

Section 5 – Whistleblowing Policy

5.1 Purpose

This policy is intended to cover concerns that fall outside the scope of other existing Council procedures (e.g. complaints procedures, safeguarding reporting and employment policies and procedures).

If something is troubling you, which you think we should know about or look into, please use this policy and the procedures below. If, however, you wish to make a complaint about your employment or how you have been treated, please use existing employment (HR) policies and procedures (e.g. grievance policy, which you can obtain from your manager or HR).

Whistleblowing arrangements are not intended to give you a further opportunity to pursue a grievance once other relevant employment procedures have been exhausted.

You should only consider raising concerns through Whistleblowing arrangements if:

- You have genuine reasons why you cannot use the above policies and procedures;
or
- You have reason to believe that these policies are failing or are not being properly applied; **and** in any case;
- There is a public interest aspect.

5.2 Scope

This policy applies to all those who work for Herefordshire Council, whether full time or part-time, employed or working through an agency. It also applies to staff working for Hoople and any other contractors that have adopted the Council's Whistleblowing Policy.

If you are an employee at a Council maintained school, then your school should have its own whistleblowing policy which you should use. However if you feel that you cannot report your whistleblowing at your school, then you can raise your concern with the Council through whistleblowing@herefordshire.gov.uk and this policy will apply to you.

If you are unsure whether to use this policy or you want confidential advice at any stage, you may contact the independent whistleblowing charity Protect on 020 3117 2520 or by e-mail to whistle@protect-advice.org.uk.

Further detail on this is available at <http://protect-advice.org.uk>

This service is available to all employees of the Council and allows you the opportunity to speak freely about your concerns, discuss all related issues and receive practical, constructive advice.

5.3 Introduction

Sometimes you may have concerns about what is happening at work. In most cases these concerns can be dealt with through the usual line management arrangements and are easily resolved. However, if that is not possible or if your concern feels more serious because it may relate to illegal, improper or unethical conduct and could threaten service users, colleagues, public or the Council itself then you may wish to use the whistleblowing procedures as an alternative.

The Council is committed to running the organisation in the best way possible and to do so we need your help. Experience shows that employees are often the first to realise that there may be something seriously wrong or often have worries or suspicions and could, by reporting their concerns help put things right and stop potential wrongdoing.

We have introduced this policy to reassure you that it is safe and acceptable to speak up and to enable you to raise any concerns you may have at an early stage, and in the right way.

5.4 What is Whistleblowing?

Whistleblowing is the formal raising of concerns that are in the public interest. A whistleblower is generally a term used for a person who works for an organisation and raises a concern about a danger or illegality that has a public interest aspect to it, usually because it threatens others (service users, colleagues, public).

Examples of concerns that may be in the public interest (this list is not exhaustive):

- Criminal offences (Fraud, Corruption, Bribery etc.);
- Failure to comply with legal obligations;
- Actions which endanger the health or safety of any individual;
- Actions which may cause damage to the environment;
- Actions which are intended to conceal any of the above.

This policy provides you with a framework for raising concerns, which you believe are in the public interest.

5.5 Public Interest Disclosure Act

The Public Interest Disclosure Act 1998 (PIDA) protects individuals who make certain disclosures of information in the public interest and provides that employers must not victimise any worker who blows the whistle in one of the ways set out in the legislation. This policy complies with PIDA.

5.6 Our Commitment to you

Your safety

We recognise that you may be worried about formally raising a concern for a number of reasons:

- Fear of reprisal or victimisation (e.g. loss of job);
- Too much to lose (reputation, damage to career etc.);
- Feelings of disloyalty;
- Worries about who may be involved;
- Concerns that there is no proof, only suspicions;
- Fear of repercussions if there is no evidence or you are proved wrong.

The Corporate Leadership Team, Chief Executive and Trade Unions are committed to this policy. If you raise a genuine concern under this policy, you will not be at risk of losing your job or suffering any reprisal such as harassment, victimisation or bullying. Provided you are acting in good faith, it does not matter if you are mistaken or if there is an innocent explanation for your concerns.

Your confidence

We would like to assure you that if you raise a concern:

- 'Openly' - we will protect you from reprisal;
- 'Confidentially' - we will protect you from reprisal and will not disclose your identity, without your consent, unless required by law.

As mentioned we will endeavour to protect your identity wherever possible; however, you must understand that there may be circumstances where this is not feasible. For example, if you are an essential witness and further investigation would be prevented without revealing your identity or the concern could only have come from one service. Should this situation arise, we will discuss directly with you, whether and how the matter can best proceed.

If you raise a concern 'anonymously', we will not be able to protect your position and if you experience victimisation it will make it very difficult to link it to the fact that you raised whistleblowing concerns, as your manager and others will not know you have done this. We would also be unable to provide you with feedback, or seek any further information from you.

If you are already the subject of disciplinary, capability or redundancy procedures for other reasons, whistleblowing will not halt these procedures - but every effort will be made by the investigating officer(s) to ensure that the issues are not inter-related or connected in any way.

5.7 Raising your concerns

We hope that the assurances above allow you to raise your concern internally and openly with us. If you want to raise the matter in confidence, please say so at the outset so that appropriate arrangements can be made. You may also choose not to identify yourself at any stage, to anyone, but we do not encourage anonymous reporting as the concerns are

more difficult to investigate and we are unable to offer you the same protection as an open or confidential whistleblower.

We trust that you will:

- Raise concerns at an early stage (i.e. when you have reasonable suspicion);
- **Not** wait and investigate yourself, or wait to prove that your concern is well founded.

If you are unsure about raising a concern at any stage, you can get independent advice from Protect (the independent charity whose details are set out in 5.2 above). They provide free independent legal advice on how best to raise a concern and your protection as a whistleblower.

Step one

The seriousness of the issue may influence who you decide to raise it with, but we hope that in the first instance, you will raise it with your immediate line manager. If this is not practical (for whatever reason), please raise the concern with another senior officer (Head of Service) or Director.

This may be done verbally or in writing and we do ask that you explain as fully as you can the information or circumstances that gave rise to your concern, including background and history giving names, dates and places where possible. If you have any personal interest in the matter, we do ask that you tell us at this stage.

Step two

If you feel unable to raise the matter with any of the above (for whatever reason) please raise the concern with the Monitoring Officer (whistleblowing@herefordshire.gov.uk). The Monitoring Officer (Director of Governance & Legal Services) is the officer with overall responsibility for this policy, and they will arrange for you to be contacted and for the matter to be dealt with independently of your own service area. The Monitoring Officer has a legal duty under S5 Local Government & Housing Act 1989 to report to the Council any instances of non-compliance with the law or maladministration.

Step three

If these channels have been followed and you still have concerns, or you feel that the matter is so serious that you cannot discuss it with any of the above, you can properly report a concern to an outside body. In fact, we would rather you raised a matter with the appropriate regulator - such as the Care Quality Commission, Ofsted, your professional regulator - than not at all. There is a list of bodies to whom you can make a referral if you wish to do so: <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies>
[Protect](#) (details above) will be able to advise you on such an option if you wish.

You may also find it helpful to consider other relevant Council policies including, for example, the Anti-Fraud, Bribery & Corruption Policy which are available on the Council's website or at [Anti Fraud Bribery and Corruption Policy \(herefordshire.gov.uk\)](#)

5.8 How we will handle the matter

Once you have told us of your concern, the person you have reported it to (either your line manager, head of service, director under step one above, or the Council's Monitoring Officer under step two) will assess it and consider what further action may be needed. Initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take - these will be made confidentially. The Monitoring Officer will be notified that a concern has been raised, and at this stage it will be agreed with the Monitoring Officer how the matter will be dealt with. The person you have reported it to will tell you who will be handling the matter, how you can contact them, and what further assistance we may need from you. If they think your concern falls more properly within our existing complaints or employment policies and procedures, they will let you know.

The further response will depend on the nature of the concern and may be:

- Advice only;
- Resolved by agreed action without the need for investigation;
- Investigated internally;
- Referred to the relevant safeguarding team;
- Referred to the Police;
- Referred to the external auditor;
- The subject of an independent inquiry.

Whenever possible, we will give you feedback on the outcome of any investigation. Please note, however, that we may not be able to tell you about the precise actions we take where this would infringe a duty of confidence we owe to another person. While we cannot guarantee that we will respond to all matters in the way that you might wish, we will strive to handle the matter fairly and properly. By using this policy, you will help us to achieve this.

5.9 Responsible Officer

The Monitoring Officer (Director of Law and Governance) has overall responsibility for the maintenance and operation of this Whistleblowing Policy. This officer maintains a record of concerns raised and the outcomes (in a form which does not endanger employee confidentiality) and will report as necessary to the Audit & Governance Committee. This allows us to make sure that all reported whistleblowing is dealt with and that we have an understanding of the outcome and any actions needed.

Appendix A - Procedure for Managers Receiving a Concern

These procedures should be used in conjunction with the Whistleblowing Policy.

1. Managers receiving the whistleblowing concern

It is important that you listen carefully to the concern being raised and avoid pre-judging the issue. If you feel unable to do this, the employee should be encouraged to raise the concern with a more senior officer or the Monitoring Officer.

2. Establish the details of the concern

You should complete the whistleblowing checklist

3. What happens next?

Step 1 - Explain to the employee what will happen next

- Now that I have listened to and recorded your concern, I will assess it and consider what further action may be needed and I will consult the Monitoring Officer to assist me in this.
- Initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take – but you will not be involved in this process;
- I will tell you who will be handling the matter, how you can contact them, and what further assistance they may need from you (or they may contact you direct regarding this).
- If the person dealing with your concern thinks it falls more properly within our existing complaint or employment policies and procedures, they will let you know;

Step 2 - Record the concern

You **must** contact the Monitoring Officer to make them aware you have received this concern, **provide them with a copy of the whistleblowing checklist** and agree how it will be dealt with. The concern will be held on a central log by Monitoring Officer and will be routinely reviewed by them (or their designated officer) to ensure all cases are dealt with appropriately, and **to ensure that advice and support can be given if needed**.

Step 3 - Assess if wider investigation is needed

You should consider the information in the context of what you know about the particular area or activity and the information the employee provides. The first issue to be decided is whether the concern is best dealt with under the Whistleblowing Policy or some other existing policy/procedures. You should seek assistance from the Monitoring Officer to assist you in deciding this, and the Monitoring Officer will advise how the matter should be taken forward.

Whistleblowing is about serious matters of public concern (examples are given in the policy); it is not about whether the whistleblower agrees with the approach or ethos of

the service. Thus, a complaint that the service is not sufficiently helpful or is not engaging with the community effectively is not whistleblowing concern.

Concerns or allegations which fall within the scope of specific existing procedures (HR, Safeguarding, etc.) should normally be referred for consideration under those procedures.

Step 4 - Assess if anyone else should be involved

Depending on the nature of the concern you may also:

- Report the concern to your Director;
- Report the concern to HR who will be able to provide any support or additional assistance if required;
- Subject to taking advice from the Monitoring Officer, refer the matter to an external body.