with different types of complaint and you may report your concerns in the first instance, to them or to the Whistleblowing Officer who will then contact the responsible officer.
- Where a concern may involve the Whistleblowing Officer or relevant officer listed in Appendix 1, or if it is felt inappropriate to raise the matter with that person, your concerns should be referred directly to the Chief Executive.
- Employees may wish seek advice and support from their union representative, if appropriate, on how best to raise a concern.

### 3.3 How the Council Will Respond

- The action taken by the Council will depend on the nature of the concern.
- Initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which the Council will have in mind is the public interest.
- Concerns or allegations, which fall within the scope of specific procedures (for example, misconduct or discrimination issues), will normally be referred for consideration under those procedures.
- If it is considered that fraud or corruption may have occurred, the matter will be pursued in accordance with the Anti-Fraud and Corruption Policy.
- Serious concerns may be referred externally to such as the Police, or professional bodies, such as the Health and Safety Executive.
- Where a concern may involve the Chief Executive, the matter will require liaison with the Leader of the Council (or Deputy Leader if the Leader is not available) as appropriate.
- Some concerns may be resolved by agreed action without the need for further investigation.
- If urgent action is required, this may be taken before any investigation is conducted.
- The Council may seek further information from you and is likely to do this by inviting you to a meeting. Where any meeting is arranged either to report your concerns or to obtain further information, you have the right to be accompanied by a representative of a union or professional association, or a colleague, friend or relative who is not involved in work to which the concern relates.
- The Council expects any person accompanying or advising you to maintain the confidentiality of the case.
- The meeting may also be arranged off-site if you so wish.
- We will write to you within ten working days of raising a concern to:
  - Acknowledge that the concern has been received.
  - Indicate how it proposes to deal with the matter.
  - Give an estimate of how long it will take to provide a final response.
  - Tell you whether any initial enquiries have been made.
  - Tell you whether further investigations will take place, and if not, why not.
- Any correspondence can be sent to your home address if you wish.
- We will aim to complete the investigation within four weeks of a concern being notified. However, this will not be possible in all cases, particularly those which involve complex issues. If the investigation is likely to take longer than four weeks, we will inform you.
- The Council will provide assurance that the matter has been properly addressed. Thus, subject to legal constraints or confidentiality issues, we will inform you of the outcome of any investigation as soon as we are able to.
- The Council will take steps to minimise any difficulties which you may experience because of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings because of raising an issue under this policy, we will arrange for you to receive advice about the procedure.
- Blaby District Council will not tolerate harassment or victimisation and will take action to protect individuals who have raised a concern in good faith.

### 3.4 How the Matter Can Be Taken Further

We hope you will be satisfied with the outcome of raising your concerns within the Council. If you are not, and if you feel it is right to take the matter outside the Council, the following may provide further advice and assistance:

- Protect (formerly Public Concern at Work), telephone 020 3117 2520 option 1  
(A whistleblowing charity that provides independent and confidential advice to workers who are unsure whether or how to raise a public interest concern)
- The Local Government & Social Care Ombudsman, telephone 0300 061 0614.
- The local Citizens Advice Bureau, telephone 0300 330 2111
- Relevant professional body
- The Police – Leicestershire Constabulary, telephone (0116) 222 2222

## **Section 5 – Equalities Impact Assessment (mandatory section)**

### **Public Sector Equality Duty (PSED)**

The Public Sector Equality Duty requires public bodies and others carrying out public functions to have due regard to the need to eliminate discrimination, to advance equality of opportunities and foster good relations.

Blaby District Council promotes equal opportunities in the services it provides.

Our aim is to implement and maintain services which ensure that no potential or current customer is treated less favorably on the grounds of gender, marital status, race, nationality, ethnic or national origin, colour, disability, age or sexual orientation nor is disadvantaged by the application of a rule, condition, or requirement, which has a discriminatory effect which cannot be justified by law.

## **Section 6 – Carbon Neutral / Net Zero Benefits (mandatory section)**

Not Applicable

## **Section 7 – Exceptions (if applicable)**

Not Applicable

## **Appendices**

Appendix 1 Officers responsible for investigating concerns.

## Appendix 1

Officers responsible for investigating concerns.

Suspected financial irregularities or fraud, corruption, and related concerns:

### **Whistleblowing Officer**

Executive Director (S151 Officer)

Blaby District Council

Desford Road

Narborough

Leicestershire

LE19 2EP

Telephone 0116 272 7650

E-mail: [sarah.pennelli@blaby.gov.uk](mailto:sarah.pennelli@blaby.gov.uk)

Matters relating to Councillors:

### **Executive Director - Communities**

Blaby District Council

Desford Road

Narborough

Leicestershire

LE19 2EP

Telephone 0116 272 7636

E-mail: [louisa.horton@blaby.gov.uk](mailto:louisa.horton@blaby.gov.uk)

Health & Safety Concerns:

### **Health & Safety Advisor**

Blaby District Council

Desford Road

Narborough

Leicestershire

LE19 2EP

Telephone 0116 272 7571

E-mail: [healthandsafety@blaby.gov.uk](mailto:healthandsafety@blaby.gov.uk)

Environmental Damage:

### **Environmental Health, Housing and Community Services - Group Manager**

Blaby District Council

Desford Road

Narborough

Leicestershire

LE19 2EP

Telephone 0116 272 7543

Email: [caroline.harbour@blaby.gov.uk](mailto:caroline.harbour@blaby.gov.uk)