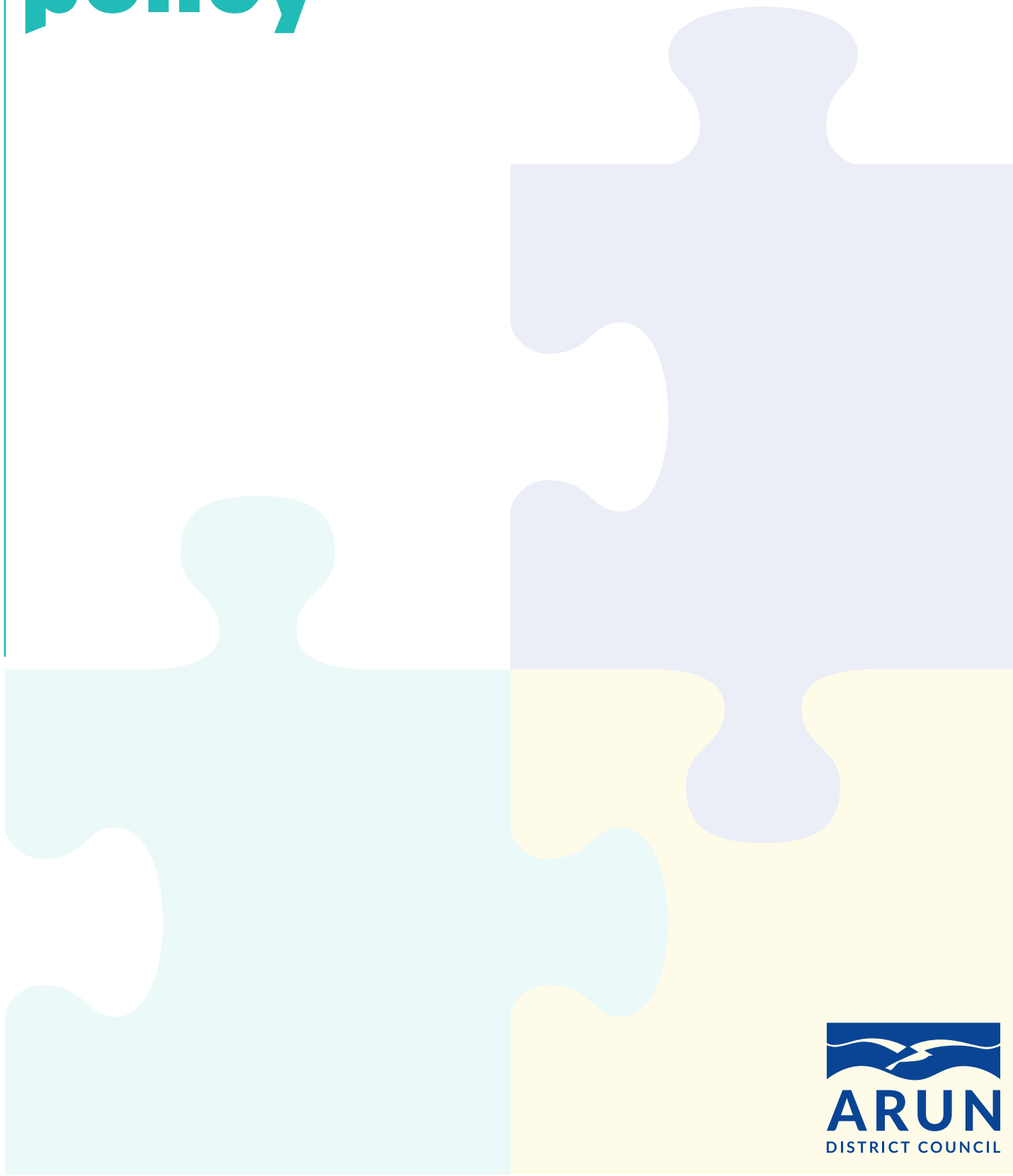


Whistleblowing policy



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What is whistleblowing?

Whistleblowing is the act of reporting unethical, illegal, or improper conduct within an organisation. It involves employees or stakeholders bringing attention to activities or behaviours that violate organisational policies, laws, or ethical standards.

Whistleblowers are protected by law to ensure they can report such concerns without fear of retaliation, safeguarding the integrity of the organisation and promoting a culture of trust, transparency, and accountability.

The wrongdoing disclosed must be in the public interest. This means it must affect others, such as the general public. This will, for example, exclude breaches of individuals' employment contracts.

The Group Head for Law and Governance is the designated lead officer for handling whistleblowing complaints within the council. However, it is not uncommon for staff to initially raise concerns that should be classified as whistleblowing through the HR department. In such cases, the HR manager will liaise with the Group Head for Law and Governance to ensure that the complaint is appropriately managed in accordance with this policy.

In the absence of the Group Head of Law and Governance, the HR Manager will assume the responsibility of lead officer for whistleblowing complaints.

Purpose

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, malpractice, or dangers to the public or the environment, it can be difficult to know what to do.

The council has adopted this policy to enable you to raise your concerns at an early stage and in the right way.

Aims

The council is committed to upholding the highest standards of conduct and ethics in all areas. In line with this commitment, staff and those who work with the council who have serious concerns about suspected improper conduct are encouraged to come forward and voice these concerns.

This policy aims to provide the confidence to raise genuine concerns which are in the public interest without fear of reprisals or other adverse treatment, even if they turn out to be mistaken.

It also confirms our commitment to investigate and rectify any malpractice reported to us swiftly and thoroughly.

Scope

This policy applies to all to all workers within the meaning of the Public Interest Disclosure Act 1998 and the Employment Rights Act 1996, including employees, casual and agency workers. For the sake of simplicity and clarity, references throughout this policy will primarily be made to 'employees'. Please note that unless specified otherwise, all provisions within this policy apply equally to the other categories mentioned.

This policy also applies to elected members should they wish to raise a whistleblowing disclosure. If a disclosure is received about an elected member, it would ordinarily be passed to the council's Monitoring Officer to consider and investigate as appropriate.

There are others with a connection to the council who may need to report a matter which is in the public interest. These may include employees of contractors or providers of council-related services. The council expects all organisations with which it contracts, and which provide a service on behalf of or in partnership with the council, to have in place a robust, clear and well-advertised whistleblowing policy. This ensures the council can be confident that people employed by or connected with them have a fair and confidential process by which to raise concerns.

Other types of concern

Council employees who have concerns about their personal employment position such as bullying, harassment or discrimination, should use the council's grievance procedure. This can be found on the council's intranet in the Employee Zone on SharePoint. All other workers should raise concerns about their personal employment position with their agency, employer or line manager/HR.

Please note that this policy should not be used for reporting suspected benefit fraud. Members of the public should be referred to [Report benefit fraud - GOV.UK](#) in this instance.

If you are unsure whether your concern should be raised under the whistleblowing policy, please speak to either the Group Head of Law and Governance or the HR Manager for further advice.

What this policy covers

This policy details the process to raise a concern in the public interest that:

- goes against the values of the council
- does not comply with standards of behaviour and policies
- amounts to improper conduct
- can cause damage to the reputation of the council

Some examples of this include (but are not limited to):

- criminal activity
- maladministration
- a failure to comply with any legal obligation
- failure to comply with appropriate professional standards
- miscarriages of justice
- danger to health and safety

- failure to take reasonable steps to report and rectify any situation which is likely to give rise to a significant avoidable cost or loss of income to the council or would otherwise seriously prejudice the council or its residents
- abuse of power, or the use of the council's powers and authority for any unauthorised or ulterior purpose
- damage to the environment
- deliberate concealment of any of the above matters

These lists are not exhaustive and employees with serious concerns of wrongdoing or danger are encouraged to come forward and voice those concerns and such matters may also be investigated under this policy.

Concerns that do not relate to any matter detailed in the previous list may be investigated under this policy if:

- the concern has not already been investigated under a different procedure; and/or
- there is no other procedure more appropriately suited to investigate the concern (in which case the individual will be notified as to which procedure to utilise)
- the council determines that there are other compelling reasons to do so

Concerns can be raised in relation to matters that have taken place, continue to take place or are likely to take place in the future.

Any information identified via another council process as a whistleblowing matter will be shared with the Group Head of Law and Governance to ensure it is dealt with in accordance with this policy.

Expectations of colleagues

In line with our values, behaviours, and code of conduct, employees are strongly encouraged to report any genuine and serious concerns of wrongdoing or danger that is within the public interest.

Our assurances to you

The council wants to be supportive of employees who speak out about what matters to them. It recognises that the decision to report a concern can be a difficult one to make.

Protection from discrimination, victimisation and harassment

The council will not tolerate harassment, discrimination or victimisation and will act to protect you when you raise a concern in good faith and you are acting in the public interest. There can be no risk of losing your job or any other adverse consequences for your employment from raising such concerns.

If you raise a concern with a genuine and reasonable belief that it is true, but it is not confirmed or cannot be proved by the investigation, no action will be taken against you. The outcome will be explained to you if appropriate.

The council will not tolerate any attempt on the part of any officer, councillor, contractor, supplier, or anyone under their control, to apply any sanction or detriment (including informal pressure) to any person who has reported any

serious and genuine concern of malpractice and will take all reasonable measures to protect the whistleblower.

Anyone who victimises a whistleblower could be exposed to liability for a criminal offence and also to personal liability as the whistleblower may choose to issue a direct civil claim against them.

If an employee feels victimised or harassed as a result of raising a concern, they should notify the Group Head of Law and Governance, as soon as possible.

Confidentiality

An employee is encouraged to provide their identity when raising a whistleblowing concern. This will enable them to exercise their right of protection under the law and help with subsequent investigations.

However, if you ask us to protect your identity by keeping your confidence, we will not disclose it without your consent. In such circumstances, the council will keep the number of people aware of who raised the matter to a minimum, although it must be accepted that sometimes an employee may be identifiable by the nature of the information they provide.

If the situation arises where we are not able to resolve the concern without revealing your identity (for instance because your evidence is needed in court), we will discuss with you how we can proceed with the matter.

Remember that while you do not have to identify yourself, if you do not tell us who you are, it will be much more difficult for us to investigate the matter or to give you feedback. Nonetheless, any anonymous concerns will still be investigated depending on the seriousness, the credibility of the information and the likelihood of the allegation being substantiated.

False or malicious allegations

There is no requirement for disclosures to be true for whistleblowers to receive statutory protection. For example, if an employee suspects wrongdoing and reports it, they will be protected under this policy even if the concern is found not to be substantiated following an investigation.

However, any allegation that the whistleblower knows to be false and/or is brought maliciously would not be afforded the statutory protection as such a disclosure would not be deemed to be in the public interest. To ensure the protection of all employees, those who make an allegation they do not reasonably believe to be true and/or made in the public interest may be liable to disciplinary action or some other sanction appropriate to their employment status.

Support for employees

If you have raised a matter of concern as an employee and you need any support, you can reach out to the following:

- the Employees Assistance Programme (details can be found on the Arun District Council intranet pages). * Available to council employees only
- your trade union representative (if you are a member)
- Human Resources

Data protection

Personal information provided under the Whistleblowing Policy or gathered during any investigation shall always be handled in compliance with applicable data protection law and regulation.

Departing staff

In serious or sensitive cases, an investigation may continue (either under this policy or any other policy triggered because of the whistleblowing investigation) even though the whistleblower or those who have had a whistleblowing disclosure made about them have left their employment with the council.

Procedure - how to raise a concern under this policy

Based on the guidance provided above, if you believe your concern is covered by the whistleblowing policy you can contact the Group Head of Law and Governance either in person or in writing.

If you raise your concern in person, the Group Head of Law and Governance will create a written record of the complaint, and you will be asked to confirm the content.

You are asked to provide the following information when setting out your concern:

- name(s) of the person, service, or activity that the concern is about
- nature and details of the disclosure
- names and contact details (if known) of any witnesses
- dates of any incidents
- whether the whistleblower wishes for their name to remain confidential and if so why
- the reason why others should be concerned and how it affects the council

Although you are not expected to provide all the evidence to support your concern you should suggest where other useful information could be found.

Procedure - how to raise a concern under this policy (cont.)

All disclosures will be assessed by the Group Head of Law and Governance who will make an initial determination as to whether to proceed with an internal inquiry or a more formal investigation. They will inform you who is handling the matter, whether further assistance may be needed from you and if so, to make any necessary arrangements for the investigator to contact you. The ways in which your concern is dealt with will depend on the severity of the concern.

Where appropriate, the Group Head of Law and Governance may work with the relevant service, aiming to resolve concerns raised. This approach is intended for simple and straightforward concerns that will require little or no investigation and where the concern may be better addressed by facilitated dialogue between parties or speaking with the subject(s) directly to see if the issue can be addressed informally. Most cases will, however, need investigation.

Where further investigation is required, it may be considered appropriate for the concerns to be:

- investigated by a senior officer
- referred to the police
- referred to an external auditor or investigator
- the subject of an independent inquiry

If the concern is about vulnerable individuals, or a criminal activity, action will be taken promptly to protect the individual and prevent further offences. If urgent action is required (for example to protect someone from harm or to safeguard resources) this will be taken before any investigation is carried out.

Investigations

Where the Group Head of Law and Governance deems it necessary to investigate your concern, they will also decide what form the investigation should take. You will be written to confirming the following:

- acknowledging that the concern has been received
- indicating how it will be dealt with
- giving an idea of how long it will take to deal with
- giving you information on any staff support available
- telling you whether further action will take place and if not, why not

The nominated investigator will be impartial, independent, and accountable. They must not be involved in investigations where they have a conflict of interest or may reasonably be perceived to have a conflict of interest. They will have appropriate skills, experience, and knowledge to carry out an investigation. The person investigating may request a meeting with you to take a detailed account of your concerns and to identify any evidence available. The meeting can be off-site or virtual if you so wish, and you can be accompanied by a workplace colleague or union representative, as long as they have no involvement in the whistleblowing matter or related matters, or unless their involvement would represent a conflict of interest. Anyone who helps you will need to respect the confidentiality of the investigation.

During an investigation those investigating the disclosure may need to interview individuals identified as potential witnesses. This might include the whistleblower, colleagues, service users, contractors, and partners.

Investigations (cont.)

If an investigator needs to meet with an employee (either in person or virtually), to interview them during an investigation, they should be given reasonable notice and a mutually convenient time and location agreed, taking into consideration any trade union representation availability.

The investigator must collate all available evidence to thoroughly establish the facts of a case. The investigator should be mindful of evidence which may not be immediately obvious following a review of documentary evidence, including matters such as unconscious bias, such that they holistically ensure the council are appropriately appraised of any concerns arising in relation to equality and diversity obligations under the Equality Act 2010.

Evidence gathering may also involve one or more of the following (which is non-exhaustive):

- gathering statements from those who were witness to the allegations (including circumstantial evidence)
- collating documentary evidence such as meeting notes
- accident/ incident reporting
- reviewing CCTV footage
- checking available electronic records.

The purpose of evidence gathering is to ultimately provide a factual summary of the issues at hand and the evidence gathered while drawing attention to key points and conclusions in relation to what actually occurred (or on the balance of probability of what is considered to have occurred).

The investigator will compile a report based on their findings with appropriate due care and diligence, in an even handed and balanced manner. This will contain the outcome of the investigation and may include what actions will be taken, or have been taken, to put things right or improve practice. The findings will then be reported to the Group Head of Law and Governance who can take the necessary action to rectify the issue.

The council will take steps to minimise any difficulties you may experience because 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 and provide other support for this where appropriate.

Where appropriate, you and any appointed trade union representative will be informed of the progress of an investigation, the outcome, and any actions to be taken because of it.

You should note that depending upon the nature of the disclosure, it may not be possible to share much, if any, information. In particular, this may be the case where a disclosure investigation is subject to criminal proceedings or where it uncovers other matters which also require investigation. However, please be assured that even though we may not be able to share this information, your disclosure will have been looked at thoroughly and appropriately.

If you have not received an update on the process or have any other concerns, you can contact the Group Head for Law and Governance.

Learning and improvement

Investigations may result in recommendations for changes to procedures and systems which will be incorporated into action plans. Follow-up reviews will also be carried out to ensure that recommendations are implemented. We will ensure that any lessons learned are shared appropriately, with the overall purpose of continuously improving the way services are provided, and concerns are handled.

Independent advice

If you are unsure whether to use this procedure or you want independent advice at any stage, you may contact:

- your union if you are a member
- the independent charity Protect (formerly Public Concern at Work) on 020 3117 2520 or via their website <https://protect-advice.org.uk/>. Their lawyers can give you free confidential advice at any stage about how to raise a concern about serious malpractice at work.
- the independent charity Crimestoppers on 0800 555 111 or via their website <https://crimestoppers-uk.org/keeping-safe/fraud>. They provide information and advice about fraud and the facility to give information anonymously.
- for matters relating to failures to comply with environmental law the Office for Environmental Protection is now the prescribed body for investigations and can be contacted via their website www.whistleblowing@theoep.org.uk or on 0330 236 92109.

Disclosures to external organisations

While we hope this policy gives you the reassurance you need to raise such matters internally, we recognise that there may be circumstances where you would wish to report matters to external organisations.

These organisations are known as 'prescribed persons' and include more than 50 regulatory bodies to which protected disclosures can be made. A list of prescribed persons is maintained by the UK Government and can be found on their website [Whistleblowing: list of prescribed people and bodies - GOV.UK](#)

In circumstances where you decide to raise the matter externally, you will only be protected if you do this in the appropriate way. This is something you should take advice on from the charity 'Protect', your trade union, a lawyer or at the website referred to above.

If you are dissatisfied

Where practical, we will provide feedback on the outcome of the concern. If you are unhappy with our response, remember you can go to the other bodies detailed in this policy. Whilst we cannot guarantee that we will respond to all matters in the way that you might wish, we are committed to taking your concerns seriously and dealing with the matter fairly and properly.