

Whistleblowing Policy

1. Introduction

Employees are often the first to realise that there may be something seriously wrong within the Council. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council.

They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may be just a suspicion of malpractice.

The Nottinghamshire County Council is committed to the highest possible standards of openness, probity and accountability. Part of meeting that commitment is to encourage employees and others who have serious concerns about any aspect of the Council's work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.

These procedures are in addition to the Council's complaint procedures and other statutory reporting procedures applying to some departments.

2. Scope of this Policy

2.1. Aims of the Policy

The Policy is designed to ensure that you can raise your concerns about wrongdoing or malpractice within the Council without fear of victimisation, subsequent discrimination, disadvantage or dismissal.

It is also intended to encourage and enable you to raise serious concerns **within** the Council rather than ignoring a problem or 'blowing the whistle' outside.

This Policy aims to:

- encourage you to feel confident in raising serious concerns at the earliest opportunity and to question and act upon concerns about practice
- provide avenues for you to raise those concerns and receive feedback on any action taken
- ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied
- reassure you that you will be protected from possible reprisals or victimisation if you have made any disclosure in good faith.

2.2. Scope of this Policy

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

The Whistle Blowing Policy is not intended to replace existing procedures.

- If your concern relates to your own treatment as an employee, you should raise it under the existing grievance or harassment procedures.

- If a client has a concern about services provided to him/her, it should be raised as a complaint to the County Council.
- Some areas of service have their own special procedures e.g. adult abuse procedures.

The investigation may take the form of any appropriate procedure, either internal or external e.g. an internal audit enquiry or a police investigation.

The Policy will ensure that the person raising the concern will ordinarily be kept informed of progress and of the outcome of any investigation.

2.3. Who can raise a concern under this Policy?

The Policy applies to all:

- employees of Nottinghamshire County Council;
- employees of contractors working for the Council, for example, agency staff, builders and drivers;
- employees of suppliers
- those providing services under a contract or other agreement with the Council in their own premises, for example, care homes
- voluntary workers working with the Council

2.4. What should be reported?

Any serious concerns that you have about service provision or the conduct of officers or 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 County Council's Standing Orders and policies;
- fall below established standards of practice; or
- are improper behaviour

These might relate to:

- conduct which is an offence or a breach of the law
- disclosures related to miscarriages of justice
- racial, sexual, disability or other discrimination
- health and safety of the public and/or other employees
- damage to the environment
- unauthorised use of public funds or other assets
- possible fraud and corruption
- neglect or abuse of clients, or
- other unethical conduct.

3. Safeguards

3.1. Your legal rights

The Public Interest Disclosure Act 1998 provides legal protection, in certain circumstances, to workers making disclosures in good faith about malpractice.

The Act makes it unlawful for the Council to dismiss anyone or allow them to be victimised on the basis that they have made an appropriate lawful disclosure in accordance with the Act.

3.2. Harassment or Victimisation

The Council is committed to good practice and high standards and to being supportive of you as an employee.

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 should 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.

The Council will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith.

3.3. Support to you

Throughout this process:

- you will be given full support from Senior Management;
- your concerns will be taken seriously; and
- the County Council will do all it can to help you throughout the investigation e.g. provide advocacy services, interpreters etc.

If appropriate, the Council will consider temporarily re-deploying you for the period of the investigation.

For those who are not County Council employees, the Council will endeavour to provide appropriate advice and support wherever possible.

3.4. Confidentiality

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.

3.5. Anonymous Allegations

This Policy encourages you to put your name to your allegation whenever possible.

Concerns expressed anonymously 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.

3.6. Untrue Allegations

If you make an allegation in good faith and reasonably believing it to be true, but it is not confirmed by the investigation, the County 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 include disciplinary action, may be taken.

4. Raising a Concern

4.1. Who should you raise your concern with?

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:

- ~~Your Line Manager or Senior Management; or~~
- ~~The Chief Executive's Office~~

~~However, if you are not confident that either of these will deal with your concerns properly, then you can raise it with:~~

- ~~Expolink Europe Limited (Freephone Hotline Number – tel: 0800 374199)~~

~~who may bring it to the attention of the Council and ask them to investigate.~~

- ~~The Monitoring Officer – Tel. No. 0115 9773967~~
- ~~The Chief Executive~~
- ~~The Departmental Strategic Director~~

4.2. How to raise a concern

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);

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 are acting in good faith and there are reasonable grounds for your concern.

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.

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. How the Council will Respond

The Council will respond to your concerns as quickly as possible. Do not forget that testing your concerns is not the same as either accepting or rejecting them.

The overriding principle for the Council will be the public interest. In order to be fair to all employees, including those who may be wrongly or mistakenly accused, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations that fall within the scope of specific procedures will normally be referred for consideration under those procedures.

Where appropriate, the matters raised may:

- be investigated by management, internal audit, or through the disciplinary/grievance 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

Within ten working days of a concern being raised, the person investigating your concern will write to you:

- acknowledging that the concern has been received
- indicating how the County Council proposes to deal with the matter
- supplying you with information on staff support mechanisms
- telling you whether further investigations will take place and if not, why not.

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

Any meeting can be arranged away from your workplace, if you wish, and a union or professional association representative or a friend may accompany you in support. The Council will do what it can to minimise any difficulties that you may experience as a result of raising a concern. For instance, if you are asked to give evidence in criminal or disciplinary proceedings, the Council will arrange for you to receive appropriate advice and support.

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.

6. The Responsible Officer

The Chief Executive has 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 endanger your confidentiality) and will report as necessary to the Council.

7. How the Matter can be Taken Further

This Policy is intended to provide you with an avenue within the Council to raise concerns. The Council hopes you will be satisfied 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:

- ~~Expolink Europe Limited (tel: 0800 374199) — the independent disclosure reporting organisation nominated by the Council~~
- ~~the~~ The Public Concern at Work Helpline (tel: 020 7404 6609)
- the external auditor,
David Brumhead,
Audit Commission,
First Floor,
Bridge Business Park,
Bridge Park Road,
Thurmaston,
Leicester
LE4 8BL
- your trade union
- the police.

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

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.

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.

8. Review

The County Council's Standards Committee will review this Policy, ~~12 months after its commencement.~~ annually.