

Whistleblowing Policy



Date: January 2022 **Author:** HR Manager Policy and Practice



1. Introduction

North Tyneside Council (the Authority) is committed to work to the highest of standards. All employees are expected to conduct themselves in ways that ensure everyone is safe, whether they are employees, partners, service users or residents. The Code of Values and Behaviours sets out the standards, responsibilities and behaviours expected of all of us and what can happen if those standards are not met.

All organisations face the risk of things going wrong from time to time. The Authority is committed to providing a safe, supportive and honest working environment so that everyone who works for the Authority, can feel confident and able to raise any concerns that they may have as soon as possible to prevent any further problems.

2. Who is covered by the policy?

This policy applies to all those working on behalf of the Authority including:

- Workers including those on casual assignments
- Volunteers
- Student placements
- Agency workers
- Contractors
- Consultants
- Partnership organisation employees
- Apprentices

The policy refers to employees for ease of reference but for the avoidance of doubt the policy applies to all of the above.

3. What is whistleblowing?

Whistleblowing is the term used to describe the disclosure of information about suspected wrongdoing and improper or negligent behaviour at work.

The intention of the Whistleblowing Policy is to allow employees to raise concerns that they believe are in the public interest (see below). The whistle-blower does not have to be directly affected by the danger or illegality; it may simply be something that they have witnessed which impacts upon others.

The disclosure of certain types of wrongdoing or dangers is regarded as being in the public interest and these are classed as Protected Disclosures.

The Public Interest Disclosure Act 1998 amends the Employment Rights Act 1996 (ERA 1996) and protects employees and workers from being unfairly dismissed or subjected to detriment because they made a protected disclosure.

As a result, if an employee or worker believes there is a wrong doing in the workplace, they can report it by following the correct processes, and their employment rights will be protected.

To be protected by the legislation the whistle-blower must:

1. Make a disclosure
2. Have a reasonable belief they are acting in the public interest
3. Ensure the disclosure shows past, present or future wrongdoing specified in the Public Interest Disclosure Act 1998 and concerns the following matters:
 - endangering someone's health and safety
 - criminal offences such as fraud
 - failure to comply with an obligation set out in law
 - miscarriages of justice
 - damage to the environment
 - covering up any of the above

Other concerns, such as some employment issues, may not qualify as a public interest disclosure.

In cases where an employee has raised a concern via the Whistleblowing Policy which does not qualify as a public interest disclosure, the Authority will identify the appropriate process to investigate the concerns raised, with a view to resolving those concerns.

For example, the Grievance Procedure may be the correct process if the concern is around working relationships. Further information regarding the types of concerns which would be dealt with as either whistleblowing or grievance are provided in Appendix 1.

If the matter is considered to be in the public interest the employee will be protected by the Public Interest Disclosure Act 1998.

The Authority undertakes to ensure, however, that anyone who raises a concern about work should be treated with respect and should not suffer as a result, even if they turn out to be mistaken and whether or not the disclosure is in fact covered by the Public Interest Disclosure Act.

4. How to raise a concern

An employee may be concerned about something that has happened to them or their colleagues, or something that they have seen/heard or been asked to do. It is natural to feel uncomfortable about raising concerns at work and they may be worried about issues such as:

- negativity from colleagues,
- that their concerns will not be taken seriously,
- that they may be subject to recriminations, such as bullying and harassment
- losing their job.

The purpose of this policy, therefore, is to address those concerns and make it clear that the Authority takes any allegations of wrongdoing seriously. We encourage employees to speak up if they think there is an issue and this policy provides a clear path for them to be able to raise the matters that concern them.

In raising a whistleblowing concern, it is important that an employee feels confident to do so including, for example, to be able to bypass a person or management level to which the concern relates. There are, therefore, different routes to raising a concern in the organisation and it is up to the employee to decide which is the best route for them.

Before raising a concern, an employee may wish to take advice from Human Resources or their trade union representative.

- Unison 0191 643 8953 <https://unisonnorthtyneside.org.uk/>
- GMB 0191 233 3930 / 643 7648 <https://www.gmb.org.uk/>
- Unite 0191 300 2107 <http://www.unitetheunion.org/>

Alternatively, they may wish to seek advice regarding the process and the legal protections from:

- the Citizens Advice Bureau - www.citizensadvice.org.uk
- the Advisory Conciliatory and Arbitration Service (ACAS) - www.acas.org.uk
- 'Protect' (an independent whistleblowing charity) - www.protect-advice.org.uk

without disclosing any information that must remain confidential to the Authority.

The simplest route is to raise the concern with a line manager formally or informally. This can be done verbally or in writing. There is a template form that can be used for this purpose (see Appendix 2), however the concern can be raised in whatever format the employee feels most comfortable with.

Alternatively there is an employee whistleblowing email address available (Employee.Whistleblowing@northtyneside.gov.uk) to raise a whistleblowing concern. This email address is directed to the following senior employees in the Authority:

- the Chief Executive
- the Head of Resources
- the Monitoring Officer.

5. Confidentiality

Whilst the Authority hopes that employees feel able to voice whistleblowing concerns openly under this policy, if an employee wants to raise their concerns confidentially every effort will be made to keep their identity secret. If it is necessary for anyone investigating the concerns raised to be informed of the whistleblowers identity, the whistleblower will be informed beforehand.

Anonymous disclosures are not encouraged, however, as it is impossible to gain clarification or further information from the whistleblower if they remain anonymous.

6. What happens next?

- a. Managers must report any whistleblowing allegations to the Monitoring Officer within 24 hours of being informed of the concern.
- b. An investigation process must be carried out. Depending on the nature of the concern raised, and, if an internal investigation is appropriate, this could be carried out by an investigating manager, Human Resources or Internal Audit.

If there is a possible breach of law, the Police or the Authority's external auditor may carry out the investigation. It is also possible that both an internal and external investigation will run simultaneously.

Any information about the investigation will be treated as confidential and stored securely in accordance with the Authority's Employee Privacy Notice.

- c. Depending upon the nature of the allegations, the investigation may involve interviewing witnesses and gathering relevant evidence (such as copies of documents, policies and procedures, timesheets, telephone and/or computer records). The steps required will depend upon the nature of the case.
- d. As part of the investigation, all employees who are to be interviewed will be invited in writing to an investigation meeting by the investigating manager, who will also arrange for a note taker to be present at each meeting.
It may be necessary to interview people more than once as the investigation progresses and further information comes to light or clarification is required.

i The Authority will allow an employee to be accompanied by a recognised trade union representative or work colleague of their choice if they so wish, provided that their chosen companion is available to attend the meeting. The companion's role in these meetings will be to support the employee, and they should not actively participate in the meeting. The companion must respect the confidentiality of the disclosure and investigation.

- e. The employee will be kept up to date on the progress of the investigation. Support is available to employees through several routes:
 - Via the Investigating Manager
 - Via their line manager (ensuring that approval is given by the Investigating Manager to discuss any confidential content)
 - The Employee Assistance Programme (EAP) on 0800 231 5052 or seek further information at the website <https://ntc.optimise.health>
 - Via a referral to Occupational Health

Employees can also seek support via their trade union or, if they feel that the issues are affecting their health, via their GP or medical practitioner.

- f. The investigating manager will decide upon the most appropriate outcome of the investigation and provide a written response to the employee who made the whistleblowing disclosure. This will be provided at a reasonable time soon after the conclusion of the investigation, normally within 10 working days.
- g. Sometimes, because of the need for confidentiality, it may not be possible to provide specific details of the investigation or any disciplinary action taken as a result. After the investigation has been concluded, appropriate action will be taken if there is evidence of wrongdoing or malpractice.

7. What happens if the whistle blower is not satisfied with the outcome?

This procedure is intended to provide an internal route within the Authority to raise concerns.

If the employee is not happy with the way in which their concerns have been handled, they can raise it with one of the other senior key contacts in the Authority identified earlier in the policy as soon as possible following receipt of their outcome.

However, if the employee feels it is right to take the matter outside of the Authority following completion of the process set out in the policy, there is a list of possible external routes in Appendix 3.

Appendix 1

Examples (differences between whistleblowing and grievances):

Issues which could have a wider impact on the public interest are likely to be considered as whistleblowing.

This may be alleged wrongful conduct by the employer, a fellow employee, a customer or a third party working with the Authority.

Issues that are not related to public interest, however, may be dealt with through informal discussions or failing that, by raising a grievance. The examples below highlight the differences between whistleblowing issues and grievances.

Whistleblowing Issues	Grievance Issues
An employee discloses they have been asked to carry out tasks that they believe are against the law, therefore the Authority may be committing a criminal offence.	An employee wants to complain about the kind of work they have been asked to do. They do not believe it forms part of their role.
A disclosure is made stating that the Authority has been asking employees to take short cuts to get the task finished quicker, which endangers safety.	An employee complains that they have not received correct/enough health and safety training.
An employee discloses they believe the Authority disposes of its waste in an inappropriate way which breaches environmental health laws.	An employee feels concerned about the amount of paper colleagues in their department use and complains about it to their manager.

Appendix 2

PRIVATE AND CONFIDENTIAL

Whistleblowing submission – raising a concern

To be completed by the person initially raising the concern and/or the manager to whom the concern was raised.	
Name of person raising concern: Employee Number	
Job title	
Service	
Contact address Telephone Email	
Relationship with subject of allegations (for example manager, colleague, none, etc.)	

Brief outline of nature of concern and dates. **Please use additional sheets if necessary**

(Please outline nature of concern providing details of suspected wrong-doing including name(s), job title(s), date(s), timescale(s), place and other relevant information).

Declaration (may be anonymous)

Signature of employee
raising initial concern

Please print name:

Date:

To be completed by the manager to whom the concern was raised:

Name of manager

Job title

Service

Telephone

Place of work

Email

Additional information obtained from the person raising the concern to help clarify the nature of the concern, if applicable.

Signature of manager to whom issues raised:

Please print name:

Date:

Appendix 3

List of External Regulators

A list of prescribed individuals and bodies you may blow the whistle to if you decide to are listed below. You should contact the correct body for the issue you are raising. For the full list please see www.gov.uk/government/publications/blowing-the-whistle

In addition, you can also blow the whistle to [your legal adviser](#) or to [your MP](#).

External Regulator:	Contact Details:
Health and Safety Executive	www.hse.gov.uk
Department of Health and Social Care	www.gov.uk/government/organisations/department-of-health-and-social-care
Care Quality Commission	www.cqc.org.uk
Ofsted	www.gov.uk/government/organisations/ofsted
The Environment Agency	www.environment-agency.gov.uk
Financial Conduct Authority or HM Treasury	www.fca.gov.uk www.hm-treasury.gov.uk
National Audit Office	www.nao.org.uk
Others – <ul style="list-style-type: none">• Certification Officer (Trade Unions)• Civil Aviation Authority• Charity Commission for England and Wales• Criminal Cases Review Commission• Information Commissioner's Office• The Pensions Regulator• HM Revenue and Customs	www.certoffice.org www.caa.co.uk www.charity-commission.gov.uk www.ccrcc.gov.uk www.ico.gov.uk www.thepensionsregulator.gov.uk www.hmrc.gov.uk

