

Whistleblowing Policy

Summary

We are committed to conducting our business with honesty and integrity, and we expect all staff to maintain high standards in accordance with Gloucester City Council's Code of Conduct. This policy sets out the arrangements for staff to report suspected wrongdoing as soon as possible in the knowledge that their concerns will be taken seriously and investigated as appropriate and that their confidentiality will be respected. The policy seeks to reassure staff that they should be able to raise genuine concerns without fear of reprisal, even if they turn out to be mistaken, providing they have reasonable belief that they have raised a concern in the public interest.

This policy and procedure does not form part of any employee's contract of employment and is entirely non-contractual. It may be amended, withdrawn, suspended or departed from at the discretion of the Council at anytime. Everyone should ensure that they take the time to read and understand the content of this policy and procedure and act in accordance with its aims and objectives. If you need support reading and/or understanding this policy and procedure, please speak with your line manager. All staff must ensure that they are familiar with and comply with and support the Council's policies, procedures and guidance.

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About this policy

We are committed to conducting our business with honesty and integrity, and we expect all staff to maintain high standards in accordance with Gloucester City Council's Code of Conduct. However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring and to address them when they do occur.

All of us at one time or another have a concern about what is happening at work. Usually these are easily resolved. However, when the concern feels serious because it is about a possible fraud, danger, corruption or malpractice or maladministration (the term used when the council has done something wrong which affects a member of the public) that might affect others or the Council itself, it can be difficult to know what to do.

You may be worried about raising such a concern and may think it best to keep it to yourself, perhaps feeling 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 to the Council. 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.

Elected Members and senior managers of Gloucester City Council are committed to running the organisation in the best way possible and to do so we need your help. We have updated this policy to reassure you that it is safe and acceptable to speak up and to enable you to raise any concern you may have about malpractice at an early stage and in the right way. **Any reported concern will be taken seriously.** Rather than wait for proof, we would prefer you to raise the matter when it is still a concern.

If something is troubling you which you think we should know about or look into, if you are not sure which is the right route, or if you want to speak to someone in confidence, please read on.

If in doubt - raise it!

Please note that the Whistleblowing Policy is primarily for concerns where you witness or become aware of something which **affects other people** – groups of colleagues, service users, members of the public or the organisation itself.

If, you wish to make a complaint about **your own employment or how you personally have been treated**, please use the **Grievance Procedure or the Dignity and Respect at Work (Anti-Bullying) Policy** available on the intranet. For any **HR advice** in respect of which policy to use, please contact the HR Advice line via 01452 425888 where a professionally qualified HR Adviser will be able to assist you or refer the matter to the Monitoring Officer whose contact details are at the back of this policy.

Concerns about Safeguarding- Adults and Children

Any such concerns should be raised under the Council's **Safeguarding Policy** available on the intranet with the Safeguarding Lead (Anne Brinkhoff) and Operational Safeguarding Lead (Emily Jones) being notified immediately.

Aims of this policy

The aims of this policy are:

- To encourage staff to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected;
- To provide staff with guidance on how to raise those concerns; and
- To reassure staff that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken, providing they have reasonable belief that they have raised a concern in the public interest.

This policy covers all employees, Members, apprentices, consultants, contractors, volunteers, interns, casual workers, partner organisations and agency workers.

This policy takes account of the Whistleblowing Arrangements Code of Practice issued by the British Standards Institute and Public Concern at Work.

Responsibility for the policy

The Monitoring Officer has overall responsibility for this policy, and for reviewing the effectiveness of actions taken in response to concerns raised under this policy.

The Monitoring Officer has day-to-day operational responsibility for this policy, and must ensure that all managers and other staff who may deal with concerns or investigations under this policy receive regular and appropriate training.

The Monitoring Officer, in conjunction with The Audit and Governance Committee should review this policy from a legal and operational perspective at least once a year.

All staff are responsible for the success of this policy and should ensure that they use it to disclose any suspected irregularity, danger or wrongdoing.

What is whistleblowing?

Whistleblowing is the disclosure of information which relates to suspected irregularity, wrongdoing or dangers at work. This may include:

- Criminal activity;
- Failure to comply with any legal or professional obligation or regulatory requirements;
- Miscarriages of justice;
- Danger to health and safety;
- Damage to the environment;
- Bribery;
- Financial fraud or mismanagement;
- Negligence;

- Breach of our internal policies and procedures including our Code of Conduct;
- Conduct and/or inappropriate behaviour likely to damage our reputation;
- Unauthorised disclosure of confidential information;
- The deliberate concealment of any of the above.

A whistleblower is a person who raises a genuine concern relating to any of the above. If you have any genuine concerns related to suspected irregularity affecting any of our activities (a whistleblowing concern) you should report it under this policy.

If you are uncertain whether something is within the scope of this policy you should seek advice from the Monitoring Officer whose contact details are at the end of this policy.

Raising a whistleblowing concern

We hope that in many cases you will be able to raise any concerns with your line manager. You may tell them in person or put the matter in writing if you prefer. They may be able to agree a way of resolving your concern quickly and effectively. In some cases they may refer the matter to the Monitoring Officer.

However, where the matter is more serious, or you feel that your line manager has not addressed your concern, or you prefer not to raise it with them for any reason, you should contact one of the following:

- a) The Monitoring Officer;
- b) Head of Finance (Section 151 Officer);
- c) Chief Internal Auditor;
- d) Head of Service.

Contact details for a), b) and c) are set out at the end of this policy. If you do not know who the relevant Head of Service is for your role this can be obtained from the Monitoring Officer.

Internal Audit also provide a 24 hour Whistleblowing hotline answerphone service available on 01452 427052 for individuals to report any concerns.

Employees who wish to make a written statement/report are invited to set out:

- the background and history of the concern;
- relevant dates, person/s involved; and
- details of supporting evidence.

Although employees are not expected to prove an allegation they will need to demonstrate that the disclosure is in the public interest.

How the Council will respond

Once you have raised a concern, we will carry out an initial assessment to determine the scope of any investigation. We will inform you of the outcome of our assessment.

You may be required to attend additional meetings in order to provide further information.

In some cases we may appoint an investigator or team of investigators including staff with relevant experience of investigations or specialist knowledge of the subject matter. The investigator(s) may make recommendations for change to enable us to minimise the risk of future wrongdoing. The overriding principle which the Council will take into account is public interest; however, the Council has a zero tolerance attitude to any fraudulent activity

We will aim to keep you informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent us giving you specific details of the investigation or any disciplinary action taken as a result. You should treat any information about the investigation as confidential.

Within 10 working days of a concern being raised, the Monitoring Officer will write to the employee concerned at their private address:

- acknowledging that the concern has been received;
- indicating how s/he proposes to deal with the matter;
- telling the employee whether any initial enquiries have been made; and
- telling the employee whether further investigations will take place and, if not, why not.

A representative of a trade union recognised by the Council or work place colleague may accompany an employee during any stage of an investigation conducted under this Procedure. Your companion must respect the confidentiality of the disclosure and any subsequent investigation.

The Council will take steps to minimise any difficulties which may be experienced as a result of raising a concern. For instance, where an employee is required to give evidence in criminal or disciplinary proceedings the Council will arrange for them to receive advice about the procedures involved.

The Council accepts that employees need to be assured that matters of concern have been properly addressed and therefore, subject to legal constraints, employees will be informed of the outcome of any investigation.

If we conclude that a whistleblower has made false allegations maliciously or with a view to personal gain, the whistleblower will be subject to disciplinary action.

The Monitoring Officer will keep a record of reported whistleblowing concerns (whistleblowing record) under their obligations. All line managers, persons listed on the back of this policy and investigator(s) are responsible for updating the Monitoring Officer with the necessary details for maintaining the whistleblowing record.

Confidentiality

We hope that staff will feel able to voice whistleblowing concerns openly under this policy. However, if you want to raise your concern confidentially, we will make every effort to keep your identity secret.

If it is necessary for anyone investigating your concern to know your identity, we will discuss this with you.

We do not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if we cannot obtain further information from you. It is also more difficult to establish whether any allegations are credible. Whistleblowers who are concerned about possible reprisals if their identity is revealed should come forward to the Monitoring Officer or one of the other contact points listed at the end of this policy, and appropriate measures can then be taken to preserve confidentiality.

If you are in any doubt you can seek advice from **Protect**, the independent whistleblowing charity, who offer a confidential helpline via 020 3117 2520. Their website is www.protect-advice.org.uk and they are staffed by a team of trained legal advisers who can talk you through your options and help you raise a concern about malpractice at work.

If you are not satisfied

While we cannot always guarantee the outcome you are seeking, we will try to deal with your concern fairly and in an appropriate way. By using this policy you can help us to achieve this.

If you are not happy with the way in which your concern has been handled, you can raise it with one of the other key contacts in the contacts section. Alternatively you may contact our external auditors (who may liaise with officers of the Council). Contact details are set out at the end of this policy.

External disclosures

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases you should not find it necessary to alert anyone externally.

The law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body such as a regulator. It will very rarely, if ever, be appropriate to alert the media. We strongly encourage you to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, **Protect** (www.protect-advice.org.uk), operates a confidential helpline via 020 3117 2520. They also have a list of prescribed regulators for reporting certain types of concern, such as health and safety, financial conduct, etc. Their contact details are also listed at the end of this policy.

Whistleblowing concerns usually relate to the conduct of our staff, but they may sometimes relate to the actions of a third party, such as a customer, supplier or service provider. In some circumstances the law will protect you if you raise the matter with the third party directly. However, we encourage you to report such concerns internally first. You should contact your line manager or one of the other individuals set out in the contacts section for guidance.

Protection and support for whistleblowers

It is understandable that whistleblowers are sometimes worried about possible repercussions. We aim to encourage openness and will support staff that raise genuine concerns under this policy, even if they turn out to be mistaken.

Whistleblowers must not suffer any detrimental treatment as a result of raising a concern.

Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern.

If at any stage you experience reprisal, harassment or victimisation for raising a genuine concern please contact the **HR Advice Line** via Contact Us on 01452 425888. Choose the HR option which is staffed by HR professionals. You may also wish to contact your trade union representative (if you are a trade union member).

If you believe that you have suffered any such treatment, you should also inform the Monitoring Officer immediately. If the matter is not remedied you should raise it formally using our Grievance Procedure.

Staff must not threaten or retaliate against whistleblowers in any way. If you are involved in such conduct you may be subject to disciplinary action.

Contacts

Monitoring Officer: Jonathan Lund
01452 396276
jonathan.lund@gloucester.gov.uk

Head of Finance (Section 151 Officer): Jon Topping
01452 396242
jon.topping@gloucester.gov.uk

Chief Internal Auditor: Theresa Mortimer
01452 396338
theresa.mortimer@gloucester.gov.uk

Internal Audit 24 hour Whistleblowing hotline answerphone
01452 427052

Gloucester City Council's external auditors KPMG LLP
(UK)
0808 101 5341
www.kpmg.com/uk

Protect (Independent whistleblowing charity)
Helpline: 020 3117 2520
Website: www.protect-advice.org.uk