

### 1. Introduction

- 1.1 Nottinghamshire County Council is committed to encouraging any employees, contractors, or third parties who have serious concerns about any aspect of the Council's work to come forward with those concerns.
- 1.2 This policy sets out the Council's commitment to take all concerns seriously and consider them without fear of victimisation, prejudice, discrimination, or disadvantage. It enables whistleblowers to raise serious concerns within the Council rather than overlooking a problem or 'blowing the whistle' to another body.
- 1.3 The Public Interest Disclosure Act 1998 (PIDA), known as the whistleblowing law, is designed to encourage and enable employees to "speak out" and to report suspected wrongdoing at work. PIDA offers protection to employees and other workers from any detriment from their employer or colleagues that arises as a result of reporting those concerns, where they are made in the public interest. This includes protection from harassment, victimisation or dismissal by their employer.

### 2. Who is a whistleblower?

- 2.1 A whistleblower is someone who reports suspected wrongdoing or dangers in relation to our activities. For the purpose of this policy, whistleblowers may make reports in relation to areas including:
  - 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;
  - bribery;
  - breach of the Council's internal policies and procedures;
  - conduct likely to damage the Council's reputation or financial wellbeing;
  - unauthorised disclosure of confidential information.
- 2.2 Personal grievances (for example bullying, harassment, discrimination) are not covered by whistleblowing law, unless your concern relates to a matter of wider public interest. These should be reported by employees under the Council's employee resolution procedures and not this policy.
- 2.3 The Council places an expectation on all its employees to raise any concerns they have at the earliest opportunity. The Council understands employees may not wish to express their concerns because they feel that speaking up would be disloyal to their colleagues or to the

Council. Employees may also fear harassment or victimisation. The Council understands these concerns and makes clear in this policy its commitment to protect employees who speak up from possible reprisals or victimisation.

- 2.4 The policy applies to all employees and workers (including those designated as casual, temporary, authorised volunteers or individuals gaining work experience), and contractors on Council premises (including agency staff, builders, and drivers). It also covers suppliers and those providing services under a contract with the Council in their own premises. While the Council is only able directly to protect its own employees and workers from victimisation, it will consider taking reasonable steps to protect any person who raises a relevant whistleblowing concern with the Council. Reasonable steps to support non-employees could include making representations to third parties to emphasise their legal duties to protect a whistleblower.
- 2.5 This policy recognises that statutory protection is only afforded to the Council's employees and workers. While this policy is primarily for use by employees, if necessary it may also be used by others connected with the Council. However, this policy is not intended for use by members of the public. Members of the public concerned about service delivery or other aspects of council activity should raise a complaint through the Council's complaints procedures.

### **3. Aims of this policy**

#### **3.1 This policy aims to:**

- Encourage individuals to feel confident in raising serious concerns about practice and procedures.
- Provide clear avenues for individuals to raise concerns.
- Reassure individuals that they will be protected from possible reprisals or victimisation from those working within or for the Council if they have any genuine concerns related to suspected wrongdoing or danger affecting any of the Council's activities provided that they have made any disclosure in good faith.
- Ensure the Council has oversight of all concerns raised under this policy, ensuring all concerns are recorded, investigated, and responded to consistently across the Council.
- Ensure the Council is compliant with all relevant legislation.

### **4. Scope of this policy**

- 4.1 It is important for employees to understand that complaints relating to their own employment situation should be reported using the relevant employment policies and procedures. If you have a personal grievance or are unhappy with the way you are being treated the employee resolution procedure should be used. Our whistleblowing arrangements are not intended to provide a further opportunity to pursue a personal grievance or complaint once you have exhausted the relevant employment procedures.

- 4.2 This policy stands in addition to the Council's complaints procedures and other statutory reporting procedures, including safeguarding procedures. Where appropriate, employees are responsible for making service users aware of the existence of these procedures.
- 4.3 This policy is not a substitute for and does not replace other relevant policies within the Council. Where the whistleblowing concerns raised relate to a breach of one of those policies they will be investigated under that policy. This policy is not intended to be used where other more appropriate procedures are available. These may include, but are not limited to:
- Disciplinary Procedure
  - Child and adult safeguarding procedures
  - Corporate or departmental complaints procedures
  - Employee Resolution Procedure
  - Code of Conduct for Councillors and Co-opted Members
  - Officer Code of Conduct
- 4.4 Employees raising validated whistleblowing concerns relating to another relevant policy will still receive protection from any detrimental treatment as a result of raising a concern even when the issues are to be investigated and dealt with under another process. Where this occurs, the outcome of the investigation will be noted on the central record of Whistleblowing concerns held by the Monitoring Officer.
- 4.5 This policy does not cover schools. Every maintained school should have its own whistleblowing policy and procedures. The governing body of a school is responsible for agreeing and establishing their own whistleblowing policy. Where concerns are raised with the Council relating to schools these will be passed to the relevant school for consideration under their policy but no further action will be taken. The Secretary of State for Education is the prescribed person for matters relating to education for people who wish to raise concerns, but not directly with their employer.
- 4.6 If an irregularity occurs or is suspected, which may involve financial loss it must be reported in accordance with the Council's Fraud Response Plan, Counter Fraud and Counter Corruption Policy and Strategy or any such other similar document.
- 4.7 This policy supports the Council's counter fraud and corruption policies and strategies. It is intended to help people raise concerns over any wrongdoing within the organisation. It supports people to raise concerns internally in the first instance rather than overlooking the problem or whistleblowing externally. Examples of concerns that could be raised under this policy include:

- Actions or behaviour that make you feel uncomfortable, that fall below established standards of practice or would amount to unethical, improper or dishonest conduct.
- Actions in breach of the Council's Constitution and or other council policies.
- Dangerous procedures or practices, including risks to the public, service users and to other employees.
- Conduct which is a criminal offence or a breach of the law.
- The unauthorised use of public funds.
- Theft, fraud, corruption, and other financial misconduct.
- Neglect or abuse of service users.

4.8 This list is not meant to be exhaustive but gives examples of potential malpractice. As highlighted above, some of the above examples may be better considered under another policy and may be considered by the Council under that policy instead of or in addition to the Whistleblowing Policy.

## **5. Safeguards**

- 5.1 The Council is committed to openness and transparency. The Council aims to create an environment in which all employees feel confident and able to raise concerns quickly and effectively.
- 5.2 The Council recognises that the decision to report a concern can be a difficult one to make. This policy aims to protect those with a genuine and reasonable belief in their concerns and where it is in the public interest to act on those concerns.
- 5.3 The Council will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect those raising concerns under this policy. Any member of staff who harasses or victimises a whistleblower may not only be personally liable in law but may also be subject to disciplinary action.
- 5.4 In all cases, the provisions of all relevant legislation will be adhered to.

## **6. Confidentiality**

- 6.1 All concerns will be treated in confidence as far as possible and, subject to legal requirements, we will attempt to ensure that the identity of the person making the allegation is not revealed other than to those handling the report or its investigation unless the person has provided their consent or the law compels us to do so. Following an investigation of the allegations, disciplinary, criminal, or other proceedings may need to progress. In these circumstances it may not always be possible to guarantee a person's anonymity. For example, if a criminal offence or safeguarding is involved, or where a hearing is needed, either by law, or under a council procedure, when the employee disclosing the concern may be required to give

evidence.

- 6.2 It may be possible to establish the truth about allegations from another independent source and the Council will seek to do this where possible. If the nature of the whistleblowing concerns requires disclosure to other people or organisations so they can investigate, then the person who originally disclosed this will be informed that this needs to happen.

## **7. Anonymous allegations**

- 7.1 This policy encourages everyone making the allegation to put their name to their allegation whenever possible. Where an individual chooses to report their concerns anonymously, such anonymity will be respected. However, if the Council does not know who has provided the information, it is not possible to either reassure or protect the whistleblower. If the allegation suggests criminal activity and the case warrants police action, the identity of the person reporting the details is important. Identification is therefore preferred and will assist the investigation and any subsequent actions taken.

- 7.2 Although it is more difficult to investigate anonymous allegations as the ability to further explore issues or obtain evidence during the investigative process can be reduced, the Council will not seek to establish the identity of an anonymous whistleblower. However given the difficulties in completing investigations in such circumstances they will be considered at the discretion of the Council. In exercising 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

## **8. Untrue allegations**

If a person makes an allegation which they reasonably and genuinely believe is in the public interest, but investigations later show that the allegation is unfounded, it is important that the person is reassured that they have done the right thing. The Council encourages people to raise any concern when they have a reasonably and genuinely held belief wrongdoing has occurred. If, however, an allegation is made frivolously, maliciously or for personal gain, appropriate action, that could include disciplinary action, could be taken against them.

## **9. How should a concern be raised?**

- 9.1 This process is intended for use by employees of the Council, and its partners and those organisations who contract to provide services on the Council's behalf. This process is not intended to replace the Council's complaints procedure. Therefore, the Council will not

consider any complaints that have already been or would be more properly addressed under the Council's complaints procedure.

9.2 The first step for an employee is normally to raise concerns with their Team Manager, Head of Service or Group Manager in person, by email or by telephone. However, this may depend on the seriousness and sensitivity of the issues and who is believed to be involved. For example, if it is believed that management is involved, then a more senior level of management should be approached as set out below, and for more serious allegations the Monitoring Officer should be the point of contact:

- Service Director for the relevant service area
- Executive Director for the relevant Department
- The Monitoring Officer via email at [monitoring.officer@nottsc.gov.uk](mailto:monitoring.officer@nottsc.gov.uk)
- The Chief Executive If the concerns relate to any Executive Director, or any Service Director within the Chief Executive's Department. If, exceptionally, the concern is about the Chief Executive, your concern should be raised with the Monitoring Officer who will discuss it in confidence with the Leader of the Council to determine how the concerns will be considered and investigated.

9.3 An employee may also invite their trade union or professional association to raise a matter on their behalf with the Council's Head of Human Resources or the Monitoring Officer.

9.4 Non-employees (e.g. agency workers or contractors) should raise a concern in the first instance with their contact within the Council, usually the person to whom they directly report.

9.5 If a person feels that they cannot approach management directly and wishes to raise their concerns with a separate person, the following options are available (in addition to those options listed below in the section titled 'How the matter can be taken further'):

- Email: at [monitoring.officer@nottsc.gov.uk](mailto:monitoring.officer@nottsc.gov.uk)
- Online referral form accessed here: [LINK TO BE INSERTED]
- Contacting the Human Resources Duty Desk: 0115 977 4433 / [hrdutydesk@nottsc.gov.uk](mailto:hrdutydesk@nottsc.gov.uk)

9.6 The earlier a concern is raised the easier it should be to take action. You will need to provide the following information to establish that you have a genuine concern about suspected wrongdoing or malpractice and that there are reasonable grounds for your concern:

- The nature of your concern and what leads you to believe it is true
- Background and history of the concern giving names, copy documents, dates and places (where possible)

9.7 You may wish to consider discussing your concern with a trusted colleague first and you may

find it easier to raise your concern together if there are two (or more) of you who have the same experiences or concerns.

## **10. Action by managers**

If a concern has been reported to a manager by a member of staff, the manager should:

- Listen to the concerns and treat every report seriously and sensitively.
- Reassure staff that their concerns will be taken seriously and passed on for central logging and consideration under this Policy.
- Ask the person for current contact details and ask them how they want to be contacted.
- Obtain information from the member of staff, including any notes or evidence to support the concern. Any evidence gathered should be kept securely.
- Speak to Human Resources and take advice.
- Not attempt to investigate the matter themselves.
- Report the matter immediately by email for central logging and further action to [monitoring.officer@nottsc.gov.uk](mailto:monitoring.officer@nottsc.gov.uk) or the online form [LINK TO BE INSERTED].

## **11. The responsible officer**

The Monitoring Officer has overall responsibility for the maintenance and operation of this policy.

## **12. How your concern will be handled**

- 12.1 When you report a concern to the Council you we advise you to highlight that you wish your concern to be considered under the Whistleblowing Policy to ensure that it is identified and dealt with correctly under this policy. If the concern you have reported is better addressed through another Council policy it may be considered in accordance with that policy.
- 12.2 Your concern will be logged on a central record kept by the Monitoring Officer and an initial assessment made of the nature of the concerns and the course of action required. Where an investigation is required it will usually be considered by a person appointed by the Monitoring Officer in the Service area or Directorate the concern relates to, unless that is considered inappropriate for any reason in which case it will be undertaken independently of that Service area. The Monitoring Officer may also consider individual concerns if the Monitoring Officer determines that it is appropriate or necessary to do so. If your concern relates to the Monitoring Officer it will be considered by the Council's Head of Paid Service or a person appointed by the Head of Paid Service to undertake that duty.

## **13. How the Council responds to concerns raised**

- 13.1 Initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Some concerns may be resolved following an initial review without the

need for a full investigation. If urgent action is required, this will be taken before any investigation is conducted.

13.2 The overriding principle which the Council will have in mind is the public interest. It is important to note that reviewing and testing out the concerns is not the same as either accepting or rejecting them. If the whistleblower confirms that they wish to raise their concerns formally under this policy, a responsible person will be designated in consultation (as necessary) with the Monitoring Officer or Legal Services to coordinate the response to the concerns raised. Where appropriate and depending on the nature of the specific concern which has been reported, the matters raised may be progressed in a number of different ways including:

- Advice only;
- Resolved by agreed action without the need for investigation;
- Investigated internally by management;
- Investigated internally by the internal audit team;
- Investigated through the disciplinary or other appropriate council process;
- Referred to the relevant safeguarding team (child protection or vulnerable adults);
- Referred to the police;
- Referred to the external auditor; and/or
- the subject of an independent inquiry.

13.3 Concerns or allegations which fall within the scope of specific procedures (for example, child protection, safeguarding or discrimination issues) will normally be referred for consideration under those procedures.

13.4 In cases where contact details are available the Council will contact the whistleblower. The Council will aim to do this within ten working days. The Council will provide the following information:

- Acknowledgment that the concern has been received.
- An indication of how the Council propose to deal with the matter.
- Details of staff support mechanisms available.

13.5 The amount of contact between the whistleblower and the officers considering the issues will depend on the nature of the matters raised, the potential difficulties involved, and the clarity of the information provided. If necessary, the Council will seek further information from either the whistleblower or other sources to ensure that the disclosure is fully understood.

13.6 Where any meeting is arranged, the whistleblower can be accompanied by a fellow worker, a trade union representative or an official employed by a trade union.



13.7 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 to help you understand and prepare for participating in the relevant process. An individual approach will be taken in tailoring support to the particular person and circumstances. Queries on specific support should be addressed by an employee either to their line manager, a trade union representative or Human Resources.

13.8 The Council accepts that whistleblowers need to be assured that the matter has been properly addressed. Therefore, subject to legal and any other constraints, the Council may inform the whistleblower of the outcome of any investigation. However, any information provided will be at the discretion of the Council. The Council may not be able to provide details of any outcomes affecting other individuals such as whether there was any disciplinary action or the outcome of this action, as this would breach the Council's duty of care to others.

13.9 Rarely, a case might arise where it is the employee that has participated in the action causing concern. In such a case it is in the employee's interest to come into the open as soon as possible. The Council cannot promise not to act against such an employee, but the fact that they came forward may be taken into account.

#### **14. How the matter can be taken further**

14.1 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, you may wish to consider contacting one of the following bodies:

- The Council's external auditor
- Your trade union
- The police
- The independent charity, Protect (see further below for contact details)
- Other organisations prescribed from time to time by the Secretary of State for the purpose of making what is defined as a protected disclosure under relevant legislation. A list of the current people and bodies to whom protected disclosures may be made for particular matters is maintained by the relevant government department and made available online.

14.2 If the matter is taken outside the Council, you should ensure that it is to one of these prescribed organisations. A public disclosure to the media or anyone else is likely to result in the whistleblower losing their protection under this policy as well as their statutory protection.

14.3 It is important that information that is confidential to the Council or anyone else, such as a client or contractor of the Council, should be properly protected and not be disclosed, except to those included in the prescribed list of contacts. It is advised that advice is sought before reporting a concern externally. The independent whistle blowing charity, **Protect** operates a confidential hotline (020 3117 2520) and can provide advice as necessary.

14.4 This Policy does not prevent an individual from taking their own independent legal advice.

## **15. Monitoring and Review of the policy**

15.1 This policy will be subject to periodic review (at least every 4 years) by the Monitoring Officer, and changes made to the policy as deemed appropriate following necessary consultation with interested parties.

15.2 The Monitoring Officer will review the corporate register and produce an annual report for the relevant Council committee summarising the whistleblowing activity in the previous calendar year. All reporting will be anonymised. This will:

- Record numbers of disclosures each year,
- Identify and address any common themes consistently across Departments, and
- Highlight actions taken to improve systems and policies

15.3 The corporate register together with the annual reports will be available for inspection by internal and external audit, after removing any confidential details.