

1.1 Whistleblowing

- The policy and procedures apply to employees of Herefordshire Council (excluding those employed at a school by a School Governing Body where separate arrangements will apply), temporary employees, trainees and independent contractors. The policy also applies to those engaged through an external agency.
- Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Employees should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.
- Even where safeguards are already in place, poor practice can still exist. As a safeguard for the Council and in keeping with our legal duties and obligations¹, this policy and procedure sets out a framework within which staff can make a “protected disclosure” without fear that they will be subjected to victimisation or dismissal (and selection for redundancy) provided that the disclosure is made in accordance with the Public Interest Disclosure Act 1998 (“The Act”) and (amendments in accordance with the Enterprise Regulatory Reform Act 2013). It is important for staff to be aware that they can only make a protected disclosure in certain circumstances. A “protected disclosure” must be of a certain type of information known as a “qualifying disclosure” and the disclosure must be made in a way which is described in the Act.
- A qualifying or protected disclosure is a disclosure of information made in the public interest which in the reasonable belief of the member of staff making the disclosure tends to show one or more of the following:
 - illegal practices (for example, a criminal offence).
 - a failure to comply with a legal obligation.
 - the health and safety of an individual, whether this is a member of the public or staff being endangered.
 - damage to the environment.
 - miscarriage of justice.
 - deliberate concealment of any of the above.
- This policy is intended to cover concerns that fall outside the scope of other existing procedures and policies of the Council. Where you have a concern which is personal and relates only to yourself rather than wrongdoing of a more general nature this will be treated as a grievance and the Grievance Policy will apply. The Anti-fraud, Bribery and Corruption policy which states the council’s zero-tolerance position on such matters is also to be observed in conjunction with this policy.

¹ The Public Interest Disclosure Act 1998 and amendments in accordance with the Enterprise and Regulatory Reform Act 2013

- Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the employee who raised the issue.
- All concerns will be treated in confidence and every effort will be made not to reveal their identity if an individual wishes. At the appropriate time, however, the individual may need to come forward as a witness. This should be discussed with the individual early on to establish if this is possible, but should not be regarded as a barrier to investigating the matter.
- Concerns expressed anonymously will be considered at the discretion of the council, but may not be regarded as "protected" under the Public Interest Disclosures Act 1998.
- All reasonable steps will be taken to ensure that no employee will be victimised or suffer any detriment for raising a matter under this procedure. This means that continued employment and opportunities for future promotion or training of the employee will not be prejudiced because he/she has raised a legitimate concern.
- In exceptional circumstances, and in order to protect someone who has raised a qualified disclosure, or to facilitate thorough investigation, a whistle blower may be redeployed. This may be on a permanent or a temporary basis and will always be subject to mutual agreement with clear terms, under which there will be no detriment to that individual.
- Harassment or victimisation of an employee for raising a qualified disclosure will be a disciplinary offence. Co-employees who victimise whistle blowers can be made personally liable for their own conduct, and the Council could be held vicariously liable if it has not taken all reasonable steps to prevent victimisation.
- If misconduct is discovered as a result of any investigation under this procedure the council's disciplinary procedure will be used, in addition to any appropriate external measures.
- No action will be taken if an allegation is made but is not confirmed by an investigation.
- Maliciously making a false allegation is a disciplinary offence. Allegations made in similar spirit for personal gain may also be treated similarly and neither action would be protected.
- 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, employees should not agree to remain silent. They should report the matter to the Monitoring Officer.