Whistleblowing Policy and Procedure

MALDON
DISTRICT COUNCIL

Maldon District Council – Whistleblowing Policy and Procedure

Document Control Sheet

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Summary of purpose	To provide staff with guidance on the procedure for reporting suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, that they confidentiality will be respected, and to reassure staff that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.
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Validity Statement

Users of the Policy and Procedure should ensure that they are consulting the currently valid version of the document.

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Maldon District Council – Whistleblowing Policy and Procedure

1 Policy Statement

1.1 Maldon District Council (the "Council") is committed to the provision of the highest quality services for the benefit of residents ~~the local community and~~ and takes ~~to~~ full accountability for those services.

1.2 Despite policies and procedures designed to uphold the highest standards of conduct and service, the Council recognises that malpractice can occur and that illegal or unethical conduct may go undetected. ~~Although the Council has set in place rules, regulations, quality standards and procedures to ensure that the highest standards of conduct and commitment to service are observed, it recognises that malpractice, or of unknowingly harbouring illegal or unethical conduct can occur from time to time.~~

1.2 The Council is not prepared to tolerate any such malpractice in the performance and delivery of its services and will treat any complaints very seriously.

1.3 The Council encourages all individuals to raise concerns about the conduct of others in the business or the way in which the business is run. A culture of openness and accountability is essential in order to prevent such situations occurring and to address them when they do occur.

1.4 This policy does not form part of any contract of employment or other contract to provide services, and we may amend it at any time.

2 Policy Principles

2.1 Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. All staff should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.

2.2 The purpose of this policy is:

a) To encourage staff to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected.

b) To provide staff with guidance as to how to raise those concerns.

c) To reassure staff that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.

3 Who is responsible for this policy?

3.1 The Council has overall responsibility for the effective operation of this policy, and for reviewing the effectiveness of actions taken in response to concerns raised under this policy.

3.2 The Legal and Governance directorate ~~HR Department~~ has day-to-day operational responsibility for this policy, and you should refer any questions about this policy to

them in the first instance. The Legal and Governance directorate ~~HR Department must~~ will ensure that regular and appropriate training is provided to all managers and other staff who may deal with concerns or investigations under this policy.

3.3 This policy will be reviewed periodically by the Legal and Governance directorate~~HR Department~~.

3.4 All staff are responsible for the success 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 Legal and Governance directorate ~~HR Department~~ where appropriate.

4 Scope of this Policy

4.1 This policy applies to all employees, officers, consultants, self-employed contractors, casual workers, agency workers, volunteers and interns of the Council.

5 What is Whistleblowing?

5.1 **Whistleblowing** is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include:

- criminal activity;
- failure to comply with any legal or professional obligation or regulatory requirements;
- miscarriages of justice;
- danger to health and safety;
- damage to the environment;
- sexual harassment;
- bribery under the Council's Anti-corruption and Bribery Policy;
- facilitating tax evasion;
- financial fraud or mismanagement;
- breach of the Council's internal policies and procedures including but not limited to;
  - Anti-corruption and Bribery Policy
  - Anti-fraud Strategy
  - Anti-money Laundering Policy
  - Code of Conduct;

  ~~its Code of Conduct;~~
- conduct likely to damage the Council's reputation or financial wellbeing;

- unauthorised disclosure of confidential information;
- negligence; or
- the deliberate concealment of any of the above matters.

5.2 A **whistleblower** is a person who raises a genuine concern relating to any of the above. If an individual has any genuine concerns related to suspected wrongdoing or danger affecting any of the Council's activities (a whistleblowing concern) they should report it under this policy.

5.3 This policy should not be used for complaints relating to an individual's own personal circumstances, such as the way they have been treated at work. In those cases, an individual should use the Grievance Policy and Procedure as appropriate.

5.4 If a complaint relates to an individual's own personal circumstances but they also have wider concerns regarding one of the areas set out at paragraph 5.1 above (for example, a breach of the Council's internal policies), the individual should discuss with their line manager, or if not appropriate, the Head of Legal ~~Business Improvement Officer~~ which route is the most appropriate.

5.5 If an individual is uncertain whether something is within the scope of this policy they should seek advice from their line manager, or if not appropriate, the Head of Legal~~the Business Improvement Officer,~~ whose contact details are at the end of this policy.

6 Raising a Whistleblowing Concern

6.1 In the first instance, the Council hopes that an individual will be able to raise any concerns with their line manager, either verbally or in writing. They may be able to agree a way of resolving the concern quickly and effectively. In some cases, they may refer the matter to the Head of Legal~~Business Improvement Manager~~. However, if the individual reasonably believes their line manager to be involved in the wrongdoing, or if for any other reason the individual does not wish to approach their line manager, for example, if the matter is more serious, they can report the issue to the Head of Legal~~Business Improvement Manager~~ or another officer designated in this policy.

6.2 If an individual is not sure whether or not to raise a concern, they should discuss the issue with their line manager or the Head of Legal~~HR Department. .~~

7 Confidentiality

7.1 The Council hopes that staff will feel able to voice whistleblowing concerns openly under this policy. However, if an individual would like to raise a concern confidentially, ~~we~~ the Council will make every effort to keep their identity secret. If it is necessary for anyone investigating a concern to know that individual's identity, this will be discussed with them.

7.2 The Council does not encourage staff to make disclosures anonymously, although it will make every effort to investigate anonymous disclosures. Staff should be aware that proper investigation may be more difficult or impossible if further information from

the individual cannot be obtained. 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 (Director of Legal and Governance) ~~Business Improvement Manager~~ or one of the other contact points listed below and appropriate measures can then be taken to preserve confidentiality. If an individual is in any doubt, they can seek advice from Protect, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are at the end of this policy.

~~7.2~~7.3 An ~~I~~individual can make an anonymous complaint to the Monitoring Officer via the Legal Services Sharepoint Homepage. ~~the Legal Section SharePoint page at https://maldondistrictcouncil.sharepoint.com/sites/Legal~~

8 Investigation and Outcome

8.1 Once a concern has been raised, an initial assessment will be carried out to determine the scope of any investigation. The individual will be informed of the outcome of the assessment. It may be necessary for the individual to attend additional meetings in order to provide further information.

8.2 The line manager will arrange an investigation of the matter (either by investigating the matter themselves if they have the appropriate investigation skills or immediately passing the issue to someone in a more senior position). In some cases, the Council may appoint an investigator or team of investigators including staff with relevant experience of investigations or specialist knowledge of the subject matter. The investigator (or investigators) may make recommendations for change to enable the Council to minimise the risk of future wrongdoing.

8.3 A meeting will be arranged with the individual as soon as possible to discuss the concern. Staff are entitled to bring a colleague or union representative to any meetings under this policy. Any companion must respect the confidentiality of the disclosure and any subsequent investigation.

8.4 The investigation may also involve other individuals involved giving a written statement. The individual's statement will be taken into account, and they will be asked to comment on any additional evidence obtained.

8.5 The line manager (or the person who carried out the investigation) will then report to the ~~Group Manager~~ Head of Service or Chief Executive as appropriate, which will take any necessary action, including reporting the matter to any appropriate government department or regulatory agency. If disciplinary action is required, the line manager (or the person who carried out the investigation) will report the matter to the HR Department.

8.6 The Council will aim to keep the whistleblower informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent the Council from giving specific details of the investigation, an outcome or any disciplinary action taken as a result. Staff should treat any information about the investigation as confidential.

8.7 If it is concluded that a whistleblower has made false allegations maliciously, the whistleblower will be subject to disciplinary action.

9 If you are not satisfied

9.1 While the Council cannot always guarantee the outcome staff are seeking, it will try to deal with the concern fairly and in an appropriate way. By using this policy, staff can help the Council to achieve this.

9.2 If an individual feels that a concern has not been handled correctly, they should inform the Monitoring Officer (Director of Legal and Governance) ~~Business Improvement Manager~~ who will arrange for another manager to review the investigation carried out, make any necessary enquiries and make their own report to the Head of Service ~~Group Manager~~ or Chief Executive as appropriate. Any approach to the Monitoring Officer (Director of Legal and Governance)~~Business Improvement Manager~~ will be treated with the strictest confidence and the individual's identity will not be disclosed without their prior consent.

10 External disclosures

10.1 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases staff should not find it necessary to alert anyone externally.

10.2 The law recognises that in some circumstances it may be appropriate for staff to report their concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media.

10.3 The Council strongly encourages staff to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Protect, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern. Their contact details are at the end of this policy.

10.4 Whistleblowing concerns usually relate to the conduct of the Council's staff, but they may sometimes relate to the actions of a third party, such as a customer, supplier or service provider. In some circumstances the law will protect an individual if they raise the matter with the third party directly. However, the Council encourages staff to report such concerns internally first, in line with this policy. Staff should contact their line manager~~s~~, or the Head of Legal~~HR Department or the Business Improvement Manager~~ for guidance.

11 Protection and Support for Whistleblowers

11.1 It is understandable that whistleblowers are sometimes worried about possible repercussions. The Council aims to encourage openness and will support workers who raise genuine concerns under this policy, even if they turn out to be mistaken.

11.2 Whistleblowers must not suffer any detrimental treatment as a result of raising a concern. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If an individual believes that they have suffered any such treatment, they should inform the Head of Legal ~~HR~~

~~Department~~ immediately. If the matter is not remedied, the individual should raise it formally using the Council's Grievance Policy and Procedure.

11.3 Staff must not threaten or retaliate against whistleblowers in any way. If an individual is involved in such conduct, they may be subject to disciplinary action. In some cases, the whistleblower could have a right to sue you personally for compensation in an employment tribunal.

12 Roles and Responsibilities

12.1 Line Managers are expected to:

- Be familiar with the policy and be clear on the distinction between a grievance and a complaint raised under the scope of this policy.
- Treat all such disclosures as confidential and seek the advice of the Head of Legal ~~Human Resources~~ should they become aware of a complaint raised under this policy.
- Take all complaints raised under this policy or any other complaints policy, seriously and seek to resolve issues as soon as practicable.
- Undertake or participate in an investigation into a complaint raised under this procedure as appropriate.
- Not treat any individual detrimentally who has raised a concern under this policy.

12.2 The Head of Legal ~~Internal Audit function~~ will:

- In conjunction with the appropriate line manager/Head of Service ~~Directorate if appropriate~~, will ensure that any matter raised under this procedure will be investigated fairly thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the individual who raised the issue.
- Provide advice and guidance on the use of this policy.

13 Designated Officers under this Procedure

13.1 The following officers are designated contacts under this policy:

Head of Legal
~~***Director of Service Delivery***~~

~~***Director of Strategy, Performance & Governance***~~

~~***Director of Resources***~~

Monitoring Officer (Director of Legal and Governance)

13.2 The Monitoring Officer (Director of Legal and Governance) ~~Directors~~ has~~ve~~ overall responsibility for the maintenance and operation of this policy. That officer maintains a record of concerns raised and the outcomes (but in a form which does not compromise confidentiality) and will report as necessary to the Council.

14 Contacts

Protect (Independent whistleblowing charity)	Helpline: 020 3117 2520 Website: *https://protect-advice.org.ukOpens in a new window*