
Section 5 - Whistleblowing policy

5.5.1 Whistleblowing is viewed by the council as a positive act that can make a valuable contribution to the council's efficiency and long-term success. It is not disloyal to colleagues or the council to speak up.

5.5.2 If you are considering raising a concern you should read this policy first. It explains:

- the type of issues that can be raised
- how to raise a concern,
- what the council will do, and
- how the employee raising the concern will be protected

5.5.3 What is the aim of the policy and when does it apply?

5.5.4 Aims of the policy

5.5.5 This policy encourages employees of Herefordshire council who have serious concerns about any aspect of the council's work to come forward and voice those concerns. Enabling employees to feel confident in raising serious concerns **within** the council rather than ignoring a problem or making a report to an external body.

5.5.6 The policy is designed to ensure that employees can raise their concerns about wrongdoing or malpractice in good faith within the council without fear of victimisation, subsequent discrimination, disadvantage or dismissal.

5.5.7 The policy provides avenues for employees to receive a response to the concerns raised.

5.5.8 Scope of this policy

5.5.9 This policy is intended to enable those who become aware of wrongdoing in the council affecting some other person or service, to report their concerns at the earliest opportunity so that they can be properly investigated.

5.5.10 The whistleblowing policy is not intended to replace existing procedures:

- If your concern relates to your own treatment as an employee, the council's HR policies will apply.
- Complaints from members of the public should be raised as a corporate complaint [\[link\]](#)

- Complaints about misconduct by elected members, will be dealt with under the member and officers code or code of conduct complaints process [\[link\]](#)
- Complaints by elected members should be raised with the chief executive or relevant director.

5.5.11 Who can raise a concern under this policy?

5.5.12 The policy applies to all:

- employees of Herefordshire council*
- employees of contractors working for the council, for example, agency staff, builders and drivers, where the contractor has agreed to adopt the council's policy.

5.5.13 * If you are employed in, working with or assisting Herefordshire schools there will be a specific whistleblowing policy in your school for you because of the special relationship that exists with the schools' governing bodies. You will need to ask your head teacher for a copy of the policy.

[The policy does not apply to councillors, however where a disclosure is made this policy is usually followed.](#)

5.5.14 What should be reported?

5.5.15 Any serious concerns that you have about service provision, the conduct of officers, members of the council or others acting on behalf of the council that:

- make you feel uncomfortable in terms of known standards;
- are not in keeping with the council's constitution and policies;
- fall below established standards of practice that the council subscribes to
- are in breach of the officer or councillor code of conduct; or
- are improper.

5.5.16 These might relate to:

- conduct which is an offence or a breach of the law (a criminal offence has been committed or failing to comply with any other legal obligation)
- disclosures related to miscarriages of justice
- racial, sexual, disability or other discrimination
- health and safety of the public and/or other employees
- intentional damage to the environment
- unauthorised use of public funds or other assets
- possible fraud and corruption
- abuse of power for financial or other gain

- neglect or abuse of clients, or
- other unethical conduct.

5.5.17 This list is not exhaustive.

5.5.18 Safeguards

5.5.19 Legal rights

5.5.20 The Public Interest Disclosure Act 1998 gives legal protection to employees against being dismissed or suffering any detriment from their employer as a result of disclosing certain serious concerns.

5.5.21 The council will not tolerate harassment or victimisation (including informal pressures) and will take action to protect employees who raise a concern in the public interest.

5.5.22 The council recognises that the decision to report a concern can be a difficult one to make. If you honestly and reasonably believe what you are saying is true, you have nothing to fear because you will be doing your duty to your employer, your colleagues and those for whom you are providing a service.

5.5.23 Confidentiality

5.5.24 All concerns will be treated in confidence and every effort will be made not to reveal your identity if that is your wish. If disciplinary or other proceedings follow the investigation, it may not be possible to take action as a result of your disclosure without your help, so you may be asked to come forward as a witness. If you agree to this, you will be offered advice and support.

5.5.25 Anonymous Allegations

5.5.26 This policy encourages you to put your name to your allegation whenever possible. If you do not tell us who you are it will be much more difficult for us to protect your position or to give you feedback. This policy is not ideally suited to concerns raised anonymously. Only another employee could raise the matter on your behalf.

5.5.27 Concerns expressed anonymously or by another employee are much less powerful but they may be considered at the discretion of the council. In exercising this discretion the factors to be taken into account would include:

- the seriousness of the issue raised
- the credibility of the concern, and

- the likelihood of confirming the allegation from other sources

5.5.28 Untrue Allegations

5.2.29 If you make an allegation in good faith, reasonably believing it to be true, but it is not confirmed to be so, the council will recognise your concern and you have nothing to fear. If however, you make an allegation frivolously, maliciously or for personal gain, appropriate action that could be taken may include disciplinary action.

5.5.30 Raising a Concern

5.5.31 Who should you raise your concern with?

5.5.32 This will depend on the seriousness and sensitivity of the issues involved and who is suspected of the wrongdoing. You should normally raise concerns with [one of the following](#):

- Your Line Manager
- Your Director
- The Monitoring Officer or Deputy Monitoring officer
- The Chief Executive
- Internal Audit

5.5.33 If, exceptionally, the concern is about the Chief Executive of the council your concern should be raised with your Director who will decide how the matter will be considered.

5.5.34 How to raise a concern

5.5.35 You may raise your concern by telephone, in person or in writing. The earlier you express your concern, the easier it is to take action. You will need to provide the following information:

- the nature of your concern and why you believe it to be true
- the background and history of the concern (giving relevant dates).

5.5.36 If your concerns are raised verbally then a written record will be taken.

5.5.37 Although you are not expected to prove beyond doubt the truth of your suspicion, you will need to demonstrate to the person contacted, that you have a genuine concern relating to suspected wrongdoing or malpractice within the council and there are reasonable grounds for your concern.

5.5.38 You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.

5.5.39 You may invite your trade union, professional association representative or a friend to be present for support during any meetings or interviews in connection with the concerns you have raised.

5.5.40 What the council will do

5.5.41 The council is committed to giving concerns raised through the policy thorough consideration whilst responding as quickly as possible. We will also be open and transparent with people raising concerns and those subject to whistleblowing, explaining when information can and cannot be shared.

5.5.42 First any person receiving a concern should immediately inform the monitoring officer. The monitoring officer will acknowledge receipt of the concern and ~~assess if this is the appropriate procedure to raise the concern~~ and inform internal audit of the disclosure.

5.5.43 Secondly your concerns will need to be tested, this is not the same as either accepting or rejecting them.

5.5.44 The overriding principle for the council will be the public interest. In order to be fair to all, including those who may be wrongly or mistakenly accused, an appropriate lead (ordinarily the relevant line manager) will be identified by the monitoring officer to undertake initial enquires.

5.5.45 Where appropriate, after initial enquires have been made, the matters raised may:

- be further investigated by the council, internal audit, or through the disciplinary/grievance or standards process
- be referred to the police
- be referred to the external auditor
- be referred and put through established child protection/abuse procedures
- form the subject of an independent inquiry

5.5.46 Within ten working days of a concern being raised, the monitoring officer will have had the initial enquiry undertaken and will confirm in writing to you:

- indicating how the council proposes to deal with the matter i.e. telling you whether further investigations will take place and if not, why not

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- supplying you with information on any support mechanisms as appropriate
- ~~telling you whether further investigations will take place and if not, why not~~
- Confirming how the matter can be taken further as set out in section 6 of this policy.

5.5.47 The amount of contact between you and the officer considering the issues will depend on the nature of the matters raised, the potential difficulties involved and the clarity of your information. You may be interviewed to ensure that your disclosure is fully understood.

5.5.48 While the council cannot guarantee that the outcome will be as you wish, it will handle the matter fairly and in accordance with this policy. You need to be assured that your disclosure has been properly addressed. Unless there are any legal reasons why this cannot be done, you will be kept informed of the progress and outcome of any investigation, maintaining security and confidentiality for all parties as far as possible. You will not however be provided with any report or other correspondence created investigation and dealing with your disclosure.

5.5.49 How the Matter can be Taken Further

5.5.50 This policy is intended to provide you with an avenue within the council to raise concerns. The council hopes you will be reassured with any action taken. If you are not, and you feel it is right to take the matter outside the council, the following are the council's prescribed contacts:

- the External Auditor
 - Jon Roberts, Partner and Head of Assurance, Grant Thornton, email: jon.roberts@uk.gt.com
- your trade union
- the police
- other relevant bodies prescribed by legislation – the council's Monitoring Officer or [Protect \(see details below\)](#) ~~Public Concern at Work~~ will be able to advise you who you can contact

5.5.51 If you raise concerns **outside** the council you should ensure that it is to one of these prescribed contacts. A public disclosure to anyone else could take you outside the protection of the Public Interest Disclosure Act and of this policy.

5.5.52 You should not disclose information that is confidential to the council or to anyone else, such as a client or contractor of the council, except to those included in the list of prescribed contacts.

5.5.53 This policy **does not** prevent you from taking your own legal advice.

5.5.54 Review of the policy

5.5.55 The council's Audit and Governance Committee will review this policy.

5.5.56 Corporate recording and monitoring

5.5.57 The Monitoring Officer will maintain a corporate register containing all disclosures that are brought to their attention. All officers allocated to look into a concern must ensure the Monitoring Officer is provided with sufficient details for the corporate register.

5.5.58 The Monitoring Officer will review the corporate register and ~~produce an annual report for advise~~ internal audit. The ~~report review~~ will include a summary of the concerns raised, to which department they related, the post to which the concerns related (if not confidential) and any lessons learned. The report will not include any employee names. The aim of this is to ensure that:

- the council and/or the relevant department learns from mistakes and does not repeat them, and
- for consistency of approach across the departments

5.5.59 If you are unsure whether to use this policy or want independent advice at any stage, you may contact the independent charity **Protect (formerly Public Concern at Work)** on ~~020 3117 2520~~ **020 7404 6609**. Their advisers can give you free confidential advice on how to raise a concern about serious malpractice at work.

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