

NORTH LINCOLNSHIRE COUNCIL

**BUSINESS TRANSFORMATION AND FINANCE
CABINET MEMBER**

REPORTING A CONCERN (WHISTLEBLOWING) POLICY

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To outline and seek approval for a Reporting a concern (whistleblowing) policy.

2. BACKGROUND INFORMATION

- 2.1 The council currently has a Whistleblowing Charter. This charter is an appendix to the council's Counter Fraud Strategy, which is under the remit of the council's internal audit service. The charter details the processes for both employees and members of the public to report concerns, primarily regarding fraud and corruption, and is only accessible through the council's website.
- 2.2 In line with the council's commitment to accountability and transparency, it is proposed that the Whistleblowing Charter is relaunched as a standalone 'Reporting a concern (whistleblowing) policy' and moved into the Human Resources (HR) manual.
- 2.3 This policy will outline the process for employees to report a concern and will broaden the range of issues that may be included.
- 2.4 The process for members of the public to report a concern will also be reinforced and a new page on the council's website will be launched for this purpose.

3. OPTIONS FOR CONSIDERATION

- 3.1 Approve 'Reporting a concern (whistleblowing)' as a new policy to be incorporated into the HR manual.

- 3.2 Recommend changes to the existing Whistleblowing Charter but leave it as an appendix to the council's Counter Fraud Strategy.
- 3.3 Make no changes to the Whistleblowing Charter and leave it in its current form as an appendix to the council's Counter Fraud Strategy.

4. ANALYSIS OF OPTIONS

- 4.1 Approval of the policy and its creation as a document in the HR manual will raise the profile of whistleblowing, encourage employees to report genuine concerns and help to ensure the council remains accountable and transparent. Incorporating the policy within the HR manual on TOPdesk will also make it more accessible to employees.
- 4.2 Leaving the Whistleblowing Charter as an appendix to the Counter Fraud Strategy on the council's website may not sufficiently emphasise the importance the council places on employees raising concerns, or encourage them to do so.
- 4.3 Leaving the Whistleblowing Charter in its current form may not provide employees with the necessary reassurance and encouragement to identify any concerns and raise them appropriately.

5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)

- 5.1 There are no additional resource implications.

6. OUTCOMES OF INTEGRATED IMPACT ASSESSMENT (IF APPLICABLE)

- 6.1 An integrated impact assessment has considered the diversity implications of these changes and there are no adverse implications.

7. OUTCOMES OF CONSULTATION AND CONFLICTS OF INTEREST DECLARED

- 7.1 The trade unions have been consulted on this policy and their feedback has been positive.

8. RECOMMENDATIONS

- 8.1 That the policy be approved and incorporated into the Human Resources manual.

DIRECTOR: BUSINESS DEVELOPMENT

Civic Centre
Ashby Road
SCUNTHORPE
North Lincolnshire
DN16 1AB

Author: Louisa Rae
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Background information used in the preparation of this report: N/A

1.0 Introduction

- 1.1 North Lincolnshire Council is committed to running the organisation with accountability and transparency.
- 1.2 Employees are often the first to realise there is something wrong within the organisation, but may worry that by raising a concern they are being disloyal to their colleagues or the council, or that they might not be taken seriously. They may also fear harassment or victimisation if they speak out.
- 1.3 This policy aims to enable employees to raise concerns about malpractice or wrongdoing and to reassure them that it is safe and acceptable to do so. It encourages them to raise concerns at an early stage and supports them with the process.
- 1.4 We will not tolerate the harassment or victimisation of anyone raising a genuine concern, and disciplinary action may be taken if this arises.

2.0 Legal framework

- 2.1 If an employee brings information about a wrongdoing to their employer, or another relevant organisation, this is commonly referred to as 'blowing the whistle'.
- 2.2 The Public Disclosure Act 1998 gives protection to whistleblowers, to enable people to speak out if they believe there is malpractice within an organisation. Blowing the whistle is more formally known as 'making a disclosure in the public interest'.
- 2.3 The Act makes it unlawful to victimise, harass or treat someone unfairly because they have blown the whistle.

3.0 What to report

3.1 Disclosures which are protected under the Act are disclosures of information which are in the public interest: this usually means that they affect other people. A disclosure should be made in good faith, where you genuinely believe that one or more of the following is either happening, has happened, or is likely to happen in the future:

- A criminal offence e.g. fraud, abuse of clients, unlawful discrimination;
- Financial misconduct
- the breach of a legal obligation;
- a miscarriage of justice;
- a danger to the health and safety of any individual;
- risk or damage to the environment;
- an attempt to cover up any of the above.

3.2 Unless the concern you have is covered by another council policy, this policy may also be used to report something that:

- Makes you feel uncomfortable compared to the standards you believe the council subscribes to;
- is against the council's constitution;
- falls below established standards of practice;
- amounts to improper conduct.

3.3 If you have a concern relating to your own personal circumstances at work, you should refer to C.4 Dignity at Work or C.5 Grievance in the HR Manual as appropriate.

4.0 How to report a concern

Safeguarding concerns – children and young people

4.1 If you have a concern regarding the safety of child or young person, then you should make immediate contact with the child protection team on 01724 296500/296555 (available 24 hours).

Safeguarding concerns – adults at risk

4.2 If your concern relates to abuse or neglect of an adult, you should contact the Safeguarding Adults Team on 01724 297000 or by email at safeguardingadults@northlincs.gov.uk

All other concerns

4.4 You may raise a concern either verbally, or in writing. If you are making a written report, you may find it helpful to use the following format:

- The background and history of the issue (giving any relevant dates where possible);
- the reason why you are particularly concerned about the situation;
- any details that show there are reasonable grounds for your concern.

Stage one

4.4 You should initially raise the issue with your immediate manager. Your manager should be responsive to your concerns and take them seriously. They will encourage you to talk openly and will treat the issue in confidence, unless legally they must do otherwise (e.g. if a crime has been committed). Your manager will inform you if they are obliged to report the issue to a third party. Managers can seek support in dealing with concerns raised through the contacts outlined at paragraphs 4.5, 7.0 and 8.0.

Stage two

4.5 If you feel unable to approach your manager, or if you feel that your concern has not been dealt with satisfactorily, you may prefer to speak to one of the council's senior officers who specialise in dealing with whistleblowing cases. You can contact the Head of Legal and Democracy on 01724 296204 or the Head of Audit and Assurance on 01472 323799.

5.0 How the council will respond

5.1 Within ten working days of a concern being raised, the matter will be assessed and the person to whom you reported it will write to you:

- Acknowledging that the concern has been received;
- indicating how the council proposes to deal with the matter;
- telling you whether any initial enquiries have been made;
- giving an estimate of how long it will take to provide a final response and;
- supplying you with information on the support available to you.

Note: If you report a concern anonymously, while the council will still respond to this appropriately, direct feedback on the progress of the case cannot be given. See section 6.0 for more information.

5.2 If the concern you have raised falls under a different policy or procedure you will be informed at this stage.

5.3 The action to be taken will depend on the concerns raised, but may include an informal review or a more formal investigation.

- 5.4 As part of any investigation, you may be invited to attend a meeting to discuss your concern in more detail. If so, you may wish to be supported by a trade union representative or another council worker.
- 5.5 Wherever possible, you will be given feedback on the outcome of any investigation, but precise details on action taken may not be disclosed where there is a duty of confidentiality to another person. Any feedback will be within the provisions of the Data Protection Act 1998.
- 5.6 If you are not satisfied with the council's response, you are entitled to take your concern to an appropriate external organisation. The details of some relevant contacts are given at section 8.0.

Untrue allegations

- 5.6 No action will be taken against you if you have raised a concern in good faith. However, allegations which are found to be malicious or vexatious may result in disciplinary action being taken.

6.0 Anonymity and confidentiality

- 6.1 The council would like you to put your name to any concerns you report. Your concerns will be treated confidentially when requested and every effort will be made to conduct any investigation so as not to disclose your identity, if you so wish. Being a witness is not always easy, but your participation will be valued and you will be fully supported throughout the process.
- 6.2 Anonymous concerns will be evaluated and will be investigated where possible, but they may be more difficult to substantiate where the council is limited in its ability to follow up on the reported information. A decision will be made on the most appropriate way to deal with anonymous concerns based on:

- The seriousness of the issues raised;
- the credibility of the concern;
- the likelihood of verifying the concerns through other sources.

7.0 Support

7.1 If you require advice or support during any stage of this process, you can contact your trade union representative. Contact details for each trade union are available on Intralinc.

7.2 Support is also available through the council's Confidential Staff Welfare and Counselling Service.

7.3 Public Concern at Work, the independent whistleblowing charity, offers free, confidential practical and legal advice. If you are unsure whether it is appropriate to use this policy or want advice at any stage, you can contact them by telephone on 020 7404 6609, or email whistle@pcaw.org.uk.

8.0 External contacts

8.1 The council hopes this policy will give you the necessary confidence and assurance to raise any concerns internally. However we recognise that there may be certain circumstances in which you do not feel this is possible; we would rather you raise a concern with the appropriate regulatory body than not at all. Details of relevant external organisations can be found at:

<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>.

8.2 Other external organisations which may be able to offer assistance with you raising a concern are as follows:

- Your local councillor. If you live within the North Lincolnshire Council boundary, your local councillor can be contacted;
- a professional association. If you are a member of a professional association you may ask them to raise a matter on your behalf;
- the police - suspicions of fraud or corruption may be reported directly to the police;
- the National Audit Office;
- the council's external auditors, KPMG (there is a dedicated whistleblowing hotline);
- a Citizens Advice Bureau.