

Adopted - April 2023

WHISTLEBLOWING POLICY
FOR
STROUD DISTRICT COUNCIL

Contents

1. ABOUT THIS POLICY	3
2. AIMS AND SCOPE OF THIS POLICY	4
3. PERSONNEL RESPONSIBLE FOR THE POLICY	5
4. WHAT IS WHISTLEBLOWING?	6
5. EMPLOYEE SAFEGUARDS AND ASSURANCES.....	7
6. PROCEDURE	8
7. IF YOU ARE NOT SATISFIED	11
8. CONTACTS.....	11

1. ABOUT THIS POLICY

- 1.1 We are committed to conducting our business with honesty and integrity, and we expect all staff to maintain high standards in accordance with Stroud District Council's Officer 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.
- 1.2 Staff are often the first to realise that there may be something of concern occurring within the Council. Usually, any issues can be resolved swiftly and satisfactorily. However, when these concerns relate to more serious matters, staff may be discouraged from expressing their concerns or 'whistle-blowing'.
- 1.3 Whistleblowing is the term used when an employee passes on information concerning wrongdoing. This can also be called 'making a disclosure' or 'blowing the whistle'. Typically (although, not always) the wrongdoing will be something that the employee has witnessed at work.
- 1.4 Staff may feel disloyal and may fear victimisation or harassment. In such circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice. However, any person raising a concern is protected in law.
- 1.5 Whistleblowing law is embedded in the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998). This legislation provides that an employee has the right to take a case to an Employment Tribunal if they have been victimised at work or lost their job as a consequence of 'blowing the whistle'.
- 1.6 This policy is intended to encourage and enable staff to make disclosures at an early stage, rather than waiting. Staff are also encouraged to raise any issues internally with the Council first rather than raising it outside of the organisation. If issues are raised externally in the first instance you may weaken the protection given to you under the Public Interest Disclosure Act 1998.
- 1.7 This policy also seeks to ensure concerns are raised in the right way and seeks to protect those staff members against whom complaints are made from malicious allegations. The Council has a duty to investigate all reports

of irregularity. This does not mean that the organisation supports the allegation.

2. AIMS AND SCOPE OF THIS POLICY

2.1 The aims of this policy are:

- a) To encourage staff to raise concerns at the earliest opportunity, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected.
- b) To encourage staff to be watchful for illegal or unethical conduct and report anything of that nature of which they become aware. Everyone should be aware of the importance of preventing and eliminating wrongdoing at work.
- c) Ensure all reported allegations are treated in absolute confidence, with every effort made by the Council not to reveal a whistleblower's identity if they so wish. However, there may be times when we are unable to resolve a concern without revealing your identity, for example where your personal evidence is essential. In such cases, we would discuss the rationale with the whistleblower in the first instance to establish how the matter can be best progressed.
- d) Provide a robust procedure and ensure any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the whistleblower who raised the issue, as appropriate.
- e) To provide staff with guidance on how to raise those concerns.
- f) To reassure staff, acting in good faith, that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.

2.2 This policy covers all employees, officers, apprentices, consultants, contractors, volunteers, interns, casual workers and agency workers.

2.3 This policy takes account of the Whistleblowing Arrangements Code of Practice issued by the Whistleblowing Commission

2.4 This policy is not a substitute for the Council's other policies and procedures on such matters as personal grievances, bullying and harassment, health and

safety, safeguarding issues (children and/or adults) or complaints. It should also not be used to raise matters relating to an employee's own terms and conditions of service.

- 2.5 There are existing procedures in place to enable staff to lodge a grievance relating to their own employment. This process does not form part of this policy. For further guidance on whistleblowing and grievances, staff can contact the Advisory, Conciliation and Arbitration Service (ACAS) at www.acas.org.uk/grievances.
- 2.6 If a member of the public has a concern about any service they have been provided by the Council then this should be raised as a complaint. There are existing procedures in place which relate to this. However, if that concern relates to malpractice by a member of staff, then they should be directed to Human Resources at the earliest opportunity.
- 2.7 If a member of the public has concerns relating to malpractice by a Councillor, then they should be directed to the Monitoring Officer at the earliest opportunity.
- 2.8 Making malicious, vexatious or false allegations will not be tolerated and is a disciplinary offence. If a person makes an allegation in good faith and reasonably believes it to be true, but it is not confirmed by the investigation, the Council will recognise your concern. However, if a person makes an allegation frivolously, maliciously or for personal gain, appropriate action, which could include disciplinary proceedings, may be taken.
- 2.9 An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, staff should not agree to remain silent and should report the matter at the earliest opportunity.
- 2.10 This policy may be amended at any time.

3. PERSONNEL RESPONSIBLE FOR THE POLICY

- 3.1 The Monitoring Officer has day-to-day operational and overall responsibility for this policy, and for reviewing the effectiveness of actions taken in response to concerns raised under this policy.
- 3.2 The Monitoring Officer must ensure that all managers and other staff who may deal with concerns or investigations under this policy receive regular and appropriate training.

- 3.3 The Monitoring Officer, in conjunction with the Audit and Standards Committee should where appropriate review this policy from a legal and operational perspective at least once a year.
- 3.4 Managers should ensure all staff, including agency staff, consultants and contractors etc. are aware of and follow Council Policies and Procedures. Managers should register any whistleblowing cases brought to their attention immediately with Human Resources and provide support to any employee making such a complaint.
- 3.5 Senior and Statutory Officers will respond to whistleblowing submissions positively and within the timescales set out.
- 3.6 All staff are responsible for the success of the operation of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing. Staff are invited to comment on this policy and suggest ways in which it might be improved. Comments, suggestions and queries should be addressed to the Monitoring Officer.

4. **WHAT IS WHISTLEBLOWING?**

- 4.1 Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include:
- a) Criminal activity;
 - b) Failure to comply with any legal or professional obligation or regulatory requirements;
 - c) Miscarriages of justice;
 - d) Failure to observe health and safety regulations or actions which involve risks to the public or other staff;
 - e) Damage to the environment;
 - f) Bribery;
 - g) Financial irregularity including fraud, corruption or unauthorised use of public funds or other assets;
 - h) Negligence;
 - i) Breach of our internal policies and procedures including our Code of Conduct;
 - j) Conduct likely to damage our reputation;
 - k) Unauthorised disclosure of confidential information;
 - l) Claiming benefits and/or expenses to which there is no entitlement;
 - m) Neglect or abuse; physical or verbal;

- n) Any other unethical conduct, malpractice, negligent or unprofessional behaviour;
- o) The deliberate concealment of any of the above.

4.2 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 wrongdoing or danger affecting any of our activities (a whistleblowing concern) you should report it under this policy.

4.3 This policy should not be used for complaints relating to your own personal circumstances, such as the way you have been treated at work. In those cases, you should use the Grievance Procedure or the Bullying and Harassment Policy as appropriate.

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

5. EMPLOYEE SAFEGUARDS AND ASSURANCES

5.1 Harassment or Victimisation

5.2 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.

5.4 The Council will not tolerate harassment or victimisation in any form of anyone raising a legitimate concern. Any employee who attempts at any stage to apply any retribution or detriment to a whistleblower will face serious disciplinary charges, which could lead to dismissal.

5.5 The Council will support and protect whistleblowers who raise an issue in line with this policy, in accordance with the safeguards contained in the Public Interest Disclosure Act 1998. This legislation protects everyone from victimisation and dismissal when speaking out against corruption or malpractice at work.

5.6 Protection does not mean that if an employee is already the subject of disciplinary action or redundancy procedures that those procedures would cease or be suspended as a result of their whistleblowing.

5.7 It may be that the employee making the report is (or was) directly involved in the action now being raised. In such circumstances it is in the employee's own interest to come forward as soon as possible. The Council cannot promise not to act against such an employee but the fact that they came forward may be taken into account.

5.7 Confidentiality

5.8 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 you ask us not to disclose your identity, we will not do so without your consent unless required by law. If it is necessary for anyone investigating your concern to know your identity, we will discuss this with you prior to any disclosure.

5.9 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 in paragraph 6.2 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. Their contact details are at the end of this policy.

5.10 At all times the whistleblower will receive full support from the Council. There will be a limited number of people aware of the investigation at any one time.

5.11 Staff who whistleblow can seek independent support from the charity Protect. Details can be found at www.protect-advice.org.uk

6. PROCEDURE

6.1 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. It is expected that managers will consult with the Monitoring Officer.

6.2 However, if 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) The Human Resources Manager;
- c) Head of Service;
- d) Strategic Director; or
- e) Head of Audit Risk Assurance (ARA).

Contact details are set out at the end of this policy. If you do not know who the relevant Head of Service or Strategic Directors is for your role this can be obtained from the Human Resources Manager or the Monitoring Officer.

Alternatively, you may wish to use our confidential 24 hour “whistleblowing” answerphone service on 01452 427052 which is managed by ARA’s Counter Fraud Team (CFT) .

- 6.3 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 contacted in order to obtain additional information.
- 6.4 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.
- 6.5 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.
- 6.6 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.
- 6.7 The Monitoring Officer will keep a record of reported whistleblowing concerns (whistleblowing record). All line managers and investigator(s) are responsible for updating the Monitoring Officer with the necessary details for maintaining the whistleblowing record.

6.8 Raising a concern as an elected member

- 6.4 If an elected Member has any concerns about the Council’s work, they should raise the matter directly with Democratic Services, the Chief Executive or the

Monitoring Officer. In the case of financial irregularity, disclosure may be made to the Officer appointed under section 151 of the Local Government Act 1972.

6.5 Raising concerns as a third-party such as a contractor or agency staff

6.6 Concerns should be raised with Human Resources, the Chief Executive or the Monitoring officer. In the case of financial irregularity, disclosure may be made to the Strategic Director of Resources.

6.7 Alternative Reporting Routes

6.8 There are a number of prescribed bodies and organisations who may be contacted if there is a reason not to raise the matter internally. Staff can find guidance by following the link below which provides a comprehensive list with contact details therein. <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies>

6.9 In the case of Local Government, that would include raising concerns with the Council's External Auditor (to establish who this is, contact Public Sector Audit Appointments Limited <https://www.psa.co.uk>). If the concerns relate to the conduct of public business, value for money or fraud and corruption relating to the provision of public services, staff may contact the National Audit Office <https://www.nao.org.uk>.

6.10 The Council would not ordinarily expect a whistleblower to make disclosures to the media (including via social media) prior to raising the matter internally. If a person does approach the media with their concerns (or publishes details via social media), the whistleblower should expect in most cases to lose their whistleblowing law rights.

6.11 Concerns may be raised by telephone, in person or in writing. The earlier the matter is raised, the easier it is to take action. A whistleblower is asked to provide the nature of the concern and why they believe it to be true, background details giving names, dates and places where possible, together with any other supporting evidence or information. A whistleblower may be asked if they have any personal interest in the matter.

7. IF YOU ARE NOT SATISFIED

- 7.1 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.
- 7.2 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 this policy. 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.

8. CONTACTS

Role	Officer Name/Co.	Tel. No.	E-mail Address
Monitoring Officer	Claire Hughes	01453 754128	Claire.Hughes@stroud.gov.uk
Strategic Director of Resources (S151 Officer)	Andrew Cummings	01453 754115	Andrew.Cummings@stroud.gov.uk
Human Resources Manager	Lucy Powell	01453 754286	lucy.powell@stroud.gov.uk
External Auditors	Deloitte LLP (UK)	029 20460000	www.deloitte.co.uk
SDC's Head of Audit Risk Assurance (ARA)	Piyush Fatania	01452 328883	piyush.fatania@stroud.gov.uk or Piyush.fatania@gloucestershire.gov.uk
Protect	(Independent whistleblowing charity)	Helpline: (020) 3117 2520	E-mail: whistle@protect-advice.org.uk Website: https://protect-advice.org.uk/
24 hour confidential whistle blowing answerphone service		01452 427052	

